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Contents

Federal Register

Vol. 80, No. 10

Thursday, January 15, 2015

Agency for International Development
NOTICES
Charter Renewals:
Advisory Committee on Voluntary Foreign Aid, 2092

Agricultural Marketing Service
PROPOSED RULES
Exemption of Organic Products from Assessment under a Commodity Promotion Law, 2060–2061

Agriculture Department
See Agricultural Marketing Service
See Food and Nutrition Service
See Food Safety and Inspection Service
See Forest Service
See Rural Business-Cooperative Service

Army Department
See Engineers Corps

Coast Guard
RULES
Anchorage Regulations:
Port of New York, 2011–2013
Security Zones:
John Joseph Moakley United States Courthouse, Boston, MA, 2013–2016

Commerce Department
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2097

Comptroller of the Currency
PROPOSED RULES
Regulatory Publication and Review:
Economic Growth and Regulatory Paperwork Reduction Act; Meetings, 2061–2062

Copyright Royalty Board
PROPOSED RULES
Digital Performance Rights:
Sound Recordings and Ephemeral Recordings for a New Subscription Service, 2065–2067

Defense Acquisition Regulations System
RULES
Defense Federal Acquisition Regulations:
Technical Amendments, 2018–2021

Defense Department
See Defense Acquisition Regulations System
See Engineers Corps

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
Dallas Floodway Project, City of Dallas, Dallas County, TX, 2098

Environmental Protection Agency
RULES
Air Quality Designations:
2012 Primary Annual Fine Particle National Ambient Air Quality Standards, 2206–2284
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Ventura County Air Pollution Control District; Revisions, 2016–2018
PROPOSED RULES
National Emission Standards for Hazardous Air Pollutants:
Primary Aluminum Reduction Plants, 2067
Secondary Aluminum Production, 2067
Significant New Use Rules:
Toluene Diisocyanates and Related Compounds, 2068–2077
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Exchange Network Grants Progress Reports, 2099–2100
Connectivity of Streams and Wetlands to Downstream Waters, A Review and Synthesis of the Scientific Evidence, 2100
Meetings:
National Drinking Water Advisory Council Lead and Copper Rule Working Group, 2101

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Helicopters (Previously Eurocopter France), 1997–1999
Bombardier, Inc. Airplanes, 1999–2001
Aviation Training Device Credit:
Pilot Certification; Withdrawal, 2001–2002
Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures:
Miscellaneous Amendments, 2002–2010

Federal Communications Commission
PROPOSED RULES
Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services, 2078–2091
Television Broadcasting Services:
Lansing, Michigan, 2077–2078
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2101–2104

Federal Deposit Insurance Corporation
PROPOSED RULES
Regulatory Publication and Review:
Economic Growth and Regulatory Paperwork Reduction Act; Meetings, 2061–2062

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 2098–2099

Federal Maritime Commission
NOTICES
Agreements Filed, 2104

Federal Motor Carrier Safety Administration
NOTICES
Applications:
Mexican-Domiciled Long-Haul Operations, 2179

Federal Reserve System
PROPOSED RULES
Regulatory Publication and Review:
Economic Growth and Regulatory Paperwork Reduction Act; Meetings, 2061–2062

Federal Trade Commission
NOTICES
Premerger Notification Rules:
Request for Early Termination of Waiting Period, 2104–2107

Fish and Wildlife Service
NOTICES
Endangered and Threatened Species Permit Applications, 2118–2119
Final Strategic Growth Policy for the National Wildlife Refuge System, 2119–2120

Food and Nutrition Service
PROPOSED RULES
Child and Adult Care Food Program:
Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act, 2037–2060

Food Safety and Inspection Service
NOTICES
Establishment-Specific Data Release Strategic Plan, 2092–2094

Forest Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Ochoco National Forest, Paulina Ranger District; OR; Black Mountain Vegetation and Fuels Management Project, 2094–2095
Meetings:
Forestry Research Advisory Council, 2095–2096
Records of Decisions:
Kootenai and Idaho Panhandle National Forest Land Management Plans, 2096

Health and Human Services Department
See National Institutes of Health
NOTICES
Meetings:
Minority Health Advisory Committee, 2107
National Vaccine Advisory Committee, 2107–2108
Requests for Nominations:
Minority Health Advisory Committee, 2108–2109

Homeland Security Department
See Coast Guard

Housing and Urban Development Department
PROPOSED RULES
Affirmatively Furthering Fair Housing; Re-opening of Comment Period, 2062–2064

Indian Affairs Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed Coquille Indian Tribe Fee-to-Trust and Casino Project, Jackson County, Medford, OR, 2120–2121
Meetings:
Advisory Board for Exceptional Children, 2121

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See National Park Service

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2180–2182

International Trade Commission
NOTICES
Meetings; Sunshine Act, 2122

Justice Department
NOTICES
Meetings:
President's Task Force on 21st Century Policing, 2122–2123
Proposed Consent Decrees under CERCLA, 2123
Proposed Consent Decrees under the Clean Air Act, 2123–2124

Labor Department
See Mine Safety and Health Administration

Library of Congress
See Copyright Royalty Board

Mine Safety and Health Administration
RULES
Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines, 2188–2203

National Aeronautics and Space Administration
NOTICES
Meetings:
Aerospace Safety Advisory Panel, 2124

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Center for Advancing Translational Sciences Global Rare Diseases Patient Registry Data Repository Program, 2110
Government-Owned Inventions; Availability for Licensing, 2110–2112
Meetings:
Center for Scientific Review, 2114–2116
National Heart, Lung, and Blood Institute, 2112
National Human Genome Research Institute, 2113
National Institute of Allergy and Infectious Diseases, 2113–2114, 2117–2118
National Institute of Dental and Craniofacial Research, 2116–2117
National Institute of Nursing Research, 2116
National Institute on Deafness and Other Communication Disorders, 2117
National Institute on Drug Abuse, 2115

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery, 2028–2036

Northeast Groundfish Fishery; Framework Adjustment 52, 2021–2028
NOTICES
Meetings:
Pacific Fishery Management Council, 2097–2098

National Park Service
PROPOSED RULES
Alaska; Hunting and Trapping in National Preserves, 2065
NOTICES
Environmental Impact Statements; Availability, etc.:
Off-Road Vehicle Management Plan, Lake Meredith National Recreation Area, TX, 2121–2122

Pension Benefit Guaranty Corporation
RULES
Benefits Payable in Terminated Single-Employer Plans:
Interest Assumptions for Paying Benefits, 2010–2011

Rural Business-Cooperative Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2096–2097

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 2124–2125
Self-Regulatory Organizations; Proposed Rule Changes:
EDGA Exchange, Inc., 2125–2142, 2154–2157
EDGX Exchange, Inc., 2142–2145, 2163–2179
Financial Industry Regulatory Authority, Inc., 2142
ICE Clear Europe, Ltd., 2160–2161
NASDAQ OMX BX, Inc., 2145–2148
NASDAQ OMX PHLX, LLC, 2157–2160
New York Stock Exchange LLC, 2148–2154
NYSE Arca, Inc., 2161–2163

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service
NOTICES
Meetings:
Debt Management Advisory Committee, 2179–2180

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Accelerated Payment Verification of Completion Letter, 2184–2185
Child Care Subsidy, 2182–2183
Claim for Credit of Annual Leave, 2182
Exam for Housebound Status or Permanent Need for Regular Aid and Attendance, 2184
Fiduciary Statement in Support of Appointment, 2183
Yellow Ribbon Agreement, 2183–2184

Separate Parts In This Issue

Part II
Labor Department, Mine Safety and Health Administration, 2188–2203

Part III
Environmental Protection Agency, 2206–2284

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR

Proposed Rules:

210.....2037
215.....2037
220.....2037
226.....2037
900.....2060
1150.....2060
1160.....2060
1205.....2060
1206.....2060
1207.....2060
1208.....2060
1209.....2060
1210.....2060
1212.....2060
1214.....2060
1215.....2060
1216.....2060
1217.....2060
1218.....2060
1219.....2060
1220.....2060
1221.....2060
1222.....2060
1230.....2060
1250.....2060
1260.....2060
1280.....2060

12 CFR

Proposed Rules:

Ch. I.....2061
Ch. II.....2061
Ch. III.....2061

14 CFR

39 (2 documents) 1997, 1999
61.....2001
97 (4 documents) ...2002, 2005, 2007, 2009
141.....2001

24 CFR

Proposed Rules:

5.....2062

29 CFR

4022.....2010

30 CFR

75.....2188

33 CFR

110.....2011
165.....2013

36 CFR

Proposed Rules:

13.....2065

37 CFR

Proposed Rules:

383.....2065

40 CFR

52.....2016
81.....2206

Proposed Rules:

63 (2 documents) 2067
721.....2068

47 CFR

Proposed Rules:

73.....2077
76.....2078

48 CFR

212.....2018
225.....2018
245.....2018

50 CFR

648.....2021
697.....2028

Rules and Regulations

Federal Register
Vol. 80, No. 10
Thursday, January 15, 2015

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–1058; Directorate Identifier 2014–SW–065–AD; Amendment 39–18053; AD 2014–26–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France)

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters (previously Eurocopter France) Model EC155B1 and AS 365 N3 helicopters with a certain automated flight control system (AFCS) and with a Garmin global positioning system (GPS) installed. This AD requires revising the Rotorcraft Flight Manual (RFM) to prohibit using the autopilot coupled with a Localizer/Instrument Landing System (LOC/ILS) or Very High Frequency Omnidirectional Range (VOR) approach. This AD is prompted by a report of unpredictable and unexpected roll oscillations during coupled LOC or VOR approaches.This condition, if not corrected, could result in loss of helicopter control.

DATES: This AD becomes effective January 30, 2015.

We must receive comments on this AD by March 16, 2015.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the economic evaluation, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: George Schwab, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *george.schwab@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

We were informed that an Airbus Helicopter Model EC155B1 helicopter experienced intermittent, unpredictable roll oscillations while attempting to capture the inbound course during coupled ILS and LOC approaches. Airbus Helicopters analyzed the issue through flight and laboratory tests and determined that, under certain circumstances related to physical location of the helicopter during initialization of the GPS, the Garmin GPS equipment declares the helicopter's position as invalid on the data output bus, even though the GPS correctly displays the position and other information. APM2000, part number 416–00297–163, an Airbus Helicopters AFCS, utilizes this GPS position from the output data bus to estimate ground speed. When the helicopter's position is declared invalid, the APM2000 AFCS calculates the estimated ground speed at zero, causing an adverse effect on the vectoring calculations (angle, speed, intercepts, etc.), which results in the unpredictable and unexpected roll oscillations.

Airbus Helicopters reported that while it plans further tests on Model EC155 helicopters to determine short- and long-term solutions, it proposes in the interim that pilots, shortly before taxiing, confirm that the Garmin equipment is properly displaying the helicopter's ''true present position'' and then press the AP RST (autopilot reset) switch overhead. Airbus Helicopters states that these steps will ensure the system functions correctly. The European Aviation Safety Agency has declined to issue an AD.

We have determined that an unsafe condition exists whenever a helicopter with this part-numbered autopilot system installed attempts a coupled

LOC/ILS or VOR approach, and that this condition is not corrected by resetting the autopilot before taxiing. Rather, the issue continues until the autopilot system is manually disconnected. The pilot is not alerted that an issue exists until the VOR, LOC, and glide slope indications on the flight instrument panel when the intercept course capture fails to perform as expected. The autopilot system is intended to reduce a pilot's workload and for that reason is required to be functional when a single pilot is operating the helicopter under instrument flight rules. We are including the Model AS 365 N3 helicopter in this AD because these helicopters may have the same technology installed and could experience the same unsafe condition.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

Airbus Helicopters has issued Technical Agreement AE–155–14–003–22, dated June 27, 2014, for Model EC155B1 helicopters, which advises of two procedures in order to prevent an anomaly with the autopilot in the LOC mode. The first procedure is to only stay on the GPS test page for a short time, and the second procedure is to reset the autopilot before taxiing.

AD Requirements

This AD requires before further flight, revising the RFM by inserting a copy of this AD or by making pen-and-ink changes to prohibit using the autopilot coupled with a LOC/ILS or VOR approach. This AD also requires, for Model EC155B1 helicopters, revising the RFM to prohibit certain procedures for resetting the autopilot before taxiing.

Interim Action

We consider this AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this AD will affect 16 helicopters of U.S. Registry and that labor costs average $85 an hour. Based on these estimates, we expect that making pen-and-ink changes to the flight manual will require a half work-hour for a labor cost of about $43 per helicopter, or $688 for the U.S. fleet. No parts are needed.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the unsafe condition can adversely affect control of the helicopter and the required corrective actions must be accomplished before further flight.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–26–02 Airbus Helicopters (Previously Eurocopter France): Amendment 39–18053; Docket No. FAA–2014–1058; Directorate Identifier 2014–SW–065–AD.

(a) Applicability

This AD applies to Model EC155B1 and AS 365 N3 helicopters with an automated flight control system APM2000 Auto Pilot Module, part number 416–00297–163, with a Garmin GNS- or GTN-series global positioning system (GPS) installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as an autopilot software design that incorrectly calculates the estimated ground speed at zero. This condition results in unpredictable roll oscillations during a coupled Very High Frequency Omnidirectional Range (VOR) or Localizer/Instrument Landing System (LOC/ILS) approach, which could result in loss of helicopter control.

(c) Effective Date

This AD becomes effective January 30, 2015.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Before further flight, insert a copy of this AD in the Rotorcraft Flight Manual or make the following pen-and-ink changes:

(1) In the Eurocopter EC 155B1 Flight Manual, under Limitations (Prohibited Maneuvers) add: ''Coupled LOC/VOR approaches.''

(2) In the Airbus Helicopters Flight Manual EC155B1:

(i) Under Limitations, add: ''Autopilot coupled with a LOC/ILS or VOR approach is prohibited.''

(ii) Under Normal Procedures, remove paragraphs 4.2 (Power-on GPS on Ground or In Flight) and 4.3 (Pre-taxiing checklist) in their entirety. Performing the procedures in Paragraphs 4.2 and 4.3 is prohibited.

(3) In the Eurocopter Flight Manual AS 365 N3, under Limitations, add: ''Autopilot coupled with a LOC/ILS or VOR approach is prohibited.''

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: George Schwab, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *george.schwab@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2210, Autopilot System.

Issued in Fort Worth, Texas, on December 4, 2014.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–00543 Filed 1–14–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0582; Directorate Identifier 2014–NM–065–AD; Amendment 39–18060; AD 2014–26–09]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2014–03–05, for certain Bombardier, Inc. Model BD–700–1A10 airplanes. AD 2014–03–05 required modification of the air data probes and sensors. This new AD continues to require modification of the air data probes and sensors. This new AD also adds airplanes to the applicability. This AD was prompted by a report that the manufacturer has determined that some completion centers used the heater current/brake temperature monitor unit (HBMU) logic circuit to control the line voltage of the drain mast heaters. We are issuing this AD to detect and correct an unannunciated failure of two pitot static probe heaters, which could affect controllability of the airplane in icing conditions.

DATES: This AD becomes effective February 19, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2014 (79 FR 10331, February 25, 2014).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0582;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

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

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014).

AD 2014–03–05 applied to certain Bombardier, Inc. Model BD–700–1A10 airplanes. The NPRM published in the **Federal Register** on August 26, 2014 (79 FR 50880).

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2012–32, dated December 13, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model BD–700–1A10 airplanes. The MCAI states:

> The aeroplane manufacturer has determined that some completion centers used the Heater/Brake Monitoring Unit (HBMU) logic circuit to control the line voltage of the drain mast heaters. This same logic circuit is also used to control the line voltage of the number 2 pitot static (PS) probe heater. Since the drain mast heaters are connected in parallel with the number 2 PS probe heater circuit, a number 2 PS probe heater failure may not be detected by the fault monitoring capabilities of the HBMU.
>
> The unannunciated failure of two PS probe heaters could adversely affect the aeroplane's flight characteristics in icing conditions.
>
> This [Canadian] AD mandates a modification to the existing drain mast heater wiring to correct the fault-monitoring capabilities of the HBMU and eliminate the potential dormant failure of the number 2 PS probe heater.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0582-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 50880, August 26, 2014) or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the

public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 50880, August 26, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 50880, August 26, 2014).

Costs of Compliance

We estimate that this AD affects 79 airplanes of U.S. registry.

The actions required by AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014), and retained in this AD take about 35 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the actions that were required by AD 2014–03–05 is $2,975 per product.

We also estimate that it will take about 35 work-hours per product to comply with the new basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $235,025, or $2,975 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0582;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014), and adding the following new AD:

2014–26–09 Bombardier, Inc.: Amendment 39–18060. Docket No. FAA–2014–0582; Directorate Identifier 2014–NM–065–AD.

(a) Effective Date

This AD becomes effective February 19, 2015.

(b) Affected ADs

This AD replaces AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014).

(c) Applicability

(1) This AD applies to Bombardier, Inc. Model BD–700–1A10 airplanes, certificated in any category, equipped with any electrical wiring heater current/brake temperature monitor unit (HBMU) installed in accordance with any FAA supplemental type certificate specified in table 1 and table 2 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(2) For airplanes on which the applicable service request for product support action (SRPSA) specified in table 3 and table 4 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012, has been incorporated, the requirements of this AD have been met.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

(e) Reason

This AD was prompted by a report that the manufacturer has determined that some completion centers used the heater current/brake temperature monitor unit (HBMU) logic circuit to control the line voltage of the drain mast heaters. We are issuing this AD to detect and correct an unannunciated failure of two pitot static probe heaters, which could affect controllability of the airplane in icing conditions.

(f) Compliance

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

(g) Retained Modification

This paragraph restates the requirements of paragraph (g) of AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014). For airplanes equipped with any electrical wiring HBMU installed in accordance with any FAA supplemental type certificate specified in table 1 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012: Within 800 flight hours or 15 months after April 1, 2014 (the effective date of AD 2014–03–05), whichever occurs first, modify the air data probes and sensors, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(h) New Modification

For airplanes equipped with any electrical wiring HBMU installed in accordance with any FAA supplemental type certificate specified in table 2 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012: Within 800 flight hours or 15

months after the effective date of this AD, whichever occurs first, modify the air data probes and sensors, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) or (h) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–30–021, dated August 28, 2012, which is not incorporated by reference in this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2012–32, dated December 13, 2012, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0582-0002.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(4) and (l)(5) of this AD.

(l) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on April 1, 2014 (79 FR 10331, February 25, 2014).

(i) Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(ii) Reserved.

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

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

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–30919 Filed 1–14–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 141

[Docket No. FAA–2014–0987; Amdt. Nos. 61–133, 141–18]

RIN 2120–AK62

Aviation Training Device Credit for Pilot Certification; Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; withdrawal.

SUMMARY: The FAA is withdrawing a direct final rule regarding aviation training devices published December 3, 2014. That rule would have relieved burdens on pilots seeking to obtain aeronautical experience for an instrument rating by increasing the allowed use of aviation training devices. The FAA received adverse comments to the direct final rule and, thus, is withdrawing the direct final rule.

DATES: The direct final rule published on December 3, 2014 at 79 FR 71634 is withdrawn, effective January 15, 2015.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Marcel Bernard, Airmen Certification and Training Branch, Flight Standards Service, AFS–810, Federal Aviation Administration, 55 M Street SE., 8th floor, Washington, DC 20003–3522; telephone (202) 385–9616; email *marcel.bernard@faa.gov.*

For legal questions concerning this action, contact Anne Moore, International Law, Legislation, and Regulations Division, Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8018; email *anne.moore@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On December 3, 2014, the FAA published a direct final rule regarding use of aviation training devices (ATDs). The direct final rule would have increased the maximum time that may be credited in an ATD toward the instrument time requirements for an instrument rating under § 61.65(i). The direct final rule would have permitted a person to credit a maximum of 20 hours of instrument time in an approved ATD toward the requirements for an instrument rating under that section.

The direct final rule would have also amended appendix C to part 141 to increase the limit on the amount of training hours that may be accomplished in an ATD in an approved course for an instrument rating. With this direct final rule, an ATD would have been permitted to be used for no more than 40 percent of the total flight training hour requirements for an instrument rating.

Finally, the direct final rule would have revised § 61.65(i)(4) to eliminate the requirement that pilots accomplishing instrument time in an ATD wear a view-limiting device.

Withdrawal of Direct Final Rule

The FAA is withdrawing the direct final rule because the agency received adverse comments to the rule. The agency is obligated by § 11.13 to withdraw a direct final rule if the agency receives any adverse comments. One commenter raised concerns regarding the effectiveness of ATDs for training, suggesting that these devices do not provide appropriate sensory cues or provide a realistic environment. Another commenter believed that the increases in time/percentage of training contained in the direct final rule were too great.

As a result of this withdrawal, the current regulations remain in effect, which provides that no applicant for an instrument rating under part 61 may credit more than 10 hours of instrument time in an ATD toward the minimum aeronautical experience requirements

required to take the practical test for an instrument rating. In addition, no graduate of a training program approved under appendix C to part 141 may credit more than 10% of the required coursework in ATDs (unless that program has been approved in accordance with § 141.55(d) or (e)).

The FAA notes that the regulations do not place a limit on the amount of time that a person may train in an ATD. Rather, the regulations place a limit on the amount of time in an ATD that may be credited toward the minimum aeronautical experience requirements for an instrument rating. Operators may continue to use these devices to improve pilot proficiency and potentially reduce the overall time required in an aircraft. In addition, those devices that were issued an LOA that terminated on January 1, 2015, may continue to use the device for pilot proficiency and training. However, any time logged in such a device could not be used to meet any aeronautical experience requirements of part 61, or any of the flight training coursework requirements of part 141.

Conclusion

Withdrawal of Amendment Nos. 61–133 and 141–18 does not preclude the FAA from issuing rulemaking on the subject in the future; nor does it commit the agency to any future course of action. The agency will make any future necessary changes to the Code of Federal Regulations through a notice of proposed rulemaking with opportunity for public comment.

Therefore, the FAA withdraws Amendment Nos. 61–133 and 141–18 published at 79 FR 71634, December 3, 2014.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a)(5), and 44703 in Washington, DC, on January 9, 2015.

Michael P. Huerta,

Administrator.

[FR Doc. 2015–00553 Filed 1–14–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30993; Amdt. No. 3622]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective January 15, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 15, 2015.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

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

Because of the close and immediate relationship between these SIAPs and

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on December 5, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

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

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
8-Jan-15	NM	Deming	Deming Muni	4/9675	11/13/14	This NOTAM, published in TL 15–01, is hereby rescinded in its entirety.
8-Jan-15	MN	Cloquet	Cloquet Carlton County	4/0142	11/26/14	RNAV (GPS) RWY 17, Orig.
8-Jan-15	MN	Cloquet	Cloquet Carlton County	4/0145	11/26/14	RNAV (GPS) RWY 35, Amdt 1.
8-Jan-15	MN	Cloquet	Cloquet Carlton County	4/0149	11/26/14	NDB RWY 17, Amdt 4.
8-Jan-15	MN	Cloquet	Cloquet Carlton County	4/0152	11/26/14	NDB RWY 35, Amdt 5.
8-Jan-15	MI	Ann Arbor	Ann Arbor Muni	4/0166	11/26/14	RNAV (GPS) RWY 24, Amdt 2B.
8-Jan-15	MI	Ann Arbor	Ann Arbor Muni	4/0168	11/26/14	VOR RWY 24, Amdt 13D.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0176	11/26/14	RNAV (GPS) RWY 28L, Amdt 2.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0180	11/26/14	RNAV (GPS) RWY 28R, Amdt 2B.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0197	11/26/14	ILS OR LOC RWY 10R, Amdt 3A.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0202	11/26/14	RNAV (GPS) RWY 36, Amdt 2.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0217	11/26/14	VOR/DME RWY 36, Amdt 1.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0218	11/26/14	VOR RWY 10R, Amdt 9.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0219	11/26/14	COPTER ILS OR LOC RWY 10R, Amdt 1.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0224	11/26/14	RNAV (GPS) RWY 10L, Amdt 1A.
8-Jan-15	MN	Minneapolis	Flying Cloud	4/0225	11/26/14	RNAV (GPS) RWY 10R, Orig.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/0728	11/26/14	COPTER ILS OR LOC RWY 31, Amdt 1B.
8-Jan-15	OH	Cleveland	Cleveland-Hopkins Intl	4/0812	11/25/14	RNAV (GPS) RWY 28, Amdt 2.
8-Jan-15	OH	Cleveland	Cleveland-Hopkins Intl	4/0824	11/25/14	RNAV (GPS) RWY 24L, Amdt 3B.
8-Jan-15	OH	Cleveland	Cleveland-Hopkins Intl	4/0852	11/25/14	RNAV (GPS) RWY 24R, Amdt 3B.
8-Jan-15	NJ	Newark	Newark Liberty Intl	4/0919	11/21/14	RNAV (RNP) Y RWY 29, Amdt 1B.
8-Jan-15	LA	Bogalusa	George R Carr Memorial Air Fld.	4/1337	11/21/14	Takeoff Minimums and (Obstacle) DP, Amdt 3.
8-Jan-15	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	4/2725	11/21/14	RNAV (GPS) RWY 31, Orig-B.
8-Jan-15	NE	Omaha	Millard	4/2731	11/25/14	RNAV (GPS) RWY 12, Orig.
8-Jan-15	NE	Omaha	Millard	4/2732	11/25/14	RNAV (GPS) RWY 30, Orig.
8-Jan-15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	4/2906	11/21/14	NDB RWY 18, Amdt 3.
8-Jan-15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	4/2907	11/21/14	RNAV (GPS) RWY 18, Amdt 1.
8-Jan-15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	4/2909	11/21/14	RNAV (GPS) RWY 24, Amdt 1.
8-Jan-15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	4/2910	11/21/14	RNAV (GPS) RWY 36, Amdt 1.
8-Jan-15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	4/2911	11/21/14	RNAV (GPS) RWY 6, Amdt 1.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
8-Jan-15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	4/2912	11/21/14	VOR RWY 24, Orig-C.
8-Jan-15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	4/2913	11/21/14	VOR RWY 6, Amdt 1.
8-Jan-15	KY	Pine Knot	McCreary County	4/3113	11/21/14	RNAV (GPS) RWY 22, Orig.
8-Jan-15	KY	Louisville	Louisville Intl-Standiford Field	4/3204	11/21/14	RNAV (RNP) Z RWY 17L, Orig-B.
8-Jan-15	MS	Oxford	University-Oxford	4/3287	11/21/14	VOR/DME A, Amdt 5.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3462	11/26/14	Takeoff Minimums and (Obstacle) DP, Amdt 3.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3466	11/26/14	ILS OR LOC RWY 31, Amdt 10A.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3469	11/26/14	ILS OR LOC/DME RWY 13, Amdt 1B.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3470	11/26/14	NDB RWY 31, Amdt 9.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3473	11/26/14	RNAV (GPS) RWY 13, Orig.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3475	11/26/14	RNAV (GPS) RWY 31, Orig.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3478	11/26/14	VOR RWY 13, Amdt 14.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3479	11/26/14	VOR RWY 31, Amdt 15A.
8-Jan-15	MN	International Falls	Falls Intl-Einarson Field	4/3480	11/26/14	VOR/DME RWY 31, Amdt 5.
8-Jan-15	FL	Jacksonville	Cecil	4/3565	11/21/14	RNAV (GPS) RWY 36L, Orig.
8-Jan-15	NC	Wallace	Henderson Field	4/3567	11/21/14	RNAV (GPS) RWY 27, Orig.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/4001	11/14/14	RNAV (GPS) RWY 13, Orig-A.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/4002	11/14/14	RNAV (GPS) RWY 18, Orig-B.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/4006	11/14/14	RNAV (GPS) RWY 36, Orig-A.
8-Jan-15	AL	Prattville	Prattville-Grouby Field	4/4010	11/21/14	RNAV (GPS) RWY 9, Amdt 2B.
8-Jan-15	AK	Kodiak	Kodiak	4/5109	11/19/14	ILS OR LOC/DME Y RWY 25, Amdt 2B.
8-Jan-15	CO	Grand Junction	Grand Junction Regional	4/5882	11/21/14	ILS OR LOC RWY 11, Amdt 16A.
8-Jan-15	MN	Warren	Warren Muni	4/6149	11/21/14	Takeoff Minimums and (Obstacle) DP, Orig.
8-Jan-15	MA	Boston	General Edward Lawrence Logan Intl.	4/6917	11/21/14	Takeoff Minimums and (Obstacle) DP, Amdt 13.
8-Jan-15	SC	Clemson	Oconee County Rgnl	4/6980	11/19/14	RNAV (GPS) RWY 25, Amdt 3.
8-Jan-15	GA	Dublin	W H 'Bud' Barron	4/7099	11/21/14	ILS OR LOC RWY 2, Amdt 2C.
8-Jan-15	IN	La Porte	La Porte Muni	4/7605	11/21/14	LOC/NDB RWY 2, Amdt 1C.
8-Jan-15	IN	La Porte	La Porte Muni	4/7607	11/21/14	RNAV (GPS) RWY 2, Amdt 1A.
8-Jan-15	IN	La Porte	La Porte Muni	4/7609	11/21/14	RNAV (GPS) RWY 20, Amdt 1.
8-Jan-15	NJ	Caldwell	Essex County	4/7835	11/19/14	LOC RWY 22, Amdt 3A.
8-Jan-15.	NJ	Caldwell	Essex County	4/7841	11/19/14	RNAV (GPS) RWY 22, Amdt 1A.
8-Jan-15	NJ	Caldwell	Essex County	4/7845	11/19/14	RNAV (GPS) RWY 10, Orig-A.
8-Jan-15	NJ	Caldwell	Essex County	4/7846	11/19/14	RNAV (GPS) RWY 4, Orig-A.
8-Jan-15	NJ	Newark	Newark Liberty Intl	4/7858	11/21/14	ILS OR LOC RWY 11, Amdt 2C.
8-Jan-15	AL	Prattville	Prattville-Grouby Field	4/7996	11/21/14	RNAV (GPS) RWY 27, Orig-B.
8-Jan-15	AK	Selawik	Selawik	4/8032	11/19/14	RNAV (GPS) RWY 27, Orig.
8-Jan-15	AK	Selawik	Selawik	4/8033	11/19/14	RNAV (GPS) RWY 4, Orig-A.
8-Jan-15	AK	Selawik	Selawik	4/8034	11/19/14	RNAV (GPS) Y RWY 22, Orig-A.
8-Jan-15	AK	Selawik	Selawik	4/8035	11/19/14	VOR RWY 4, Amdt 1A.
8-Jan-15	AK	Selawik	Selawik	4/8036	11/19/14	VOR RWY 22, Amdt 1A.
8-Jan-15	WA	Port Angeles	Port Angeles CGAS	4/8038	11/19/14	Takeoff Minimums and (Obstacle) DP, Amdt 4.
8-Jan-15	NJ	Toms River	Ocean County	4/8189	11/25/14	VOR/DME RWY 24, Amdt 4.
8-Jan-15	NJ	Toms River	Ocean County	4/8191	11/25/14	VOR RWY 6, Amdt 7.
8-Jan-15	PA	Beaver Falls	Beaver County	4/8363	11/26/14	LOC RWY 10, Amdt 4A.
8-Jan-15	PA	Beaver Falls	Beaver County	4/8366	11/26/14	RNAV (GPS) RWY 10, Orig-A.
8-Jan-15	PA	Beaver Falls	Beaver County	4/8367	11/26/14	RNAV (GPS) RWY 28, Orig-A.
8-Jan-15	PA	Beaver Falls	Beaver County	4/8371	11/26/14	VOR RWY 28, Amdt 10A.
8-Jan-15	MI	Mackinac Island	Mackinac Island	4/8414	11/21/14	RNAV (GPS) RWY 8, Amdt 1A.
8-Jan-15	MI	Mackinac Island	Mackinac Island	4/8415	11/21/14	RNAV (GPS) RWY 26, Amdt 1A.
8-Jan-15	MI	Mackinac Island	Mackinac Island	4/8416	11/21/14	VOR/DME A, Amdt 9.
8-Jan-15	PR	Aguadilla	Rafael Hernandez	4/8717	11/21/14	VOR RWY 8, Amdt 6B.
8-Jan-15	PR	Aguadilla	Rafael Hernandez	4/8718	11/21/14	VOR/DME OR TACAN RWY 26, Orig-A.
8-Jan-15	PR	Aguadilla	Rafael Hernandez	4/8721	11/21/14	VOR/DME OR TACAN RWY 8, Amdt 3.
8-Jan-15	PR	Aguadilla	Rafael Hernandez	4/8722	11/21/14	RNAV (GPS) RWY 8, Orig-B.
8-Jan-15	PR	Aguadilla	Rafael Hernandez	4/8726	11/21/14	RNAV (GPS) RWY 26, Orig-A.
8-Jan-15	NJ	Toms River	Ocean County	4/8851	11/25/14	RNAV (GPS) RWY 6, Orig.
8-Jan-15	NJ	Toms River	Ocean County	4/8852	11/25/14	ILS OR LOC RWY 6, Amdt 2.
8-Jan-15	NJ	Toms River	Ocean County	4/8853	11/25/14	RNAV (GPS) RWY 24, Orig.
8-Jan-15	MI	Ann Arbor	Ann Arbor Muni	4/8934	11/26/14	RNAV (GPS) RWY 6, Amdt 2A.
8-Jan-15	PA	Wellsboro	Wellsboro Johnston	4/8935	11/25/14	RNAV (GPS) RWY 10, Orig.
8-Jan-15	PA	Wellsboro	Wellsboro Johnston	4/8945	11/25/14	RNAV (GPS) RWY 28, Orig.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
8-Jan-15	UT	Wendover	Wendover	4/9182	11/19/14	VOR/DME B, Amdt 1.
8-Jan-15	CA	Tulare	Mefford Field	4/9258	11/21/14	RNAV (GPS) RWY 13, Orig-A.
8-Jan-15	CA	Tulare	Mefford Field	4/9259	11/21/14	VOR/DME RWY 13, Amdt 1A.
8-Jan-15	CO	Denver	Denver Intl	4/9339	11/25/14	RNAV (GPS) Y RWY 17R, Amdt 1A.
8-Jan-15	WY	Riverton	Riverton Rgnl	4/9340	11/25/14	ILS OR LOC RWY 28, Amdt 2.
8-Jan-15	OH	Cleveland	Cleveland-Hopkins Intl	4/9359	11/25/14	ILS OR LOC RWY 24L, ILS RWY 24L (SA CAT II), Amdt 22B.
8-Jan-15	OH	Cleveland	Cleveland-Hopkins Intl	4/9360	11/25/14	ILS OR LOC RWY 6R, ILS RWY 6R (SA CAT II), Amdt 21B.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/9373	11/25/14	Takeoff Minimums and (Obstacle) DP, Amdt 6.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/9374	11/25/14	ILS OR LOC RWY 18, Amdt 21.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/9375	11/25/14	RNAV (GPS) RWY 31, Orig-A.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/9383	11/25/14	VOR RWY 13, Amdt 31.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/9384	11/25/14	VOR RWY 36, Amdt 32.
8-Jan-15	WI	La Crosse	La Crosse Rgnl	4/9385	11/25/14	NDB RWY 18, Amdt 19A.
8-Jan-15	TX	Dallas-Fort Worth	Dallas/Fort Worth Intl	4/9593	11/19/14	RNAV (GPS) RWY 36L, Amdt 3B.
8-Jan-15	TX	Dallas-Fort Worth	Dallas/Fort Worth Intl	4/9594	11/19/14	RNAV (GPS) RWY 36R, Amdt 3A.
8-Jan-15	VA	Charlottesville	Charlottesville-Albemarle	4/9748	11/21/14	RNAV (GPS) Y RWY 21, Amdt 2.
8-Jan-15	VA	Charlottesville	Charlottesville-Albemarle	4/9751	11/21/14	RNAV (GPS) Z RWY 21, Amdt 1.
8-Jan-15	VA	Abingdon	Virginia Highlands	4/9852	11/25/14	LOC RWY 24, Amdt 5.

[FR Doc. 2014–30840 Filed 1–14–15; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30991; Amdt. No. 3620]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective January 15, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 15, 2015.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

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

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on November 21, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

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

** * *Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
11-Dec-14	WY	Worland	Worland Muni	4/9952	10/14/14	This NOTAM, published in TL 14–25, is hereby rescinded in its entirety.
11-Dec-14	WY	Worland	Worland Muni	4/9953	10/14/14	This NOTAM, published in TL 14–25, is hereby rescinded in its entirety.
11-Dec-14	WY	Worland	Worland Muni	4/9993	10/14/14	This NOTAM, published in TL 14–25, is hereby rescinded in its entirety.
8-Jan-15	SC	Charleston	Charleston Executive	4/2290	11/13/14	ILS OR LOC RWY 9, Amdt 2.
8-Jan-15	SC	Charleston	Charleston Executive	4/2292	11/13/14	RNAV (GPS) RWY 9, Amdt 3.
8-Jan-15	WA	Chehalis	Chehalis-Centralia	4/3229	11/14/14	RNAV (GPS) RWY 16, Amdt 1A.
8-Jan-15	IN	South Bend	South Bend Intl	4/5160	11/13/14	RNAV (GPS) RWY 18, Amdt 1.
8-Jan-15	KS	Hutchinson	Hutchinson Muni	4/5427	11/13/14	RNAV (GPS) RWY 22, Orig.
8-Jan-15	KS	Hutchinson	Hutchinson Muni	4/5430	11/13/14	ILS OR LOC RWY 13, Amdt 16D.
8-Jan-15	SD	Gregory	Gregory Muni—Flynn Fld	4/6084	11/13/14	RNAV (GPS) RWY 31, Orig.
8-Jan-15	TX	Haskell	Haskell Muni	4/7204	11/14/14	NDB OR GPS RWY 18, Amdt 2A.
8-Jan-15	GA	Atlanta	Atlanta Rgnl Falcon Field	4/7214	11/13/14	RNAV (GPS) RWY 31, Amdt 2.
8-Jan-15	GA	Atlanta	Atlanta Rgnl Falcon Field	4/7216	11/13/14	RNAV (GPS) RWY 13, Amdt 2.
8-Jan-15	GA	Atlanta	Atlanta Rgnl Falcon Field	4/7220	11/13/14	NDB RWY 31, Amdt 3.
8-Jan-15	GA	Atlanta	Atlanta Rgnl Falcon Field	4/7227	11/13/14	ILS OR LOC RWY 31, Amdt 2.
8-Jan-15	TN	Dyersburg	Dyersburg Rgnl	4/8699	11/13/14	RNAV (GPS) RWY 4, Amdt 2.
8-Jan-15	TN	Dyersburg	Dyersburg Rgnl	4/8701	11/13/14	RNAV (GPS) RWY 22, Amdt 1.
8-Jan-15	NM	Deming	Deming Muni	4/9675	11/13/14	VOR RWY 26, Amdt 10.
8-Jan-15	FM	Yap Island	Yap Intl	4/9733	11/13/14	NDB RWY 25, Orig-A.
8-Jan-15	FM	Yap Island	Yap Intl	4/9735	11/13/14	NDB/DME RWY 25, Orig-A.
8-Jan-15	NY	Shirley	Brookhaven	4/9795	11/13/14	ILS OR LOC RWY 6, Amdt 2A.
8-Jan-15	NY	Shirley	Brookhaven	4/9796	11/13/14	RNAV (GPS) RWY 6, Amdt 2A.

[FR Doc. 2014–30843 Filed 1–14–15; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30992 Amdt. No. 3621]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective January 15, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 15, 2015.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on December 5, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 8 January 2015

Anchorage, AK, Ted Stevens Anchorage Intl, RNAV (GPS) Y RWY 7R, Amdt 4B
Anchorage, AK, Ted Stevens Anchorage Intl, RNAV (RNP) RWY 33, Orig
Anchorage, AK, Ted Stevens Anchorage Intl, RNAV (RNP) Z RWY 7R, Orig
Gambell, AK, Gambell, GPS RWY 16, Orig, CANCELED
Gambell, AK, Gambell, GPS RWY 34, Orig, CANCELED
Gambell, AK, Gambell, RNAV (GPS) RWY 16, Orig
Gambell, AK, Gambell, RNAV (GPS) RWY 34, Orig
Gambell, AK, Gambell, Takeoff Minimums and Obstacle DP, Amdt 2
Kotzebue, AK, Ralph Wien Memorial, ILS OR LOC/DME RWY 9, Orig
Kotzebue, AK, Ralph Wien Memorial, ILS OR LOC/DME RWY 9, Amdt 2, CANCELED
Kotzebue, AK, Ralph Wien Memorial, RNAV (GPS) RWY 9, Orig
Kotzebue, AK, Ralph Wien Memorial, RNAV (GPS) RWY 9, Amdt 2A, CANCELED
Kotzebue, AK, Ralph Wien Memorial, RNAV (GPS) RWY 27, Orig
Kotzebue, AK, Ralph Wien Memorial, RNAV (GPS) RWY 27, Amdt 1, CANCELED
Kotzebue, AK, Ralph Wien Memorial, Takeoff Minimums and Obstacle DP, Orig
Kotzebue, AK, Ralph Wien Memorial, Takeoff Minimums and Obstacle DP, Amdt 3, CANCELED
Kotzebue, AK, Ralph Wien Memorial, VOR RWY 9, Orig
Kotzebue, AK, Ralph Wien Memorial, VOR RWY 9, Amdt 4, CANCELED
Kotzebue, AK, Ralph Wien Memorial, VOR RWY 27, Orig
Kotzebue, AK, Ralph Wien Memorial, VOR RWY 27, Amdt 4, CANCELED
Kotzebue, AK, Ralph Wien Memorial, VOR/DME RWY 9, Orig
Kotzebue, AK, Ralph Wien Memorial, VOR/DME RWY 9, Amdt 5, CANCELED
Kotzebue, AK, Ralph Wien Memorial, VOR/DME Y RWY 27, Orig
Kotzebue, AK, Ralph Wien Memorial, VOR/DME Y RWY 27, Amdt 1, CANCELED
Kotzebue, AK, Ralph Wien Memorial, VOR/DME Z RWY 27, Orig
Kotzebue, AK, Ralph Wien Memorial, VOR/DME Z RWY 27, Amdt 1, CANCELED
Hope, AR, Hope Muni, RNAV (GPS) RWY 4, Orig
Hope, AR, Hope Muni, RNAV (GPS) RWY 22, Orig
Sacramento, CA, Sacramento Intl, ILS OR LOC RWY 16L, Amdt 3
Sacramento, CA, Sacramento Intl, ILS OR LOC RWY 16R, ILS RWY 16R (SA CAT I), ILS RWY 16R (CAT II), ILS RWY 16R (CAT III), Amdt 16
Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 16L, Amdt 2
Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 16R, Amdt 2
Sacramento, CA, Sacramento Intl, Takeoff Minimums and Obstacle DP, Amdt 1
Greeley, CO, Greeley-Weld County, RNAV (GPS) RWY 10, Amdt 1A
Winterset, IA, Winterset Muni, RNAV (GPS) RWY 14, Amdt 1
Winterset, IA, Winterset Muni, RNAV (GPS) RWY 32, Amdt 1
Winterset, IA, Winterset Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Winterset, IA, Winterset Muni, VOR/DME–A, Amdt 3
Liberal, KS, Liberal Mid-America Rgnl, ILS OR LOC RWY 35, Amdt 4A
Liberal, KS, Liberal Mid-America Rgnl, RNAV (GPS) RWY 4, Orig-A
Liberal, KS, Liberal Mid-America Rgnl, RNAV (GPS) RWY 17, Orig-A
Liberal, KS, Liberal Mid-America Rgnl, RNAV (GPS) RWY 22, Amdt 1
Liberal, KS, Liberal Mid-America Rgnl, RNAV (GPS) RWY 35, Orig-A
Memphis, MO, Memphis Memorial, RNAV (GPS) RWY 12, Orig
Memphis, MO, Memphis Memorial, RNAV (GPS) RWY 30, Orig
Memphis, MO, Memphis Memorial, Takeoff Minimums and Obstacle DP, Orig
Columbus/W Point/Starkville, MS, Golden Triangle Rgnl, RNAV (GPS) RWY 18, Amdt 2
Hillsboro, ND, Hillsboro Muni, RNAV (GPS) RWY 16, Amdt 2
Hillsboro, ND, Hillsboro Muni, RNAV (GPS) RWY 34, Amdt 2
Hillsboro, ND, Hillsboro Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Manchester, NH, Manchester, ILS OR LOC RWY 6, Amdt 2
Manchester, NH, Manchester, ILS OR LOC RWY 35, ILS RWY 35 (SA CAT I), ILS RWY 35 (CAT II), ILS RWY 35 (CAT III), Amdt 2
Manchester, NH, Manchester, ILS OR LOC/DME RWY 17, Amdt 2
Manchester, NH, Manchester, RNAV (GPS) Y RWY 17, Amdt 1
Manchester, NH, Manchester, RNAV (GPS) Y RWY 35, Amdt 1
Manchester, NH, Manchester, RNAV (RNP) Z RWY 17, Amdt 1
Manchester, NH, Manchester, RNAV (RNP) Z RWY 35, Orig
Teterboro, NY, Teterboro, RNAV (GPS) X RWY 6, Amdt 2
Albany, NY, Albany Intl, ILS OR LOC RWY 19, Amdt 24
Albany, NY, Albany Intl, RNAV (GPS) Y RWY 19, Amdt 2
Norwalk, OH, Norwalk-Huron County, GPS RWY 28, Orig-A, CANCELED
Norwalk, OH, Norwalk-Huron County, RNAV (GPS) RWY 28, Orig
Norwalk, OH, Norwalk-Huron County, VOR OR GPS–A, Amdt 5B, CANCELED
Bolivar, TN, William L. Whitehurst Field, RNAV (GPS) RWY 1, Amdt 1
Bolivar, TN, William L. Whitehurst Field, RNAV (GPS) RWY 19, Amdt 1
Comanche, TX, Comanche County-City, RNAV (GPS) RWY 17, Amdt 1
Comanche, TX, Comanche County-City, RNAV (GPS) RWY 35, Orig
Charlottesville, VA, Charlottesville-Albemarle, ILS OR LOC RWY 3, Amdt 1
Charlottesville, VA, Charlottesville-Albemarle, RNAV (GPS) RWY 3, Amdt 3
Lynchburg, VA, Lynchburg Rgnl/Preston Glenn Fld, ILS OR LOC RWY 4, Amdt 17
Sutton, WV, Braxton County, RNAV (GPS) RWY 1, Orig, CANCELED
Sutton, WV, Braxton County, RNAV (GPS) RWY 20, Amdt 1
Kemmerer, WY, Kemmerer Muni, RNAV (GPS) RWY 16, Amdt 2
Kemmerer, WY, Kemmerer Muni, RNAV (GPS) RWY 34, Amdt 2
Kemmerer, WY, Kemmerer Muni, Takeoff Minimums and Obstacle DP, Amdt 3

RESCINDED: On December 3, 2014 (79 FR 71639), the FAA published an Amendment in Docket No. 30986, Amdt No. 3615, to Part 97 of the Federal Aviation Regulations under section 97.23, 97.25, 97.27, 97.29, and 97.33. The following entries for Anchorage, AK, effective January 8, 2015 are hereby rescinded in their entirety:

Anchorage, AK, Ted Stevens Anchorage Intl, ILS OR LOC/DME RWY 7L, ILS RWY 7L (SA CAT I), ILS RWY 7L (SA CAT II), Amdt 4
Anchorage, AK, Ted Stevens Anchorage Intl, ILS OR LOC/DME RWY 7R, ILS RWY 7R (SA CAT I), ILS RWY 7R (CAT II), ILS RWY 7R (CAT III), Amdt 4
Lafayette, LA, Lafayette Rgnl, RNAV (GPS) RWY 29, Orig-B
New Roads, LA, False River Rgnl, LOC RWY 36, Amdt 1A
New Roads, LA, False River Rgnl, NDB RWY 36, Amdt 2A
New Roads, LA, False River Rgnl, RNAV (GPS) RWY 18, Orig-A
New Roads, LA, False River Rgnl, RNAV (GPS) RWY 36, Orig-A
New Roads, LA, False River Rgnl, VOR/DME–A, Amdt 4A

RESCINDED: On December 3, 2014 (79 FR 71652), the FAA published an Amendment in Docket No. 30988, Amdt No. 3617, to Part 97 of the Federal Aviation Regulations under section 97.23, 97.29, and 97.33. The following entries for Fairbanks, AK, effective January 8, 2015 are hereby rescinded in their entirety:

Fairbanks, AK, Fairbanks Intl, ILS OR LOC RWY 2L, ILS RWY 2L (SA CAT I), ILS RWY 2L (CAT II), ILS RWY 2L (CAT III), Amdt 10
Fairbanks, AK, Fairbanks Intl, ILS OR LOC RWY 20R, ILS RWY 20R (SA CAT I), ILS RWY 20R (SA CAT II), Amdt 25

Fairbanks, AK, Fairbanks Intl, RNAV (GPS) RWY 2R, Amdt 1
Fairbanks, AK, Fairbanks Intl, RNAV (GPS) RWY 20L, Amdt 1
Fairbanks, AK, Fairbanks Intl, RNAV (GPS) Y RWY 2L, Amdt 1
Fairbanks, AK, Fairbanks Intl, Takeoff Minimums and Obstacle DP, Amdt 6
Fairbanks, AK, Fairbanks Intl, VOR/DME OR TACAN RWY 20R, Amdt 1
Gonzales, LA, Louisiana Rgnl, RNAV (GPS) RWY 17, Amdt 1B
Gonzales, LA, Louisiana Rgnl, VOR/DME–A, Amdt 2A

[FR Doc. 2014–30844 Filed 1–14–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30990 Amdt. No. 3619]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective January 15, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 15, 2015.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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

amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on November 21, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 8 January 2015

Santa Rosa, CA, Charles M. Schulz—Sonoma County, RNAV (GPS) RWY 14, Amdt 2A
South Lake Tahoe, CA, Lake Tahoe, Takeoff Minimums and Obstacle DP, Amdt 7
St Petersburg-Clearwater, FL, St Pete-Clearwater Intl, VOR/DME RWY 36R, Amdt 2
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, ILS OR LOC RWY 13, Amdt 27E
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, ILS OR LOC RWY 22R, Amdt 11B
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, NDB RWY 31, Amdt 2D
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, VOR RWY 4L, Amdt 17C
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, VOR/DME RWY 22R, Amdt 8H
Elkton, MD, Claremont, Takeoff Minimums and Obstacle DP, Amdt 1
Bellaire, MI, Antrim County, VOR RWY 2, Amdt 2A, CANCELED
Columbus/W Point/Starkville, MS, Golden Triangle Rgnl, ILS OR LOC RWY 36, Amdt 1
Siler City, NC, Siler City Muni, RNAV (GPS) RWY 4, Orig
Siler City, NC, Siler City Muni, RNAV (GPS) RWY 22, Amdt 1
Siler City, NC, Siler City Muni, Takeoff Minimums and Obstacle DP, Amdt 2
Siler City, NC, Siler City Muni, VOR–A, Amdt 3
New York, NY, West 30th St, Takeoff Minimums and Obstacle DP, Orig
Toledo, OH, Toledo Express, ILS OR LOC RWY 25, Amdt 8
Clemson, SC, Oconee County Rgnl, RNAV (GPS) RWY 7, Amdt 3
Wendover, UT, Wendover, RNAV (GPS) RWY 8, Amdt 1
La Crosse, WI, La Crosse Rgnl, RNAV (GPS) RWY 4, Amdt 1B

[FR Doc. 2014–30838 Filed 1–14–15; 8:45 am]

BILLING CODE 4910–13–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in February 2015. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective February 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's Web site (*http://www.pbgc.gov*).

PBGC uses the interest assumptions in appendix B to part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for February 2015.[1]

The February 2015 interest assumptions under the benefit payments regulation will be 1.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for January 2015, these interest assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during February 2015, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE–EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

[1] Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes interest assumptions for valuing benefits under terminating covered single-employer plans for purposes of allocation of assets under ERISA section 4044. Those assumptions are updated quarterly.

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 256 is added to the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
256	2–1–15	3–1–15	1.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 256 is added to the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
256	2–1–15	3–1–15	1.00	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 12th day of January 2015.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2015–00556 Filed 1–14–15; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket No. USCG–2013–0018]

RIN 1625–AA01

Anchorage Regulations; Port of New York

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing and modifying anchorage grounds within the Port of New York. This action is necessary to facilitate safe navigation and provide safe and secure anchorages for vessels operating in the area. This rule is intended to increase the safety of life and property of both the anchored vessels and those operating in the area, as well as provide for the overall safe and efficient flow of commerce.

DATES: This rule is effective February 17, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0018]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Jeff Yunker, Sector New York, Waterways Management Division, U.S. Coast Guard; telephone 718–354–4195, Email *Jeff.M.Yunker@uscg.mil* or Chief Craig Lapiejko, Coast Guard First District Waterways Management Branch, telephone 617–223–8385, Email *Craig.D.Lapiejko@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
WAMS Waterways Analysis and Management System

A. Regulatory History and Information

On July 25, 2013, we published a notice of proposed rulemaking (NPRM) entitled Anchorage Regulations; Port of New York in the **Federal Register** (78 FR 44917). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define anchorage grounds.

This rule was assessed as part of a Waterways Analysis and Management System (WAMS) review of the New York Vessel Traffic Lanes and Approaches to New York Harbor with the intent of optimizing the waterway and aids to navigation. The Coast Guard received six responses to the survey included in the WAMS review. The survey responses reported that Anchorage Ground No. 27(ii) Romer Shoal and Anchorage Ground No. 27(iii) Flynns Knoll, near Sandy Hook, NJ are not used because their locations leave vessels exposed to swells and that there are safer anchorage grounds available in Lower New York and Sandy Hook Bays.

The New York District Army Corps of Engineers (USACE) was consulted on this regulation and had no objections.

In addition, the Hudson River Pilots Association requested the Coast Guard

establish a federal anchorage ground near Yonkers, NY on the Hudson River.

The purpose of this rule is to accommodate ship traffic awaiting berthing space, favorable weather, daylight hours, tidal conditions for transits, and/or other unforeseen conditions to improve navigation safety; clarify positions of current areas being used for vessels anchoring; and reduce regulatory burden by disestablishing anchorage grounds that are no longer used and therefore deemed unnecessary.

C. Discussion of Comments, Changes and the Final Rule

The Coast Guard did not receive any comments to the proposed rule, and no changes were made to the regulatory text.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We expect minimal additional cost impacts to the industry because this rule is not imposing fees, permits, or specialized requirements for the maritime industry to utilize these anchorage grounds. The effect of this rule will not be significant as it removes two obsolete anchorage grounds that are no longer used and codifies one anchorage ground that is currently used by commercial vessels as a general anchorage area. This will represent an improvement to the safety of vessels using the anchorage grounds, facilitate the transit of deep draft vessels through the adjoining waterways, and increase mariner awareness that they can expect to find anchored vessels in the vicinity.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels that have a need to anchor or transit through the lower Hudson River near Yonkers, NY; and Lower New York Bay near Romer Shoal and Flynns Knoll near Sandy Hook, NJ.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule only codifies current navigation practices already in use by commercial vessels in these areas. The anchorage grounds will not affect vessels' schedules or their abilities to freely transit near these areas within the Captain of the Port zone. The anchorage grounds will not impose any monetary expenses on small entities because it does not require them to purchase any new equipment, hire additional crew, or make any other expenditures.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to

health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves disestablishing two unused anchorage grounds, establishing one anchorage ground, and reducing the size of one anchorage ground resulting in a reduction in the overall size of the anchorage grounds by 7.28 square nautical miles in the COTP zone. This rule is categorically excluded from further review under paragraph 34(f) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 110.155 revise paragraphs (c)(2) and (f) and add paragraph (c)(4) to read as follows:

§ 110.155 Port of New York.

* * * * *

(c) * * *

(2) Anchorage No. 17. All waters of the Hudson River bound by the following points: 40°56′26.66″ N, 073°55′12.06″ W; thence to 40°56′22.54″ N, 073°54′49.77″ W; thence to 40°55′56.00″ N, 073°54′58.00″ W; thence to 40°55′54.15″ N, 073°54′46.96″ W; thence to 40°54′18.43″ N, 073°55′21.12″ W; thence to 40°52′27.59″ N, 073°56′14.32″ W; thence to 40°51′34.20″ N, 073°56′52.64″ W; thence to 40°51′20.76″ N, 073°57′31.75″ W; thence along the shoreline to the point of origin (NAD 83).

(i) When the use of Anchorage No. 17 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(ii) [Reserved]

* * * * *

(4) *Anchorage No. 18.* All waters of the Hudson River bound by the following points: 40°56′54.0″ N, 073°54′40.0″ W; thence to 40°56′51.0″ N, 073°54′24.0″ W; thence to 40°55′53.0″ N, 073°54′40.0″ W; thence to 40°55′56.0″ N, 073°54′58.0″ W; thence to the point of origin (NAD 83).

(i) This anchorage ground is reserved for use by ships only.

(ii) [Reserved]

* * * * *

(f) * * *

(2) Anchorage No. 27. Atlantic Ocean—

(i) All waters bound by the following points: 40°28′49.27″ N, 074°00′12.13″ W; thence to 40°28′52.12″ N, 074°00′00.56″ W; thence to 40°28′40.88″ N, 073°58′51.95″ W; thence to 40°25′57.91″ N, 073°54′55.56″ W; thence to 40°23′45.55″ N, 073°54′54.89″ W; thence to 40°23′45.38″ N, 073°58′32.10″ W; thence along the shoreline to the point of origin (NAD 83).

(ii) [Reserved]

(iii) [Reserved]

* * * * *

Dated: December 30, 2014.

V.B. Gifford,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 2015–00465 Filed 1–14–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2014–1055]

RIN 1625–AA87

Security Zone, John Joseph Moakley United States Courthouse; Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone within Sector Boston's Captain of the Port (COTP) Zone on the waters in the vicinity of John Joseph Moakley United States Courthouse, Boston, MA. Enforcement of this temporary security zone is for the high profile court proceeding of the Boston Marathon bombing suspect Dzhokhar Tsarnaev at the Moakley Courthouse and is necessary to protect people, property, and the port of Boston from subversive acts.

DATES: This rule is effective without actual notice from January 15, 2015 until December 31, 2015. For the purposes of enforcement, actual notice will be used from January 5, 2015 until January 15, 2015.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2014–1055 and are available online by going to *http://www.regulations.gov,* inserting USCG–2014–1055 in the ''Keyword'' box, and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Mr. Mark Cutter, Coast Guard Sector Boston Waterways Management Division, telephone (617) 223–4000, email *Mark.E.Cutter@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202)366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
USCG United States Coast Guard
U.S.C. United States Code
CFR Code of Federal Regulations
COTP Captain of the Port
FR Federal Register
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

A. Regulatory Information and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this particular temporary final rule. Due to the nature of this high profile court case and the international interest that this trial is expected to generate, the security zone is necessary to help protect people, property, and the port of Boston from subversive acts. The trial is expected to commence on January 5, 2015, and therefore, it would be impracticable to publish an NPRM. Delaying this regulation's effective date for comment would be contrary to the public interest as immediate action is needed to ensure the safety in the surrounding area.

The Coast Guard did, however, publish an NPRM on November 20, 2014 (79 FR 69078), to establish a permanent security zone within Sector Boston's Captain of the Port (COTP) Zone for a five hundred (500) yard security zone, but granting vessels permission to enter the security zone as long as such vessels remain beyond two hundred and fifty (250) yards of the Moakley Courthouse, unless granted access by the COTP or the COTP's representative, and as long as such vessels proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules. We feel we need more time to adequately address the comments received on the NPRM relating to the impact that a two hundred and fifty (250) yard restriction on vessels will have on businesses.

Accordingly, we have elected to establish this temporary five hundred (500) yard security zone, but grant vessels permission to enter the security zone as long as such vessels remain beyond one hundred (100) yards of the Moakley Courthouse, unless granted access by the COTP or the COTP's representative, and as long as such vessels proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules. Publishing a new NPRM to reflect this change and delaying the effective date would be impracticable and contrary to the public interest since it would inhibit the Coast Guard's ability to fulfill its statutory missions to protect people, property, and the port of Boston from subversive acts.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the reason discussed above. For the same reasons discussed in the preceding paragraph, the Coast Guard finds that waiting 30 days to make this rule effective would be impracticable and contrary to the public interest.

B. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define security zones.

The trial for the Boston Marathon bombing suspect, Dzhokhar Tsarnaev, is expected to begin on January 5, 2015 at the John Joseph Moakley United States Courthouse, Boston, MA. The trial is expected to last upwards of five months. Due to the nature of this high profile court case and the international interest that this trial is expected to generate, the Federal Protective Police have requested the Coast Guard issue a security zone around the waterside of the Courthouse to help protect people, property, and the port of Boston from subversive acts.

C. Discussion of Rule

For the reason discussed above, the COTP, Sector Boston, is establishing a temporary security zone. This temporary security zone will be effective and enforced starting on January 5, 2015, and will continue until the trial is completed, and if necessary, during the sentencing phase. This security zone encompasses all U.S. navigable waters, from surface to bottom, within five hundred (500) yards of the John Joseph Moakley United States Courthouse (Moakley Courthouse) in Boston, MA, and following any natural waterside seawall. Specific geographic locations are specified in the regulatory text.

The COTP hereby grants vessels permission to enter this five hundred (500) yard security zone as long as such vessels remain beyond one hundred (100) yards of the Moakley Courthouse unless granted access by the COTP or the COTP's representative, and as long as such vessels proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation under the regulatory policies and procedures of DHS is unnecessary. First, based on the comments and feedback from the NPRM on the permanent security zone, we feel that decreasing the two hundred and fifty (250) yards to one hundred (100) yards will minimize the impact to vessels, such as commuter ferries servicing Rowes Wharf, because they will be able to transit their normal routes. Second, the Courthouse is likely to shut down the harbor dock to water Taxis during the trial. Third, mariners may still pass through the security zone, within one hundred (100) yards of the Moakley Courthouse, with authorization from the COTP or a designated on-scene representative. Finally, such notification of this security zone will be published through the local Notice to Mariners, Broadcast Notice to Mariners, and through extensive public outreach.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small

entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 persons.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities for all of the reasons discussed in the ''Regulatory Planning and Review'' section above.

3. Assistance for Small Entities

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

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This temporary final rule involves the establishment of a temporary security zone. This rule is categorically excluded from further review under, paragraph 34(g) of figure 2–1 of the Commandant Instruction. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–1055 to read as follows:

§ 165.T01–1055 Security Zone, John Joseph Moakley United States Courthouse, Boston, MA.

(a) *Location.* This security zone encompasses all U.S. navigable waters, from surface to bottom, within five hundred (500) yards of the John Joseph Moakley United States Courthouse (Moakley Courthouse) in Boston, MA, and following any natural waterside seawall configuration enclosed by a line connecting the following points:

Latitude	Longitude
42°21′15″ N	71°02′54″ W; Bounded by the curvature of the seawall, thence to
42°21′13″ N	71°02′27″ W; thence to
42°21′25″ N	71°02′17″ W; thence to
42°21′32″ N	71°02′54″ W; Bounded by the curvature of the seawall, thence to
42°21′18″ N	71°03′01″ W; thence to point of origin.

(b) *Regulations.* While this security zone is being enforced, the following regulations, along with those contained in 33 CFR 165.33, apply:

(1) No person or vessel may enter or remain in this security zone without the

permission of the Captain of the Port (COTP), Sector Boston. However, the COTP hereby grants vessels permission to enter this security zone as long as such vessels remain beyond one hundred (100) yards of the Moakley Courthouse and as long as such vessels proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

(2) Although vessels have permission to enter the security zone under the conditions mentioned in the preceding paragraph, no person or vessel may come within one hundred (100) yards of the Moakley Courthouse under any conditions unless given express permission from the COTP or the COTP's designated representatives.

(3) Any person or vessel permitted to enter the security zone shall comply with the directions and orders of the COTP or the COTP's representatives. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the security zone shall exit the zone when directed by the COTP or the COTP's representatives.

(4) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or 617–223–5757 (Sector Boston Command Center) to obtain permission.

(5) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

(c) *Effective and Enforcement Period.* This rule is effective and will be enforced with actual notice starting 12:01 a.m. on Monday, January 5, 2015 to 11:59 p.m. December 31, 2015.

(d) *Notification.* Coast Guard Sector Boston will give actual notice to mariners for the purpose of enforcement of this temporary security zone. Also, Sector Boston will notify the public to the greatest extent possible of any period in which the Coast Guard will suspend enforcement of this security zone.

(e) *COTP Representative.* The COTP's representative may be any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a state or local law enforcement vessel, or a location on shore.

Dated: December 22, 2014.

J.C. O'Connor III,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. 2015–00327 Filed 1–14–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0696; FRL–9921–38–Region 9]

Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). This revision concerns the District's reasonably available control technology (RACT) requirements under the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). We are approving this document under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on February 17, 2015.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2014–0696 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be available in either location (*e.g.,* confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On October 29, 2014 (79 FR 64353), EPA proposed to approve the following document into the California SIP.

Local agency	Document	Adopted	Submitted
VCAPCD	2014 Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Revision (''2014 RACT SIP'').	6/10/14	7/18/14

VCAPCD's submittal also included the following negative declarations which the District certified that it had no sources subject to the control techniques guidelines (CTG) documents.

CTG source category	CTG reference document
Aerospace	EPA–453/R–97–004, Aerospace CTG and MACT
Automobile and Light-duty Trucks, Surface Coating of.	EPA–450/2–77–008, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks. EPA 453/R–08–006, Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings.
Cans and Coils, Surface Coating of	EPA–450/2–77–008, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.

CTG source category	CTG reference document
Flat Wood Paneling, Surface Coating of.	EPA–450/2–78–032, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling.
	EPA–453/R–06–004, Control Techniques Guidelines for Flat Wood Paneling Coatings.
Flexible Packaging Printing	EPA–453/R–06–003, Control Techniques Guidelines for Flexible Package Printing.
Large Appliances, Surface Coating of.	EPA–450/2–77–034, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances.
	EPA 453/R–07–004, Control Techniques Guidelines for Large Appliance Coatings.
Magnet Wire, Surface Coating for Insulation of.	EPA–450/2–77–033, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Insulation of Magnet Wire.
Metal Furniture Coatings	EPA–450/2–77–032, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture.
	EPA 453/R–07–005, Control Techniques Guidelines for Metal Furniture Coatings.
Paper, Film and Foil Coatings	EPA 453/R–07–003, Control Techniques Guidelines for Paper, Film, and Foil Coatings.
Petroleum Refineries	EPA–450/2–77–025, Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.
	EPA–450/2–78–036, Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment.
Fiberglass Boat Manufacturing	EPA 453/R–08–004, Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials.
Industrial Adhesives	EPA 453/R–08–005, Control Techniques Guidelines for Miscellaneous Industrial Adhesives.
Pharmaceutical Products	EPA–450/2–78–029, Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.
Pneumatic Rubber Tires, Manufacture of.	EPA–450/2–78–030, Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires.
Polyester Resin	EPA–450/3–83–008, Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.
	EPA–450/3–83–006, Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
Synthetic Organic Chemical Manufacturing.	EPA–450/3–84–015, Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry.
	EPA–450/4–91–031, Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry.
Petroleum Solvent Dry Cleaners	EPA–450/3–82–009, Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners.

Section III.D. of the preamble to EPA's proposed rule to implement the 2008 NAAQS (78 FR 34178, June 6, 2013) states in part that ''RACT SIPs must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations that there are no sources in the nonattainment area covered by a specific CTG source category.'' We proposed to approve VCAPCD's 2014 RACT SIP and negative declarations because we determined that they complied with the relevant CAA requirements and the RACT SIP requirements discussed in EPA's proposed rule to implement the 2008 NAAQS for ozone. Our proposed action contains more information on the submitted document and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving this document, including the negative declarations into the California SIP.

IV. Statutory and Executive Order Reviews

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

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

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

costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 12, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(449) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(449) New and amended regulations for the following APCDs were submitted on July 18, 2014 by the Governor's designee.

(i) [Reserved]

(ii) Additional material.

(A) Ventura County Air Pollution Control District.

(*1*) Reasonably Available Control Technology State Implementation Plan Revision (2014 RACT SIP) as adopted on June 10, 2014 (''2014 RACT SIP'').

■ 3. Section 52.222 is amended by:

■ a. In paragraph (a)(10)(*i*), removing ''(*i*)'' and adding in its place ''(i)''; and

■ b. Adding paragraph (a)(10)(ii).

The addition reads as follows:

§ 52.222 Negative declarations.

(a) * * *

(10) * * *

(ii) Negative declarations for the 2008 8-hour ozone standard: EPA–453/R–97–004 Aerospace CTG and MACT; EPA–450/2–77–008 Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks; EPA 453/R–08–006 Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings; EPA–450/2–78–032, Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling; EPA–453/R–06–004, Control Techniques Guidelines for Flat Wood Paneling Coatings; EPA–453/R–06–003 Control Techniques Guidelines for Flexible Package Printing; EPA–450/2–77–034 Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances; EPA 453/R–07–004 Control Techniques Guidelines for Large Appliance Coatings; EPA–450/2–77–033 Control of Volatile Organic Emissions from Existing Stationary Sources—Volume IV: Surface Coating of Insulation of Magnet Wire; EPA–450/2–77–032 Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture; EPA 453/R–07–005 Control Techniques Guidelines for Metal Furniture Coatings; EPA 453/R–07–003 Control Techniques Guidelines for Paper, Film, and Foil Coatings; EPA–450/2–77–025 Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds; EPA–450/2–78–036 Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment; EPA 453/R–08–004 Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials; EPA 453/R–08–005 Control Techniques Guidelines for Miscellaneous Industrial Adhesives; EPA–450/2–78–029 Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products; EPA–450/2–78–030 Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires; EPA–450/3–83–008 Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins; EPA–450/3–83–006 Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment; EPA–450/3–84–015 Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry; EPA–450/4–91–031 Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry; EPA–450/3–82–009 Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners were submitted on July 18, 2014 and adopted on June 10, 2014.

* * * * *

[FR Doc. 2015–00011 Filed 1–14–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 212, 225, and 245

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective January 15, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6088; facsimile 571–372–6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows:

1. Revises the format and presentation of the list of solicitation provisions and

contract clauses for the acquisition of commercial items at DFARS 212.301(f). No changes are made to the provisions and clauses or to the prescriptions for their use, only the manner in which they are listed. Instead of a single continuous list, the provisions and clauses are being grouped and listed by the applicable DFARS part. This change will facilitate making additions or deletions to the appropriate part of the list without having to redesignate and renumber unaffected paragraphs in other parts to accommodate such changes.

2. Revises the provision prescriptive language at DFARS 225.1101, paragraph (9), for clarity and to align with the format used for other prescription paragraphs within this section. No changes are made to the provision or the substance of the prescriptive language for using the provision.

3. Corrects the estimated value cited at DFARS 225.1101(10)(i) to read $100,000 in lieu of $79,507.

4. Updates the address of the National GeoSpatial-Intelligence Agency at DFARS 245.102(1)(ii)(A).

List of Subjects in 48 CFR Parts 212, 225, and 245

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 212, 225, and 245 are amended as follows:

■ 1. The authority citation for 48 CFR parts 212, 225, and 245 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Revise section 212.301 to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) The following additional provisions and clauses apply to DoD solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items. If the offeror has completed any of the following provisions listed in this paragraph electronically as part of its annual representations and certifications at *https://www.acquisition.gov,* the contracting officer shall consider this information instead of requiring the offeror to complete these provisions for a particular solicitation.

(i) *Part 203—Improper Business Practices and Personal Conflicts of Interest.* (A) Use the FAR clause at 52.203–3, Gratuities, as prescribed in FAR 3.202, to comply with 10 U.S.C. 2207.

(B) Use the clause at 252.203–7000, Requirements Relating to Compensation of Former DoD Officials, as prescribed in 203.171–4(a), to comply with section 847 of Pub. L. 110–181.

(C) Use the clause at 252.203–7003, Agency Office of the Inspector General, as prescribed in 203.1004(a), to comply with section 6101 of Pub. L. 110–252 and 41 U.S.C. 3509.

(D) Use the provision at 252.203–7005, Representation Relating to Compensation of Former DoD Officials, as prescribed in 203.171–4(b).

(ii) *Part 204—Administrative Matters.* (A) Use the provision at 252.204–7011, Alternative Line Item Structure, as prescribed in 204.7109(b).

(B) Use the clause at 252.204–7012, Safeguarding of Unclassified Controlled Technical Information, as prescribed in 204.7303.

(C) Use the provision at 252.204–7013, Limitations on the Use or Disclosure of Information by Litigation Support Solicitation Offerors, as prescribed in 204.7403(a), to comply with 10 U.S.C. 129d.

(D) Use the clause at 252.204–7014, Limitations on the Use or Disclosure of Information by Litigation Support Contractors, as prescribed in 204.7403(b), to comply with 10 U.S.C. 129d.

(E) Use the clause at 252.204–7015, Disclosure of Information to Litigation Support Contractors, as prescribed in 204.7403(c), to comply with 10 U.S.C. 129d.

(iii) *Part 205—Publicizing Contract Actions.* Use the clause at 252.205–7000, Provision of Information to Cooperative Agreement Holders, as prescribed in 205.470, to comply with 10 U.S.C. 2416.

(iv) *Part 211—Describing Agency Needs.* (A) Use the clause at 252.211–7003, Item Unique Identification and Valuation, as prescribed in 211.274–6(a)(1).

(B) Use the provision at 252.211–7006, Passive Radio Frequency Identification, as prescribed in 211.275–3.

(C) Use the clause at 252.211–7007, Reporting of Government-Furnished Property, as prescribed in 211.274–6.

(D) Use the clause at 252.211–7008, Use of Government-Assigned Serial Numbers, as prescribed in 211.274–6(c).

(v) *Part 215—Contracting by Negotiation.* (A) Use the provision at 252.215–7003, Requirements for Submission of Data Other Than Certified Cost or Pricing Data—Canadian Commercial Corporation, as prescribed at 215.408(3)(i).

(B) Use the clause at 252.215–7004, Requirement for Submission of Data other Than Certified Cost or Pricing Data—Modifications—Canadian Commercial Corporation, as prescribed at 215.408(3)(ii).

(C) Use the provision at 252.215–7007, Notice of Intent to Resolicit, as prescribed in 215.371–6.

(D) Use the provision 252.215–7008, Only One Offer, as prescribed at 215.408(4).

(vi) *Part 219—Small Business Programs.* (A) Use the clause at 252.219–7003, Small Business Subcontracting Plan (DoD Contracts), as prescribed in 219.708(b)(1)(A)(*1*), to comply with 15 U.S.C. 637. Use the clause with its Alternate I when prescribed in 219.708(b)(1)(A)(*2*).

(B) Use the clause at 252.219–7004, Small Business Subcontracting Plan (Test Program), as prescribed in 219.708(b)(1)(B), to comply with 15 U.S.C. 637 note.

(vii) *Part 223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace.* Use the clause at 252.223–7008, Prohibition of Hexavalent Chromium, as prescribed in 223.7306.

(viii) *Part 225—Foreign Acquisition.* (A) Use the provision at 252.225–7000, Buy American—Balance of Payments Program Certificate, to comply with 41 U.S.C. chapter 83 and Executive Order 10582 of December 17, 1954, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act.

(*1*) Use the basic provision as prescribed in 225.1101(1)(i).

(*2*) Use the alternate I provision as prescribed in 225.1101(1)(ii).

(B) Use the clause at 252.225–7001, Buy American and Balance of Payments Program, to comply with 41 U.S.C. chapter 83 and Executive Order 10582 of December 17, 1954, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act.

(*1*) Use the basic clause as prescribed in 225.1101(2)(ii).

(*2*) Use the alternate I clause as prescribed in 225.1101(2)(iii).

(C) Use the clause at 252.225–7008, Restriction on Acquisition of Specialty Metals, as prescribed in 225.7003–5(a)(1), to comply with 10 U.S.C. 2533b.

(D) Use the clause at 252.225–7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals, as prescribed in 225.7003–5(a)(2), to comply with 10 U.S.C. 2533b.

(E) Use the provision at 252.225–7010, Commercial Derivative Military Article—Specialty Metals Compliance Certificate, as prescribed in 225.7003–5(b), to comply with 10 U.S.C. 2533b.

(F) Use the clause at 252.225–7012, Preference for Certain Domestic Commodities, as prescribed in 225.7002–3(a), to comply with 10 U.S.C. 2533a.

(G) Use the clause at 252.225–7015, Restriction on Acquisition of Hand or Measuring Tools, as prescribed in 225.7002–3(b), to comply with 10 U.S.C. 2533a.

(H) Use the clause at 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings, as prescribed in 225.7009–5, to comply with section 8065 of Pub. L. 107–117 and the same restriction in subsequent DoD appropriations acts.

(I) Use the clause at 252.225–7017, Photovoltaic Devices, as prescribed in 225.7017–4(a), to comply with section 846 of Pub. L. 111–383.

(J) Use the provision at 252.225–7018, Photovoltaic Devices—Certificate, as prescribed in 225.7017–4(b), to comply with section 846 of Pub. L. 111–383.

(K) Use the provision at 252.225–7020, Trade Agreements Certificate, to comply with 19 U.S.C. 2501–2518 and 19 U.S.C. 3301 note. Alternate I also implements section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(*1*) Use the basic provision as prescribed in 225.1101(5)(i).

(*2*) Use the alternate I provision as prescribed in 225.1101(5)(ii).

(L) Use the clause at 252.225–7021, Trade Agreements to comply with 19 U.S.C. 2501–2518 and 19 U.S.C. 3301 note.

(*1*) Use the basic clause as prescribed in 225.1101(6)(i).

(*2*) Use the alternate II clause as prescribed in 225.1101(6)(iii).

(M) Use the provision at 252.225–7023, Preference for Products or Services from Afghanistan, as prescribed in 225.7703–4(a), to comply with section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(N) Use the clause at 252.225–7024, Requirement for Products or Services from Afghanistan, as prescribed in 225.7703–4(b), to comply with section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(O) Use the clause at 252.225–7026, Acquisition Restricted to Products or Services from Afghanistan, as prescribed in 225.7703–4(c), to comply with section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(P) Use the clause at 252.225–7027, Restriction on Contingent Fees for Foreign Military Sales, as prescribed in 225.7307(a), to comply with 22 U.S.C. 2779.

(Q) Use the clause at 252.225–7028, Exclusionary Policies and Practices of Foreign Governments, as prescribed in 225.7307(b), to comply with 22 U.S.C. 2755.

(R) Use the clause at 252.225–7029, Acquisition of Uniform Components for Afghan Military or Afghan National Police, as prescribed in 225.7703–4(d).

(S) Use the provision at 252.225–7031, Secondary Arab Boycott of Israel, as prescribed in 225.7605, to comply with 10 U.S.C. 2410i.

(T) Use the provision at 252.225–7035, Buy American—Free Trade Agreements—Balance of Payments Program Certificate, to comply with 41 U.S.C. chapter 83 and 19 U.S.C. 3301 note. Alternates II, III, and V also implement section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(*1*) Use the basic provision as prescribed in 225.1101(9)(i).

(*2*) Use the alternate I provision as prescribed in 225.1101(9)(ii).

(*3*) Use the alternate II provision as prescribed in 225.1101(9)(iii).

(*4*) Use the alternate III provision as prescribed in 225.1101(9)(iv).

(*5*) Use the alternate IV provision as prescribed in 225.1101(9)(v).

(*6*) Use the alternate V provision as prescribed in 225.1101(9)(vi).

(U) Use the clause at 252.225–7036, Buy American—Free Trade Agreements—Balance of Payments Program to comply with 41 U.S.C. chapter 83 and 19 U.S.C. 3301 note. Alternates II, III, and V also implement section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181).

(*1*) Use the basic clause as prescribed in 225.1101(10)(i)(A).

(*2*) Use the alternate I clause as prescribed in 225.1101(10)(i)(B).

(*3*) Use the alternate II clause as prescribed in 225.1101(10)(i)(C).

(*4*) Use the alternate III clause as prescribed in 225.1101(10)(i)(D).

(*5*) Use the alternate IV clause as prescribed in 225.1101(10)(i)(E).

(*6*) Use the alternate V clause as prescribed in 225.1101(10)(i)(F).

(V) Use the provision at 252.225–7037, Evaluation of Offers for Air Circuit Breakers, as prescribed in 225.7006–4(a), to comply with 10 U.S.C. 2534(a)(3).

(W) Use the clause at 252.225–7038, Restriction on Acquisition of Air Circuit Breakers, as prescribed in 225.7006–4(b), to comply with 10 U.S.C. 2534(a)(3).

(X) Use the clause at 252.225–7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, as prescribed in 225.7402–5(a).

(Y) Use the clause at 252.225–7043, Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States, as prescribed in 225.7403–2.

(Z) Use the provision at 252.225–7049, Prohibition on Acquisition of Commercial Satellite Services from Certain Foreign Entities—Representations, as prescribed at 225.772–5, to comply with 10 U.S.C. 2327(b).

(AA) Use the provision at 252.225–7050, Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism, as prescribed in 225.771–5, to comply with 10 U.S.C. 2327(b).

(ix) *Part 226—Other Socioeconomic Programs.* Use the clause at 252.226–7001, Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns, as prescribed in 226.104, to comply with section 8021 of Pub. L. 107–248 and similar sections in subsequent DoD appropriations acts.

(x) *Part 227—Patents, Data, and Copyrights.* (A) Use the clause at 252.227–7013, Rights in Technical Data-Noncommercial Items, as prescribed in 227.7103–6(a). Use the clause with its Alternate I as prescribed in 227.7103–6(b)(1). Use the clause with its Alternate II as prescribed in 227.7103–6(b)(2), to comply with 10 U.S.C. 7317 and 17 U.S.C. 1301, *et seq.*

(B) Use the clause at 252.227–7015, Technical Data-Commercial Items, as prescribed in 227.7102–4(a)(1), to comply with 10 U.S.C. 2320. Use the clause with its Alternate I as prescribed in 227.7102–4(a)(2), to comply with 10 U.S.C. 7317 and 17 U.S.C. 1301, *et seq.*

(C) Use the clause at 252.227–7037, Validation of Restrictive Markings on Technical Data, as prescribed in 227.7102–4(c).

(xi) *Part 232—Contract Financing.* (A) Use the clause at 252.232–7003, Electronic Submission of Payment Requests and Receiving Reports, as prescribed in 232.7004, to comply with 10 U.S.C. 2227.

(B) Use the clause at 252.232–7006, Wide Area WorkFlow Payment Instructions, as prescribed in 232.7004(b).

(C) Use the clause at 252.232–7009, Mandatory Payment by

Governmentwide Commercial Purchase Card, as prescribed in 232.1110.

(D) Use the clause at 252.232–7010, Levies on Contract Payments, as prescribed in 232.7102.

(E) Use the clause at 252.232–7011, Payments in Support of Emergencies and Contingency Operations, as prescribed in 232.908.

(F) Use the provision at 252.232–7014, Notification of Payment in Local Currency (Afghanistan), as prescribed in 232.7202.

(xii) *Part 237—Service Contracting.* (A) Use the clause at 252.237–7010, Prohibition on Interrogation of Detainees by Contractor Personnel, as prescribed in 237.173–5, to comply with section 1038 of Pub. L. 111–84.

(B) Use the clause at 252.237–7019, Training for Contractor Personnel Interacting with Detainees, as prescribed in 237.171–4, to comply with section 1092 of Pub. L. 108–375.

(xiii) *Part 239—Acquisition of Information Technology.* (A) Use the provision at 252.239–7017, Notice of Supply Chain Risk, as prescribed in 239.7306(a), to comply with section 806 of Pub. L. 111–383, in all solicitations for contracts involving the development or delivery of any information technology, whether acquired as a service or as a supply.

(B) Use the clause at 252.239–7018, Supply Chain Risk, as prescribed in 239.7306(b), to comply with section 806 of Pub. L. 111–383, in all solicitations and contracts involving the development or delivery of any information technology, whether acquired as a service or as a supply.

(xiv) *Part 243—Contract Modifications.* Use the clause at 252.243–7002, Requests for Equitable Adjustment, as prescribed in 243.205–71, to comply with 10 U.S.C. 2410.

(xv) *Part 244—Subcontracting Policies and Procedures.* Use the clause at 252.244–7000, Subcontracts for Commercial Items, as prescribed in 244.403.

(xvi) *Part 246—Quality Assurance.* (A) Use the clause at 252.246–7003, Notification of Potential Safety Issues, as prescribed in 246.371(a).

(B) Use the clause at 252.246–7004, Safety of Facilities, Infrastructure, and Equipment for Military Operations, as prescribed in 246.270–4, to comply with section 807 of Pub. L. 111–84.

(xvii) *Part 247—Transportation.* (A) Use the clause at 252.247–7003, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer, as prescribed in 247.207, to comply with section 884 of Pub. L. 110–417.

(B) Use the provision at 252.247–7022, Representation of Extent of Transportation by Sea, as prescribed in 247.574(a).

(C) Use the basic or one of the alternates of the clause at 252.247–7023, Transportation of Supplies by Sea, as prescribed in 247.574(b), to comply with the Cargo Preference Act of 1904 (10 U.S.C. 2631(a)).

(*1*) Use the basic clause as prescribed in 247.574(b)(1).

(*2*) Use the alternate I clause as prescribed in 247.574(b)(2).

(*3*) Use the alternate II clause as prescribed in 247.574(b)(3).

(D) Use the clause at 252.247–7024, Notification of Transportation of Supplies by Sea, as prescribed in 247.574(c).

(E) Use the clause 252.247–7025, Reflagging or Repair Work, as prescribed in 247.574(d), to comply with 10 U.S.C. 2631(b).

(F) Use the provision at 252.247–7026, Evaluation Preference for Use of Domestic Shipyards—Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade, as prescribed in 247.574(e), to comply with section 1017 of Pub. L. 109–364.

(G) Use the clause at 252.247–7027, Riding Gang Member Requirements, as prescribed in 247.574(f), to comply with section 3504 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417).

(H) Use the clause at 252.247–7028, Application for U.S Government Shipping Documentation/Instructions, as prescribed in 247.207.

PART 225—FOREIGN ACQUISITION

■ 3. Amend section 225.1101 by—

■ a. Revising paragraphs (9)(ii) through (vi); and

■ b. In paragraph (10)(i)(A), removing ''$79,507'' and adding ''$100,000'' in its place.

The revision reads as follows:

225.1101 Acquisition of supplies.

* * * * *

(9) * * *

(ii) Use the alternate I provision when the solicitation includes alternate I of the clause at 252.225–7036.

(iii) Use the alternate II provision when the solicitation includes alternate II of the clause at 252.225–7036.

(iv) Use the alternate III provision when the solicitation includes alternate III of the clause at 252.225–7036.

(v) Use the alternate IV provision when the solicitation includes alternate IV of the clause at 252.225–7036.

(vi) Use the alternate V provision when the solicitation includes alternate V of the clause at 252.225–7036.

* * * * *

PART 245—GOVERNMENT PROPERTY

245.102 [Amended]

■ 4. Amend section 245.102, paragraph (1)(ii)(A), by removing ''Director, National Geospatial Intelligence Agency, 4600 Sangamore Road, Bethesda, MD 20816–5003'' and adding ''Director, National Geospatial-Intelligence Agency, 7500 Geoint Drive, Springfield, VA 22150'' in its place.

[FR Doc. 2015–00541 Filed 1–14–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140507412–5014–02]

RIN 0648–BE22

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Framework Adjustment 52

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

ACTION: Final rule.

SUMMARY: NMFS has approved Framework Adjustment 52 to the Northeast Multispecies Fishery Management Plan. This final rule contains two modifications to the current windowpane flounder accountability measures. First, the size of the accountability measure gear-restricted areas can be reduced if we determine that improvements in windowpane flounder stock health occurred despite the catch limits being exceeded. Second, the duration of the accountability measure can be shortened if we determine that an overage of the catch limit did not occur in the year following the overage. This action allows us to implement accountability measures based on more current survey and catch data and increases fishing opportunities for the groundfish fishery while still preventing overfishing.

DATES: This final rule is effective on January 14, 2015.

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, phone: 978–281–9182.

SUPPLEMENTARY INFORMATION:

Background

The current accountability measures (AMs) for a windowpane flounder catch overage are small and large year-round gear-restricted areas (Figure 1). To trigger an AM for windowpane flounder, the overage must be greater than the management uncertainty buffer, which is currently 5 percent. If the overage is between 5 and 20 percent, the Small AM Area restriction is triggered. If the overage is more than 20 percent, the Large AM Area restriction is triggered. The AMs are stock specific. Accordingly, the AM trigger for northern windowpane flounder is based on the total northern windowpane flounder catch limit. The Southern New England AM trigger is based on southern windowpane flounder catch, but is triggered only when both the groundfish-specific and the total southern windowpane catch limits are exceeded. This is because southern windowpane flounder is allocated to scallop fishermen in addition to the catch limits that govern groundfish fishermen.

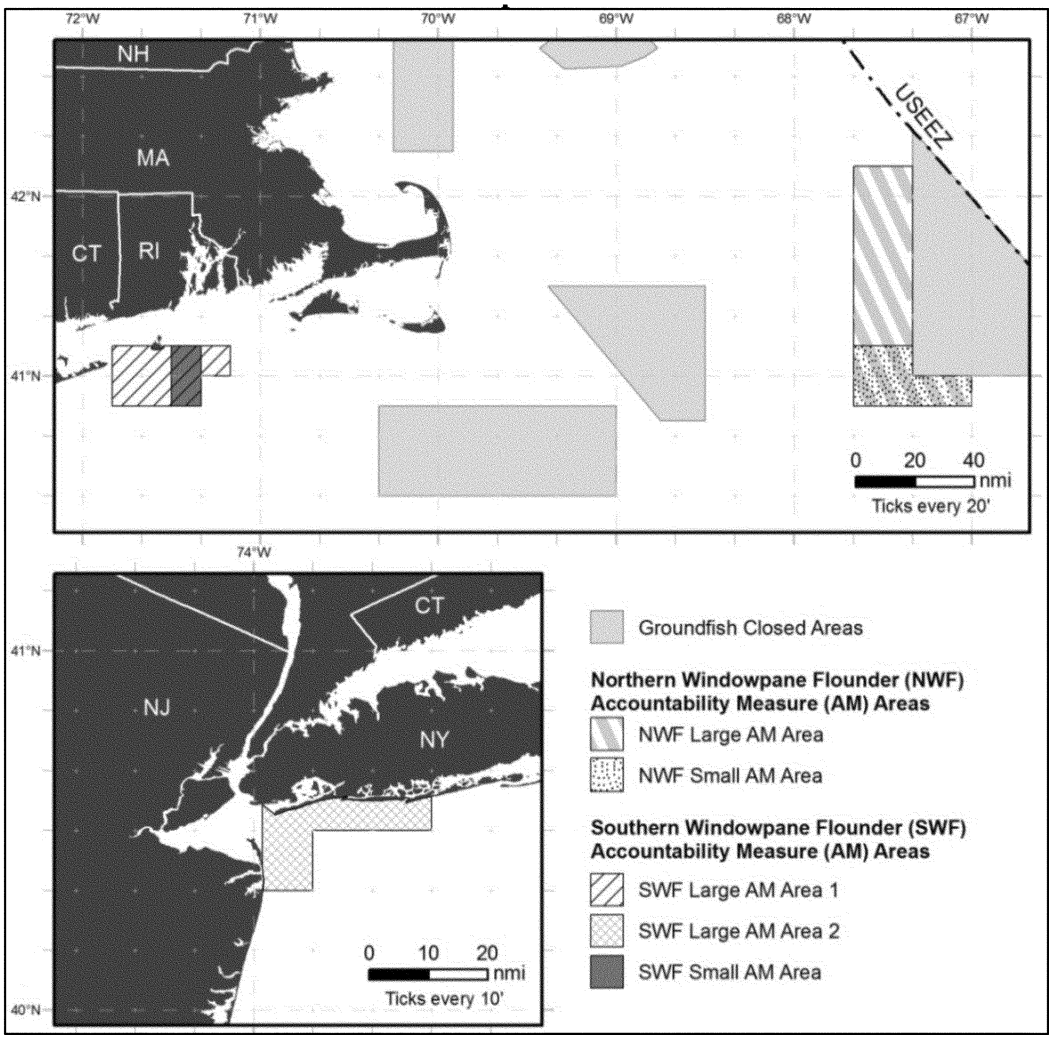
When the windowpane flounder AMs are triggered, bottom-trawl vessels fishing in the applicable Small or Large AM Area are required to use selective trawl gear, such as the haddock separator or Ruhle trawl. The windowpane flounder AMs are implemented at the start of a fishing year after an overage is identified. Neither longline nor gillnet gear are restricted because these gear types comprise a small amount of the total catch of these stocks. Sectors cannot request an exemption from the AMs, because the AMs are meant to apply to all groundfish fishing activity, common pool and sector vessels alike.

In fishing year 2012, the northern windowpane flounder catch limit was exceeded by 28 percent and the southern windowpane flounder catch limit was exceeded by 36 percent. Because both of these overages exceeded 20 percent, the large gear-restricted areas were triggered as AMs. Because the overages were not identified until mid-way through fishing year 2013, the AMs were made effective for the 2014 fishing year (starting May 1, 2014). The northern windowpane flounder catch limit was also exceeded in fishing year 2013 and, because we received this information in fishing year 2013, this triggered the same 2014 AM that was triggered due to overages in fishing year 2012.

The initial windowpane flounder AMs were approved in Framework 47 (77 FR 26104; May 2, 2012), and the accompanying environmental assessment for that action estimated the economic costs from these AMs to be as much as $15 million. Since then, several substantial reductions in catch limits for many key groundfish stocks have made many groundfish vessels more reliant on some flatfish species, particularly winter flounder. Since winter flounder and windowpane flounder are intermixed, the windowpane flounder AMs are having a considerable adverse economic impact on the fleet. To mitigate these impacts, the New England Fishery Management Council developed Framework 52 to modify the current AMs to sufficiently account for an overage of windowpane flounder while reducing the economic costs to industry without sacrificing conservation benefits.

Additional information on the windowpane flounder AMs, including how they were developed and are implemented, can be reviewed online at *www.greateratlantic.fisheries.noaa.gov/nero/regs/frdoc/12/12MulFW47FR.pdf,* as well as in the final rule for Framework 47 and the proposed rule for this action (79 FR 68396; November 17, 2014).

Figure 1 – Gear restricted AMs for windowpane flounder



Approved Measures

Framework 52 modifies the current AMs for southern and northern windowpane flounder by allowing us to update survey and catch information to better determine the most appropriate AM in correlation to the conditions of the stock or whether the applicable catch limits were exceeded. Framework 52 contains two measures that would reduce the scope of the northern or southern windowpane flounder AM in size or duration if: (1) The stock is rebuilt and it can be determined that there were improvements in windowpane flounder stock health; or (2) the fishery remains within its catch limits the year following an overage. These measures are not mutually exclusive and can be used within the same fishing year. This action will help prevent overfishing and rebuild overfished stocks while reducing economic impacts, using the best scientific information available.

Reducing the Size of the AM After Analyzing Recent Survey and Catch Data

AMs are management controls to prevent annual catch limits from being exceeded and to correct or mitigate catch overages. The first measure reduces the size of the AM area restriction from large to small if two criteria are met: (1) The stock is considered rebuilt; and (2) the ''biomass criterion'' is greater than the fishing year catch. ''Biomass criterion'' is defined as the 3-year average of the catch per tow from the three most recent fall surveys multiplied by 75 percent of F_{msy} (fishing mortality at maximum sustainable yield) of the most recent stock assessment. If the biomass criterion is greater than the fishing year catch, it suggests the Large AM Area is unnecessary because the impacts of the overage on the stock may not be as substantial as originally expected. In other words, we can reduce the AM from the Large to the Small AM Area to mitigate the overage in a way that takes into account a greater biomass in relation to fishing effort.

Importantly, this scenario applies to the fishing year 2012 southern windowpane flounder overage and the current southern windowpane flounder AM, which became effective on May 1, 2014 (see page I–5 of Appendix 1 of the Framework 52 Environmental Assessment, which is available online at *www.greateratlantic.fisheries.noaa.gov/regs/2014/November/14mulfw52appendixi.pdf*). As a result, the southern windowpane flounder Large AM Area gear-restriction currently in place in Southern New England is reduced to the Small AM Area for the remainder of fishing year 2014 (*i.e.,* through April 30, 2015).

Reducing the Duration of an AM In-Season if a Subsequent Overage Does Not Occur

The second measure is early removal of an AM if we determine that the

fishery remained within its total catch limit the year following an overage. In addition to mitigating biological consequences, AMs should correct operational issues that cause overages. This measure seeks to use operational corrections proportional to updated fishing activity. We do not receive year-end data (from fishing year 1) for the other sub-component fisheries that catch windowpane flounder until several months into the next fishing year (year 2). If there is an overage due to this late data, we implement an AM at the start of the following fishing year (year 3). With regards to the second criterion, once we receive complete year 2 catch information in late August/early September (of year 3), if we identify that there was an underage in year 2, we would shorten the duration of an AM by removing it in-season during year 3. Because of the delay in receiving data from the other sub-components of the fishery, we would not remove the AM before September 1; therefore, the AM would remain in place for a minimum of 4 months. The shorter duration ensures accountability but also recognizes the fishery may have corrected the operational issue that caused the overage in year 1. This criterion does not apply to the current fishing year 2014 AMs because fishing year 2013 (year 2) catch limits for both southern and northern windowpane flounder stocks were not underharvested.

The second measure also stipulates that the AM would not be removed if we determine there is a subsequent overage in year 3. A second overage in three years suggests that management measures, including AMs, should be revisited and modified, or, that whatever changes the fishery made independently in year 2 to reduce catch were ineffective in year 3, and that the AM is warranted.

Regulatory Correction Under Regional Administrator Authority

To clarify the intent of Framework 47, this rule changes the regulatory text at 50 CFR 648.90(a)(5)(i)(D)(*1*), 648.90(a)(5)(i)(D)*(2)*, and 648.90(a)(5)(i)(D)(*3*) to clarify that a large AM area is implemented if the overage is greater than 20 percent of the overall annual catch limit. While reviewing the regulations for windowpane flounder AMs, we discovered that the regulations detailing the large and small AMs for windowpane flounder, ocean pout, Atlantic halibut, and Atlantic wolffish were different than approved in Framework 47. The current regulations incorrectly state that a small AM is implemented if an overage is between 5 and 20 percent of the overall annual catch limit, and a large AM is implemented if the overage is 21 percent or more. This mistakenly leaves a void between 20 and 21 percent. The Council also stipulated in Framework 48 that any overage greater than 20 percent would require a review of the AM for Atlantic halibut and Atlantic wolffish. This provision was inadvertently also added to the AMs established for windowpane flounder and ocean pout. This action removes this provision from § 648.90(a)(5)(i)(D)(*1*) to be consistent with Council intent. Lastly, the regulations currently state that a large AM area is implemented for both Atlantic halibut and Atlantic wolffish if the overall ACL is exceeded by more than 20 percent. This is incorrect; there are no large or small AM areas for Atlantic halibut and Atlantic wolffish, only specific trawl and fixed gear AMs that are applied when there is an overage greater than the management uncertainty buffer.

Comments and Responses on Measures Proposed in the Framework 52 Proposed Rule

We received five comments on the Framework 52 proposed rule. Public comments were submitted by the Associated Fisheries of Maine, Northeast Seafood Coalition, and two commercial fishermen. Only comments that were applicable to the proposed measures are responded to below. Consolidated responses are provided to similar comments on the proposed measures.

Comment 1: The Associated Fisheries of Maine, Northeast Seafood Coalition, and two commercial fishermen generally support Framework 52. Two of the commenters stressed an immediate need for economic relief from the current AMs.

Response 1: We agree with these comments and are approving Framework 52. We have worked to expeditiously review and implement Framework 52 because this action will increase fishing opportunities for the groundfish fishery while preventing overfishing.

Comment 2: One individual opposes the use of AMs, particularly area closures and gear restrictions, claiming that such effort controls are an ''unacceptable setback,'' in a quota-controlled fishery, and that sector rules and management plans should be utilized to deal with challenges such as this.

Response 2: Ideally, the fishery would never exceed its catch limits and AMs would never be implemented. However, AMs are required by statute to account for overharvesting or to reduce the potential for future overharvests, and are necessary when the current management measures are not properly controlling catch. While sectors do not directly receive an allocation of northern or southern windowpane flounder, we provide sector managers with current catch data for allocated and non-allocated groundfish stocks, such as windowpane flounder. Nothing is preventing sector managers and members from working together to reduce the groundfish industry's catch of windowpane flounder and prevent them from exceeding the groundfish allocation. Sectors could develop a solution to this problem and we encourage them to do so.

Comment 3: The Northeast Seafood Coalition states that Framework 52 or 53 should have included a sub-allocation of northern windowpane flounder for the scallop fishery so that groundfish fishermen are accountable only for their own catch and not a potential overage caused by scallop vessels. The Coalition argues that any fishery that contributes a substantial source of fishing mortality should have its own allocation and AM, otherwise the system is inequitable and attempts to limit catch become futile. The Coalition has asked NMFS and the Council to address this issue.

Response 3: The Council considered, but decided not to include, a separate northern windowpane flounder allocation and AM for scallop vessels in Framework 53. Recognizing that this is an issue that should be addressed, the Council has tasked the Groundfish Plan Development Team to further investigate this and additional windowpane flounder management issues.

Although we understand the Coalition's concerns, the groundfish fishery exceeded its own sub-allocation for both northern and southern windowpane flounder in fishing years 2012 and 2013. In fact, the groundfish fishery itself exceeded the total catch limit for northern windowpane flounder in fishing year 2013. So, while allocating some northern windowpane flounder to the scallop fishery and designing an AM for the scallop fishery (similar to southern windowpane flounder) may increase accountability for scallop vessels, the groundfish fishery would still need to closely monitor and reduce its catch of windowpane flounder to avoid exceeding its allocation and potentially triggering an AM.

Comment 4: The Northeast Seafood Coalition argues that windowpane

flounder AMs are triggered by mistakenly low allocations that are the result of underestimated stock sizes. The Coalition supports new assessment methods for low-value, non-commercial stocks such as windowpane flounder.

Response 4: The first component of Framework 52 is a provision that allows us to further examine the most recent survey and catch data to determine whether the stock size could have been underestimated. This action addresses part of the Coalition's concerns. Furthermore, the Northeast Fisheries Science Center will conduct a stock assessment update on windowpane flounder next year.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the management measures implemented in this final rule are consistent with the Northeast Multispecies Fishery Management Plan, the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule does not contain policies with Federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Assistant Administrator for Fisheries finds good cause, under authority contained in 5 U.S.C. 553(d)(1), to waive the 30-day delayed effectiveness of this action. Delaying the implementation of this rule would undermine the purpose of the rule, which is to improve access to fish stocks without allowing overfishing. Furthermore, any delay would reduce the economic benefit the rule provides. Accordingly, a delay is contrary to the public's interest. Moreover, the delay in this instance is unnecessary because the rule imposes no new requirements on the affected entities such that they would need time to change their behavior to comply with the rule. Because there are only 4 months left in the fishing year, a 30-day delay in implementation of these measures would substantially reduce the positive economic impacts that are intended by these measures.

Final Regulatory Flexibility Analysis

Introduction

The Regulatory Flexibility Act (RFA) requires that Federal agencies analyze the expected impacts of a rule on small business entities, including consideration of disproportionate and/or significant adverse economic impacts on small entities that are directly regulated by the action. As part of the analysis, Federal agencies must also consider alternatives that minimize impacts on small entities while still accomplishing the objectives of the rule. The required analysis is used to inform the agency, as well as the public, of the expected impacts of the various alternatives included in the rule, and to ensure the agency considers other alternatives that minimize the expected impacts while still meeting the goals and objectives of the action, and that are still consistent with applicable law.

Section 604 of the RFA, 5 U.S.C. 604, requires Federal agencies to prepare a Final Regulatory Flexibility Analysis (FRFA) for each final rule. Key elements of the FRFA include a summary of significant issues raised by public comments, a description of the small entities that will be affected by the final rule, and a description of the steps the agency has taken to minimize the significant economic impact on small entities that includes the reasons for selecting each alternative and why other alternatives were not adopted. The FRFA prepared for this final rule includes the summary and responses to comments in this rule, the analyses contained in Framework 52 and its accompanying Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (IRFA), the IRFA summary in the proposed rule, as well as the information provided below.

Summary of Significant Issues Raised in Public Comments

Our responses to all comments received on the proposed rule can be found in the Comments and Responses section of this preamble. Four of the comments we received supported the management measures in Framework 52 because they would reduce the economic impacts of the current AMs. No public comments were received on the IRFA prepared for the proposed rule. As stated above, we are approving the management measures within Framework 52 because they mitigate the economic impacts of the AMs while preventing overfishing.

Description and Estimate of the Number of Small Entities to Which the Final Rule Would Apply

A detailed description of the small entities that may be affected by this action can be found in the Framework 52 Environmental Assessment in section 8.11.2.4. Small entities include ''small businesses,'' ''small organizations,'' and ''small governmental jurisdictions.'' The U.S. Small Business Administration (SBA) has established size standards for all major industry sectors in the U.S. including commercial finfish harvesters, commercial shellfish harvesters, other commercial marine harvesters, for-hire businesses, marinas, seafood dealers/wholesalers, and seafood processors.

A small business is defined by the SBA as one that is:

- Independently owned and operated;
- Not dominant in its field of operation (including its affiliates);
- Has combined annual receipts not in excess of
  - $20.5 million for all its affiliated operations worldwide for commercial finfish harvesting;
  - $5.5 million for all its affiliated operations worldwide for commercial shellfish harvesting; or
  - $7.5 million for other marine harvesters, for-hire businesses, and other related entities; and
- Has fewer than
  - 500 employees in the case of seafood processors; or
  - 100 employees in the case of seafood dealers.

A small organization is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field. Small governmental jurisdictions are governments of cities, boroughs, counties, towns, townships, villages, school districts, or special districts, with population of fewer than 50,000.

This action impacts commercial fish harvesting entities engaged in the Northeast multispecies limited access fishery. A description of the specific permits that are likely to be impacted is included below for informational purposes, followed by a discussion of the impacted businesses (ownership entities), which can include multiple vessels and/or permit types. For the purposes of the RFA analysis, the ownership entities (not the individual vessels) are considered to be the regulated entities.

Limited Access Groundfish Fishery

The limited access groundfish fisheries are further sub-classified as those enrolled in the sector allocation program and those in the common pool. Sector vessels are subject to sector-level stock-specific allocations that limit catch of allocated groundfish stocks. AMs include a prohibition on fishing inside designated areas once 100 percent of available sector allocation has been caught, as well as area-based gear and effort restrictions that are triggered when catch of non-allocated groundfish stocks exceeds the catch limits. Common pool vessels are subject to

various days-at-sea and trip limits designed to keep catches below the limits set for vessels enrolled in this program. In general, sector-enrolled businesses rely more heavily on sales of groundfish species than common pool-enrolled vessels. All limited access multispecies permit holders are eligible to participate in the sector allocation program; however, many permit holders select to remain in the common pool fishery.

As of May 1, 2014 (beginning of fishing year 2014), there were 1,046 individual limited access multispecies permits. A total of 613 of these permits were enrolled in the sector program and 433 were enrolled in the common pool. Of these 1,046 limited access multispecies permits, 767 had landings of any species and 414 had groundfish landings in fishing year 2013.

Ownership Entities

Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans, even beyond those impacted by the final action. Furthermore, multiple permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency. For the purposes of this analysis, ownership entities are defined as those entities with common ownership personnel as listed on permit application documentation. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven personnel listed as co-owners on their application paperwork, those seven personnel form one ownership entity, covering those five permits. If one or several of the seven owners also own additional vessels, with sub-sets of the original seven personnel or with new co-owners, those ownership arrangements are deemed to be separate ownership entities for the purpose of this analysis.

Ownership entities are identified on June 1st of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2013 permits and contains average gross sales associated with those permits for calendar years 2011 through 2013.

Matching the potentially impacted permits described above (fishing year 2014) to the calendar year 2013 ownership data results in 868 distinct ownership entities. Of these, 855 are categorized as small and 13 are categorized as large entities per the SBA guidelines.

These totals may mask some diversity among the entities. Many, if not most, of these ownership entities maintain diversified harvest portfolios; obtaining gross sales from many fisheries and not dependent on any one. However, not all are equally diversified. Those that depend most heavily on sales from harvesting species impacted directly by this action are most likely to be affected. By defining dependence as deriving greater than 50 percent of gross sales from sales of regulated species associated with a specific fishery, we are able to identify those ownership groups most likely to be impacted by the final regulations. Using this threshold, we find that 114 entities are groundfish-dependent, all of which are small and all of which are finfish commercial harvesting businesses. Of the 114 groundfish-dependent entities, 102 have some level of participation in the sector program and 12 operate exclusively in the common pool.

Economic Impacts of This Action

This final rule is expected to have generally positive economic impacts, and we do not expect the action to put small entities at a competitive disadvantage relative to large entities. Impacts on profitability from this action are likely to positively affect both small and large entities in a broadly similar manner.

This FRFA analysis is intended to analyze the impacts on small entities of the alternatives described in section 4.1 of Framework 52. This action alters the criteria for triggering AMs for windowpane flounder, and may result in either smaller AM gear restricted areas (*i.e.,* duration or size) in the Southern New England or Georges Bank gear restricted areas or an increased likelihood that a triggered AM in either/both areas could be removed in-season once catch information from the previous year is made available. These provisions are expected to positively impact profitability of small entities regulated by this action.

This action is expected to result in either a smaller gear restricted area or a lower probability of an AM remaining in place for a given year (*i.e.,* duration or time). In all cases, this action is expected to have positive economic impacts to small groundfish-dependent entities relative to the no action alternative. A more detailed discussion of the expected economic and social impacts can be found in sections 7.4 and 7.5 of the Framework 52 environmental assessment.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of This Action

This action does not create any additional reporting, recordkeeping, or other compliance requirements.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, we will send a small entity compliance guide to all Federal permit holders affected by this action. In addition, copies of this final rule and guide (*i.e.,* information bulletin) are available from NMFS online at *www.nero.noaa.gov/sfd/sfdmulti.html.*

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: January 8, 2015.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.90, revise paragraphs (a)(5)(i)(D)(*1*), (*2*), and (*3*) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(D) * * *

(*1*) *Windowpane flounder and ocean pout.* Unless otherwise specified in paragraphs (a)(5)(i)(D)(*1*)(*i*) and (*ii*) of this section, if NMFS determines the total catch exceeds the overall ACL for either stock of windowpane flounder or

ocean pout, as described in this paragraph (a)(5)(i)(D)(*1*), by any amount greater than the management uncertainty buffer up to 20 percent greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section, consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, the applicable large AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section, consistent with the Administrative Procedure Act. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Vessels fishing with trawl gear in these areas may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). If an overage of the overall ACL for southern windowpane flounder is as a result of an overage of the sub-ACL allocated to exempted fisheries pursuant to paragraph (a)(4)(iii)(F) of this section, the applicable AM area(s) shall be in effect for any trawl vessel fishing with a codend mesh size of greater than or equal to 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3). If an overage of the overall ACL for southern windowpane flounder is as a result of an overage of the sub-ACL allocated to the groundfish fishery pursuant to paragraph (a)(4)(iii)(H)(*2*) of this section, the applicable AM area(s) shall be in effect for any limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip. If an overage of the overall ACL for southern windowpane flounder is as a result of overages of both the groundfish fishery and exempted fishery sub-ACLs, the applicable AM area(s) shall be in effect for both the groundfish fishery and exempted fisheries. If a sub-ACL for either stock of windowpane flounder or ocean pout is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and there are AMs for that fishery, the groundfish fishery AM shall only be implemented if the sub-ACL allocated to the groundfish fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5) exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

NORTHERN WINDOWPANE FLOUNDER AND OCEAN POUT SMALL AM AREA

Point	N. Latitude	W. Longitude
1	41°10′	67°40′
2	41°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	41°10′	67°40′

NORTHERN WINDOWPANE FLOUNDER AND OCEAN POUT LARGE AM AREA

Point	N. Latitude	W. Longitude
1	42°10′	67°40′
2	42°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	42°10′	67°40′

SOUTHERN WINDOWPANE FLOUNDER AND OCEAN POUT SMALL AM AREA

Point	N. Latitude	W. Longitude
1	41°10′	71°30′
2	41°10′	71°20′
3	40°50′	71°20′
4	40°50′	71°30′
1	41°10′	71°30′

SOUTHERN WINDOWPANE FLOUNDER AND OCEAN POUT SMALL AM AREA 1

Point	N. Latitude	W. Longitude
1	41°10′	71°50′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°50′
1	41°10′	71°50′

SOUTHERN WINDOWPANE FLOUNDER AND OCEAN POUT LARGE AM AREA 2

Point	N. Latitude	W. Longitude
1	(1)	73°30′
2	40°30′	73°30′
3	40°30′	73°50′
4	40°20′	73°50′
5	40°20′	(2)
6	(3)	73°58.5′
7	(4)	73°58.5′
8	40°32.6′ [5]	73°56.4′ [5]
1	(1)	73°30′

[1] The southernmost coastline of Long Island, NY, at 73°30′ W. longitude.

[2] The easternmost coastline of NJ at 40°20′ N. latitude, then northward along the NJ coastline to Point 6.

[3] The northernmost coastline of NJ at 73°58.5′ W. longitude.

[4] The southernmost coastline of Long Island, NY, at 73°58.5′ W. longitude.

[5] The approximate location of the southwest corner of the Rockaway Peninsula, Queens, NY, then eastward along the southernmost coastline of Long Island, NY (excluding South Oyster Bay), back to Point 1.

(i) *Reducing the size of an AM.* If the overall northern or southern windowpane flounder ACL is exceeded by more than 20 percent and NMFS determines that: The stock is rebuilt, and the biomass criterion, as defined by the Council, is greater than the most recent fishing year's catch, then only the respective small AM may be implemented as described in paragraph (a)(5)(i)(D)(*1*) of this section, consistent with the Administrative Procedure Act.

(*ii*) *Reducing the duration of an AM.* If the northern or southern windowpane flounder AM is implemented in the third fishing year following the year of an overage, as described in paragraph (a)(5)(i)(D) of this section, and NMFS subsequently determines that the applicable windowpane flounder ACL was not exceeded by any amount the year immediately after which the overage occurred (*i.e.,* the second year), on or after September 1 the AM can be removed once year-end data are complete. This reduced duration does not apply if NMFS determines during year 3 that a year 3 overage of the applicable windowpane flounder ACL has occurred.

(*2*) *Atlantic halibut.* If NMFS determines the overall ACL for Atlantic halibut is exceeded, as described in this paragraph (a)(5)(i)(D)(*2*), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented and any vessel issued a NE multispecies permit or a limited access monkfish permit and fishing under the monkfish Category C or D permit provisions, may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented, as specified in paragraph (a)(5)(i)(D) of this section. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as

specified in paragraph (a)(5)(i)(D) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Halibut Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). When in effect, a limited access NE multispecies permitted vessel with gillnet or longline gear may not fish or be in the Atlantic Halibut Fixed Gear AM Areas, unless transiting with its gear stowed in accordance with § 648.23(b), or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic halibut is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and there are AMs for that fishery, the groundfish fishery AM shall only be implemented if the sub-ACL allocated to the groundfish fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC HALIBUT TRAWL GEAR AM AREA

Point	N. Latitude	W. Longitude
1	42°00′	69°20′
2	42°00′	68°20′
3	41°30′	68°20′
4	41°30′	69°20′

ATLANTIC HALIBUT FIXED GEAR AM AREA 1

Point	N. Latitude	W. Longitude
1	42°30′	70°20′
2	42°30′	70°15′
3	42°20′	70°15′
4	42°20′	70°20′

ATLANTIC HALIBUT FIXED GEAR AM AREA 2

Point	N. Latitude	W. Longitude
1	43°10′	69°40′
2	43°10′	69°30′
3	43°00′	69°30′
4	43°00′	69°40′

(*3*) *Atlantic wolffish.* If NMFS determines the overall ACL for Atlantic wolffish is exceeded, as described in this paragraph (a)(5)(i)(D)(*3*), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Wolffish Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). When in effect, a limited access NE multispecies permitted vessel with gillnet or longline gear may not fish or be in the Atlantic Wolffish Fixed Gear AM Areas, unless transiting with its gear stowed in accordance with § 648.23(b), or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic wolffish is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and AMs are developed for that fishery, the groundfish fishery AM shall only be implemented if the sub-ACL allocated to the groundfish fishery is exceeded (*i.e.,* the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5), exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC WOLFFISH TRAWL GEAR AM AREA

Point	N. Latitude	W. Longitude
1	42°30′	70°30′
2	42°30′	70°15′
3	42°15′	70°15′
4	42°15′	70°10′
5	42°10′	70°10′
6	42°10′	70°20′
7	42°20′	70°20′
8	42°20′	70°30′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 1

Point	N. Latitude	W. Longitude
1	41°40′	69°40′
2	41°40′	69°30′
3	41°30′	69°30′
4	41°30′	69°40′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 2

Point	N. Latitude	W. Longitude
1	42°30′	70°20′
2	42°30′	70°15′
3	42°20′	70°15′
4	42°20′	70°20′

* * * * *

[FR Doc. 2015–00417 Filed 1–14–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 130705590–5010–03]

RIN 0648–BD45

Fisheries of the Northeastern United States; Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery

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

ACTION: Final rule.

SUMMARY: Based on Atlantic States Marine Fisheries Commission recommendations, we are issuing this final rule enacting Federal American lobster regulations for Lobster Conservation Management Areas 2, 3, 4, and 5, including trap reductions in Areas 2 and 3, and broodstock protection measures in Areas 2, 3, 4, and 5. These measures are intended to reduce fishing exploitation and reduce latent effort in the trap fishery to scale the fishery to the size of the Southern

New England lobster stock. This action is necessary to ensure fishery regulations for the lobster fishery in Federal waters remain consistent with the intent of the Atlantic Coastal Fisheries Cooperative Management Act.

DATES: This rule is effective May 1, 2015, except for the amendments to § 697.19 which are effective April 30, 2016.

ADDRESSES: Copies of the American Lobster Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this regulatory action are available upon written request to Peter Burns, Fishery Policy Analyst, Sustainable Fisheries Division, NMFS, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281–9144. The documents also are available online at *http://www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Sector Policy Analyst, (978) 281–9122.

SUPPLEMENTARY INFORMATION:

Statutory Authority

These final regulations modify Federal lobster fishery management measures in the Exclusive Economic Zone (EEZ) under the authority of section 803(b) of the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) (16 U.S.C. 5101 *et seq.*), which states that in the absence of an approved and implemented Fishery Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and after consultation with the appropriate fishery management council(s), the Secretary of Commerce may implement regulations to govern fishing in the EEZ, from 3 to 200 nautical miles (nm) offshore. The regulations must be: (1) Compatible with the effective implementation of an Interstate Fishery Management Plan (ISFMP) developed by the Atlantic States Marine Fisheries Commission; and (2) consistent with the National Standards set forth in section 301 of the Magnuson-Stevens Act.

Purpose and Need for Management

The purpose of this final action is to manage the American lobster fishery in a manner that maximizes resource sustainability, recognizing that Federal management occurs in concert with state management and that compatibility between state and Federal measures is crucial to the overall success of American lobster management. To achieve this purpose, we are responding to recently-approved state management measures to address poor stock conditions and persistent recruitment failure of the Southern New England (SNE) American lobster stock.

Background

The American lobster fishery is managed by the Commission under Amendment 3 to the ISFMP for American Lobster. Since 1997, the Commission has coordinated the efforts of the states and Federal Government toward sustainable management of the American lobster fishery. We manage the portion of the fishery conducted in Federal waters from 3 to 200 miles offshore, based on management recommendations made by the Commission.

The American lobster management unit is divided between three lobster stocks and seven Lobster Conservation Management Areas. Recent data indicate that the SNE American lobster stock, which includes all or part of six Areas, is at a low level of abundance and is experiencing persistent recruitment failure, caused by a combination of environmental factors and continued fishing mortality. To address the poor condition of the SNE stock, the Commission adopted Addendum XVII to Amendment 3 of the ISFMP in February of 2012. The measures in Addendum XVII are intended to reduce fishing exploitation to the SNE lobster stock by 10 percent. To further address stock rebuilding of the SNE lobster stock, Addendum XVIII was adopted in August 2012, to reduce latent effort in the trap fishery and scale the fishery to the diminished size of the SNE stock through a series of annual trap reductions in Areas 2 and 3. Removing latent effort through trap reductions will help scale the fishery to the size of the resource because fishers will have a reduced number of traps that better correlates to the reduced size of the SNE lobster stock. This, in turn, will reduce fishing pressure on the SNE stock and reduce exploitation. It will also present a leaner, more accurate fishing model, allowing the Commission to better manage the stock. Copies of the Addenda are available on the Commission's Web site at: *http://www.asmfc.org.*

We published a proposed rule (79 FR 43379; July 25, 2014) seeking comment on proposed broodstock management measures and trap reductions and the timing of trap reductions with the trap transferability program. A full discussion of the proposed measures and need for the action are contained in the proposed rule and not repeated here. In the next section, we provide a summary of those measures that were approved by the Commission.

Approved Measures

To achieve a 10-percent reduction in fishing exploitation of the SNE American lobster stock under Addendum XVII, the Commission recommended several effort control measures for Areas 2, 3, 4, 5, and 6 to protect broodstock and reduce the amount of American lobsters harvested from these Areas. These measures were reviewed by the Commission's scientific Technical Committee, which found that these measures would likely achieve the desired 10-percent reduction in exploitation. This rule implements the Commission's recommended measures, including: A minimum carapace length increase; mandatory v-notching of egg-bearing female lobsters; and seasonal fishery closures. We did not propose measures recommended by the Commission for Area 6 (mandatory v-notching and a seasonal closure) because Area 6 is contained entirely within state waters and is, therefore, outside of Federal jurisdiction. Table 1 contains the specific measures, by Area, adopted by the Commission and implemented through this action.

TABLE 1—ADDENDUM XVII MANAGEMENT MEASURE CHANGES

Management measures	Area 2	Area 3	Area 4	Area 5
V-Notching *	Mandatory for legal-sized egg-bearing females.	n/a	Mandatory for legal-sized egg-bearing females.	Mandatory for legal-sized egg-bearing females.
New Minimum Size	n/a	3 17/32 in (8.97 cm)	n/a	n/a.
Seasonal Closure	n/a	n/a	February 1–March 31	February 1–March 31.

* If v-notching is deemed insufficient to meet the conservation objectives, additional seasonal closures may be adopted by the Commission.

While the harvest of lobsters from Areas 4 and 5 is prohibited from February 1 through March 31 each year, we will allow additional time to remove and set gear during the closures. Permit holders will have a 2-week period (*i.e.,* through February 14) to remove all lobster traps from the water. In addition, permit holders may begin to set lobster traps 1 week prior to the end of the area closure (*i.e.,* March 25).

Under Addendum XVIII, the Commission approved trap reductions for Areas 2 and 3, following separate trap reduction schedules. Consistent with the Commission's ISFMP and in response to the Commission's recommendations for complementary management measures to address the needs of the SNE stock, we proposed to reduce qualified Area 2 trap allocations for Federal lobster permit holders by 25 percent on April 30, 2015, the last day of fishing year 2014. Area 2 allocations would then have been reduced by 5 percent at the end of each subsequent fishing year for 5 years, as prescribed by the Commission. Similarly, we also proposed to reduce Area 3 trap allocations by 5 percent on April 30, 2015. Area 3 allocations would then have been reduced by 5 percent at the end of each subsequent fishing year for 4 years, as prescribed by the Commission. Based on the development and implementation of related actions and comments received, which are discussed in greater detail below, we are implementing trap reductions one year later, at 11:59 p.m. on April 30, 2016, the last day of fishing year 2015. Table 2 includes a schedule of trap reductions, and the resulting trap allocations based on an initial trap allocation of 800 traps.

TABLE 2—AREA 2 AND 3 TRAP REDUCTION SCHEDULE AND EXAMPLE ALLOCATIONS

Effective year	Area 2 reductions (percent)	Area 2 example allocation *	Area 3 reductions (percent)	Area 3 example allocation *
Fishing Year 2014 (present)	NA	800	NA	800
End of Fishing Year 2015 (Year 1)	25	600	5	760
End of Fishing Year 2016 (Year 2)	5	570	5	722
End of Fishing Year 2017 (Year 3)	5	542	5	686
End of Fishing Year 2018 (Year 4)	5	515	5	652
End of Fishing Year 2019 (Year 5)	5	490	5	620
End of Fishing Year 2020 (Year 6)	5	466	NA	NA

* After applying the specified reduction, resulting allocations are rounded up to the whole trap.

Related Actions and Implementation Order

Based on Commission recommendations, we recently published a final rule (79 FR 19015; April 7, 2014), establishing a limited access program in two lobster conservation management areas, Area 2 and the Outer Cape Area, and implementing a lobster Trap Transfer Program in Areas 2 and 3, and the Outer Cape Area. That rule did not set an effective date for the Trap Transfer Program because it is dependent upon the completion and effectiveness of the Commission's Lobster Trap Allocation History (LobsTAH) Database. The LobsTAH Database, which is a prerequisite to the transfer program, remains under development by the Atlantic Coastal Cooperative Statistic Program (ACCSP). The ACCSP Director and Project Manager informed us and the Commission on August 28, 2014, that the database will not be ready until some date later in 2015. Upon receiving that information, the Commission's Lobster Board Chairman concluded that database delays make reducing traps in the 2015 fishing year impractical, and he ultimately recommended implementing trap reductions in fishing year 2016.

Because the Trap Transfer Program may ease economic impacts of trap reductions and provide added additional business flexibility, we are scheduling the trap reductions mentioned above to become effective at the same time as the Trap Transfer Program, as recommended by the Commission. Specifically, the trap reductions will become effective at 11:59 p.m. on April 30, 2016, just ahead of trap transfers that have been negotiated and approved during fishing year 2015, but which will not become effective until 12:01 a.m. on May 1, 2016. Putting the trap reductions and trap transfers in this order will make it clearer that the trap transfers will be based upon an already reduced trap allocation, thus ensuring the Commission's objectives set forth in Addendum XVIII. This updated schedule should also allow sufficient time to finish development, testing, and deployment of the LobsTAH Database; adequately inform and prepare industry for the implementation of these complex programs; negotiate trap transfers; reconcile and approve the proposed transfers; and process permits and trap tag orders.

We analyzed the relationship between trap reductions and trap transfers in our EA. The analysis confirms that the effectiveness of the approved trap reductions is dependent upon and impacted by the availability of the Trap Transfer Program and that the timing of the trap reductions and trap transfer programs is critical. Specifically, both industry and the Commission indicated that a trap transfer program was a necessary precursor to any trap reduction program so that certain lobster fishers could potentially replace their reduced traps with transferred traps. In order to maintain lobster business viability, industry and the Commission sought to have trap reductions and trap transfers occur contemporaneously so that businesses did not have to fish at reduced levels for an extended time period while waiting for trap transfers to take effect.

Comments and Responses

The proposed rule solicited comments through August 25, 2014. We received two letters, one from the Atlantic Offshore Lobstermen's Association and one from a member of the lobster fishing industry, in response to the proposed rule. A summary of the comments and our responses are provided below.

Comment 1: The Atlantic Offshore Lobstermen's Association and a member of the lobster fishing industry expressed support for the Area 3 minimum gauge size changes and trap reductions set forth in the rule. Both commenters reminded us that the proposed Area 3 trap reductions represented a second round of trap reductions in Area 3.

Response: The Lobster Board's scientific Technical Committee recommended that the suite of measures set forth in the rule, including gauge restrictions and trap reductions, would help reduce lobster exploitation and better scale the fishery to the reduced size of the SNE lobster stock. Area 3 previously underwent a series of trap

reductions beginning in 2007 (72 FR 56935, October 2007), which is a primary reason why the Lobster Board did not recommend, and we did not propose, a heightened trap reduction in Year 1 similar to what is being proposed in Area 2.

Comment 2: The Atlantic Offshore Lobstermen's Association and a member of the lobster industry recommended that the trap reductions should occur at the same time as the Trap Transfer Program. The commenters suggested that the trap reductions, without trap transfers, could bring certain fishers to unsustainable allocation levels. Trap transferability, however, gives industry the flexibility to adjust to the trap reductions.

Response: We agree to implement the trap reductions contemporaneously with the Trap Transfer Program. We analyzed the impact of trap reductions in an EA, where we discussed that the impacts of trap reductions are difficult to quantify because, although a business's fishing power will increase with more traps, so too will the costs associated with maintaining, baiting, and tending higher trap levels. For those fishers who do not fish their entire allocation, the pending trap reductions may simply remove latent traps that are not being fished and might have little or no impact to the fishing operation. Further, if active traps are cut from a lobster fisher's allocation, fishers may attempt to recoup the loss in fishing power by fishing the remaining traps more aggressively, *i.e.,* baiting and tending them more often. Nevertheless, for a certain unknown group of fishers—particularly those fishing at maximum trap levels—the trap reductions will involve active traps that will negatively impact the profitability of the business. The Trap Transfer Program, however, will allow impacted lobster fishers to replenish their allocations by purchasing allocation from another lobster fisher. Further, the rule will have trap transfers take effect immediately after the trap reductions, thus allowing impacted fishers to quickly mitigate the reduction without having to fish at a reduced level for an extended period of time.

Comment 3: Both the Atlantic Offshore Lobstermen's Association and the member of the lobster fishery hoped the rule could take effect in 2015, although neither wanted the rule to take effect until the Trap Transfer Program was in place. The Atlantic Offshore Lobstermen's Association thought the proposed rule needed more specificity on the implementation timeline.

Response: We agree with the need to implement this rule expeditiously, but not at the expense of the underlying program. For those measures that can be implemented more speedily—*e.g.* broodstock protection measures and area closures—this rule does so as of the start of the next fishing year. As noted above, trap reductions should be implemented in conjunction with the Trap Transfer Program, but the associated LobsTAH Database has yet to be completed. Comments from the ACCSP (the entity building the database) suggest that the database will not be ready in time for the 2015 fishing year. Given the importance of the Trap Transfer Program, we think it imprudent to rush things in the first year of the program. The Lobster Board's plan is to test the database in the spring of 2015, then begin the process of allowing trap transfers in the summer and fall of 2015 to be effective at the start of the 2016 fishing year, which is when the trap reductions would also take effect.

Comment 4: The Atlantic Offshore Lobstermen's Association suggested that if the trap reductions begin in 2016 instead of 2015, that we double the reduction in the first year to make up for the delay.

Response: We will begin to implement the trap reductions set forth in this rule at the start of the 2016 fishing year. Doing so does not create a delay. Addendum XVIII did not set forth a specific date for the trap reductions, but rather simply indicated that the states and NMFS should implement trap transfers and trap reduction rules at the same time. Further, the Lobster Board's implementation plan does not contemplate doubling Area 3 trap reductions in Year 1 (according to a September 19, 2014, memorandum from Lobster Board Chairman, Dan McKiernan, to the Lobster Board) and the Board's Technical Committee has advanced no scientific reason to do so. Consistency with the states is crucial, particularly when traps are to be transferred (see our Trap Transferability FEIS dated December 2013). As such, we will reduce traps at the end of fishing year 2015, consistent with the states, as set forth in this rule.

Changes From the Proposed Rule

We made one change from the proposed rule in this action. Instead of implementing trap reductions for Areas 2 and 3 on April 30, 2015, for the reasons described in the preamble and in response to Comment 3, we are implementing trap reductions one year later, at 11:59 p.m. on April 30, 2016, the last day of fishing year 2015.

Classification

This final rule has been determined to be not significant for the purposes of Executive Order (E.O.) 12866.

This final rule does not contain policies with federalism implications as defined in E.O. 13132. The approved measures are based upon the American Lobster ISFMP that was created by and is overseen by the states. These measures are a result of Addenda XVII and XVIII, which was approved by the states, recommended by the states through the Commission for Federal adoption, and is in place at the state level. Consequently, NMFS has consulted with the states in the creation of the ISFMP, which makes recommendations for Federal action. Additionally, these approved measures would not pre-empt state law and would do nothing to directly regulate the states.

This final rule does not contain a collection of information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA).

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires agencies to assess the economic impacts of their proposed regulations on small entities. The objective of the RFA is to consider the impacts of a rulemaking on small entities, and the capacity of those affected by regulations to bear the direct and indirect costs of regulation. A Final Regulatory Flexibility Analysis (FRFA) was prepared for this final rule, as required by section 604 of the RFA. The FRFA consists of the Initial Regulatory Flexibility Analysis (IRFA), the relevant portions of the proposed rule describing the proposed management measures, the corresponding analysis in the EA prepared for this action, and the responses to public comments included in this final rule. A copy of this analysis is available from NMFS (see **ADDRESSES**).

The Objectives and Legal Basis for the Action

The objective of this action is to reduce fishing exploitation and reduce latent effort in the trap fishery to scale the fishery to the size of the SNE lobster stock. The legal basis for the action is the ISFMP for American lobster and our statutory authority to manage coastal fisheries under the Atlantic Coastal Fisheries Cooperative Management Act at 16 U.S.C. 5101, *et seq.*

Summary of Public Comments

No public comments were received pertaining directly to the economic effects of this rule.

Description and Estimate of the Number of Small Entities To Which the Rule Would Apply

The recent addition of vessel owner information to the permit data allows us to better define fishing ''businesses.'' The vessel ownership data identify all the individual people who own fishing vessels. Vessels can be grouped together according to common owners, which can then be treated as a fishing business for purposes of RFA analyses. Revenues summed across all vessels in the group and the activities that generate those revenues form the basis for determining whether the entity is a large or small business. Ownership data are available for those entities potentially impacted by the action from 2010 onward.

The RFA recognizes and defines three kinds of small entities: Small businesses; small organizations; and small governmental jurisdictions. The Small Business Administration (SBA) size standards define whether a business entity is small and, thus, eligible for Government programs and preferences reserved for ''small business'' concerns. Size standards have been established (and recently modified) for all for-profit economic activities or industries in the North American Industry Classification System (NAICS). Designations of large and small entities were attached based on each entity's 3-year average landings. When the IRFA was completed, the threshold for ''large'' was $5.0 million for entities landing a plurality of revenue in shellfish (NAICS 111412). For entities landing a plurality of revenue in finfish (NAICS 111411), the threshold for ''large'' was $19.0 million. On June 12, 2014, the Small Business Administration (SBA) issued an interim final rule (79 FR 33467; June 12, 2014) revising the small business size standards for several industries effective July 14, 2014. The rule increased the size standard from $19.0 to $20.5 million for finfish fishing, from $5 to $5.5 million for shellfish fishing, and from $7.0 million to $7.5 million for other marine fishing, for-hire businesses, and marinas.

The number of directly regulated entities for purposes of analyzing the economic impacts and describing those that are small businesses is selected based on permits held. Because these approved regulations apply only to the businesses which fish in the four areas managed by the conservation measures being amended, only those business entities are evaluated. Business entities that do not own vessels with directly regulated permits are not described. Based on this approach, NMFS determined that there are 379 distinct entities identified that are directly regulated entities under this action, those that fished in Areas 2, 3, 4 or 5, or some combination between June 1, 2011, and May 31, 2012.

When the IRFA was prepared, 373 of the 379 entities were classified as ''small,'' while the remaining 6 were classified as ''large.'' All six of the large businesses were designated as shellfish. Under the updated SBA size standard, 374 of the 379 entities are classified as ''small,'' while the remaining 5 are classified as ''large.'' We have reviewed the analyses prepared for this action in light of the new size standards and find that the number of small entities subject to this action increased by one. Since this is not a significant increase, we do not think that the new size standards affect the analyses, and therefore are relying on the analysis previously conducted for the IRFA in the FRFA. Until further guidance is provided, for RFA analyses, business entities are classified into the SBA defined categories based on which activity, in the most recent year, produced the greatest gross revenue. An advantage of this approach is that entities are defined as large or small one time for the duration of a year, maintaining action to action consistency. As far as determining whether a business is large or small, once its major activity is determined (based on 2012) the average total revenue from all activities over the most recent 3 years (2010–2012) is applied against the appropriate threshold.

Of the 373 small entities determined to be small entities, 180 are considered a shellfish business, 121 are considered a finfish business, 3 are considered a for-hire business, and 69 could not be identified as either because even though they had a lobster permit (in Areas 2, 3, 4, or 5), they had no earned revenue from fishing activity. Because they had no revenue in the last 3 years, they would be considered small by default, but would also be considered as latent effort.

Many of these ownership entities maintain diversified harvest portfolios, obtaining gross sales from many fisheries and not dependent on any one. However, not all are equally diversified. Those that depend most heavily on sales from harvesting species impacted directly by the action are most likely to be affected. By defining dependence as deriving greater than 50-percent of gross sales from sales of lobster, we are able to identify those ownership groups most likely to be impacted by the approved regulations. Using this threshold, we find that of the 373 small regulated entities under this rule, 180 of them are lobster-dependent.

While considering the number of affected entities, it is also worth noting that the vast majority of permit holders are either dually permitted (*i.e.,* issued both a Federal and state permit) or otherwise subject to a state's lobster regulations. Accordingly, most all Federal permit holders will be required to comply with the approved measures even if we did not implement them. In other words, these Federal permit holders will be obligated to comply with these measures and responsibilities attendant to their state permit regardless of whether these same measures are also required under their Federal permit.

Reporting, Recordkeeping and Other Compliance Requirements

This action contains no new collection-of-information, reporting, or recordkeeping requirements.

Descriptions of Significant Alternatives Which Minimize any Significant Economic Impact of Proposed Action on Small Entities

Due to the expected high rate of dual permitting and that the states are already compliant with broodstock measures, the majority of Federal vessels must already abide by these requirements, and therefore have already been impacted. For those vessels not dually permitted, broodstock measures are expected to have a limited economic impact to permit holders. Because the approved regulations are consistent with Commission recommendations and current state regulations, developing alternative measures would likely create inconsistencies and regulatory disconnects with the states and would, therefore, likely worsen potential economic impacts. Therefore, no alternatives to broodstock measures were considered.

Because the Trap Transfer Program may ease economic impacts of trap reductions and provide added additional business flexibility, we are implementing trap reductions at the same time as the Trap Transfer Program, as recommended by the Commission. In other words, we have timed the trap reductions so that fishers will be able to activate their transferred traps moments after their allocation is reduced. In this way, fishers will not have to fish with reduced traps while waiting for their transferred traps to become allocated. This could mitigate the impacts of the trap reductions because fishers would be able to transfer traps based on their reduced allocation, prior to the reductions becoming effective. They

could buy traps before the reductions take effect and minimize the impacts to their businesses resulting from the trap reductions. To further mitigate trap reductions, a permit holder could also choose to tend his or her remaining traps more often in an attempt to harvest more lobsters and recover income lost from the trap reductions. When considered in conjunction with trap transferability, permit holders remaining in the fishery may be able to transfer in traps up to their original trap cap (*i.e.,* transfer in traps to make up for traps lost through trap reductions). Though this will require capital, the ability to acquire additional traps may help another set of permit holders compensate for trap reductions. Finally, the permit holders who elect to leave the fishery and transfer out traps will be compensated immediately by those fishers purchasing traps.

As discussed in greater detail in the EA, we considered but rejected several other trap reduction alternatives for Lobster Conservation Management Areas 2 and 3, the only Areas where trap reductions were considered. For these management areas, we considered the following approaches: (1) Where trap reductions are theoretically approved 6 months before trap transfers, (2) where trap reductions are theoretically approved 6 months after trap transfers, and (3) where trap reductions and trap transferability during a given fishing year, rather than at the start of a fishing year. Under either scenario where trap reductions and trap transfers were approved out-of-sync by 6 months, some permit holders would be prevented from participating in the Trap Transfer Program following trap reductions, resulting in potential loss of economic opportunity, until additional traps could be required. For permit holders whose business model is predicated on fishing at the trap cap, they would be forced to fish at reduced and presumably unprofitable levels for nearly half the fishing year. Under the scenario where trap reductions and trap transfers were during a given fishing year, a fisher's financial investment would be doubled, as a second set of permits and trap tags would be required, in addition to the set that was required to start the fishing year. Because these alternatives may have increase economic impacts, they were rejected in favor of the approved measures, which minimize any significant economic impact.

Duplication, Overlap or Conflict With Other Federal Rules

This action does not duplicate, overlap, or conflict with any other Federal Laws.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, we will send a small entity compliance guide to all Federal permit holders affected by this action. In addition, copies of this final rule and guide (*i.e.,* information bulletin) are available from NMFS (see **ADDRESSES**) and at the following Web site: *http://www.nero.noaa.gov/sfd/sfdmulti.html.*

List of Subjects in 50 CFR Part 697

Fisheries, Fishing.

Dated: January 8, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 697 is amended as follows:

PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

■ 1. The authority citation for part 697 continues to read as follows:

Authority: 16 U.S.C. 5101 *et seq.*

■ 2. In § 697.2, in paragraph (a), add the definitions of ''Federal Area 1 Limited Access Program,'' ''Federal Area 2 Limited Access Program,'' ''Federal Area 3 Limited Access Program,'' ''Federal Area 4 Limited Access Program,'' ''Federal Area 5 Limited Access Program,'' and ''Federal Outer Cape Area Limited Access Program'' in alphabetical order to read as follows:

§ 697.2 Definitions.

(a) * * *

* * * * *

Federal Area 1 Limited Access Program means the limited access program restricts trap fishing in Area 1 to those Federal lobster permits with qualified and allocated Area 1 traps, as identified in these regulations at § 697.4(a)(7)(ii).

Federal Area 2 Limited Access Program means the limited access program restricts trap fishing in Area 2 to those Federal lobster permits with qualified and allocated Area 2 traps, as identified in these regulations at § 697.4(a)(7)(ii).

Federal Area 3 Limited Access Program means the limited access program restricts trap fishing in Area 3 to those Federal lobster permits with qualified and allocated Area 3 traps, as identified in these regulations at § 697.4(a)(7)(ii).

Federal Area 4 Limited Access Program means the limited access program restricts trap fishing in Area 4 to those Federal lobster permits with qualified and allocated Area 4 traps, as identified in these regulations at § 697.4(a)(7)(ii).

Federal Area 5 Limited Access Program means the limited access program restricts trap fishing in Area 5 to those Federal lobster permits with qualified and allocated Area 5 traps, as identified in these regulations at § 697.4(a)(7)(ii).

Federal Outer Cape Area Limited Access Program means the limited access program restricts trap fishing in the Outer Cape Area to those Federal lobster permits with qualified and allocated Outer Cape Area traps, as identified in these regulations at § 697.4(a)(7)(ii).

* * * * *

■ 3. In § 697.7, revise paragraphs (c)(1)(xxx) and (c)(3)(iii) to read as follows:

§ 697.7 Prohibitions.

* * * * *

(c) * * *

(1) * * *

(xxx) *Seasonal closures.* The following areas are closed seasonally to lobster fishing.

(A) *Outer Cape Area seasonal closure.* The Federal waters of the Outer Cape Area shall be closed to lobster fishing with traps by Federal lobster permit holders from February 1 through March 31.

(*1*) Lobster fishing with traps is prohibited in the Outer Cape Area during this seasonal closure. Federal trap fishers are prohibited from possessing or landing lobster taken from the Outer Cape Area during the seasonal closure.

(*2*) All lobster traps must be removed from Outer Cape Area waters before the start of the seasonal closure and may not be re-deployed into Outer Cape Area waters until after the seasonal closure

ends. Federal trap fishers are prohibited from setting, hauling, storing, abandoning, or in any way leaving their traps in Outer Cape Area waters during this seasonal closure. Federal lobster permit holders are prohibited from possessing or carrying lobster traps aboard a vessel in Outer Cape Area waters during this seasonal closure unless the vessel is transiting through the Outer Cape Area pursuant to paragraph (c)(1)(xxx)(A)(*4*) of this section.

(*3*) The Outer Cape Area seasonal closure relates only to the Outer Cape Area. The restrictive provisions of §§ 697.3 and 697.4(a)(7)(v) do not apply to this closure. Federal lobster permit holders with an Outer Cape Area designation and another Lobster Management Area designation on their Federal lobster permits would not have to similarly remove their lobster gear from the other designated management areas.

(*4*) *Transiting Outer Cape Area.* Federal lobster permit holders may possess lobster traps on their vessels in the Outer Cape Area during the seasonal closure only if:

(*i*) The trap gear is stowed; and

(*ii*) The vessel is transiting the Outer Cape Area. For the purposes of this section, transiting shall mean passing through the Outer Cape Area without stopping to reach a destination outside the Outer Cape Area.

(*5*) The Regional Administrator may authorize a permit holder or vessel owner to haul ashore lobster traps from the Outer Cape Area during the seasonal closure without having to engage in the exempted fishing process in § 697.22, if the permit holder or vessel owner can establish the following:

(*i*) That the lobster traps were not able to be hauled ashore before the seasonal closure due to incapacity, vessel/mechanical inoperability, and/or poor weather; and

(*ii*) That all lobsters caught in the subject traps will be immediately returned to the sea.

(*iii*) The Regional Administrator may condition this authorization as appropriate in order to maintain the overall integrity of the closure.

(B) *Area 4 seasonal closure.* The Federal waters of Area 4 shall be closed to lobster fishing from February 1 through March 31.

(*1*) Lobster fishing is prohibited in Area 4 during this seasonal closure. Federal lobster permit holders are prohibited from possessing or landing lobster taken from Area 4 during the seasonal closure.

(*2*) All lobster traps must be removed from Area 4 waters before the start of the seasonal closure and may not be re-deployed into Area 4 waters until after the seasonal closure ends. Federal trap fishers are prohibited from setting, hauling, storing, abandoning, or in any way leaving their traps in Area 4 waters during this seasonal closure. The following exceptions apply to the Area 4 seasonal closure:

(*i*) Lobster fishers will have a 2-week grace period from February 1 to February 14 to remove all lobster gear from the closed area. During this grace period, any hauled trap must not be re-set and must be removed from the area. Any lobsters taken from traps during this grace period must be returned to the sea immediately and any Federal lobster permit holder retrieving Area 4 traps during this grace period is prohibited from possessing on board any lobster regardless of the area from which the lobster may have been harvested.

(*ii*) Lobster fishers have a 1-week grace period from March 24 to March 31 to re-set gear in the closed area. During this grace period, re-set traps may not be re-hauled and any Federal lobster permit holder re-setting Area 4 traps during this grace period is prohibited from possessing on board any lobster regardless of the area from which the lobster may have been harvested.

(*3*) Federal lobster permit holders are prohibited from possessing or carrying lobster traps aboard a vessel in Area 4 waters during this seasonal closure unless the vessel is operating subject to the grace period identified in paragraph (c)(1)(xxx)(B)(*2*)(*ii*) of this section or is transiting through Area 4 pursuant to paragraph (c)(1)(xxx)(B)(*5*) of this section.

(*4*) The Area 4 seasonal closure relates only to Area 4. The restrictive provisions of §§ 697.3 and 697.4(a)(7)(v) do not apply to this closure. Federal lobster permit holders with an Area 4 designation and another Lobster Management Area designation on their Federal lobster permits would not have to similarly remove their lobster gear from the other designated management areas.

(*5*) *Transiting Area 4.* Federal lobster permit holders may possess lobster traps on their vessels in Area 4 during the seasonal closure only if:

(*i*) The trap gear is stowed; and

(*ii*) The vessel is transiting the Area 4. For the purposes of this section, transiting shall mean passing through Area 4 without stopping, to reach a destination outside Area 4.

(*6*) The Regional Administrator may authorize a permit holder or vessel owner to haul ashore lobster traps from Area 4 during the seasonal closure without having to engage in the exempted fishing process in § 697.22, if the permit holder or vessel owner can establish the following:

(*i*) That the lobster traps were not able to be hauled ashore before the seasonal closure due to incapacity, vessel/mechanical inoperability, and/or poor weather; and

(*ii*) That all lobsters caught in the subject traps will be immediately returned to the sea.

(*iii*) The Regional Administrator may condition this authorization as appropriate in order to maintain the overall integrity of the closure.

(C) *Area 5 seasonal closure.* The Federal waters of Area 5 shall be closed to lobster fishing from February 1 through March 31.

(*1*) Lobster fishing is prohibited in Area 5 during this seasonal closure. Federal lobster permit holders are prohibited from possessing or landing lobster taken from Area 5 during the seasonal closure.

(*2*) All lobster traps must be removed from Area 5 waters before the start of the seasonal closure and may not be re-deployed into Area 5 waters until after the seasonal closure ends. Federal trap fishers are prohibited from setting, hauling, storing, abandoning, or in any way leaving their traps in Area 5 waters during this seasonal closure. The following exceptions apply to the Area 5 seasonal closure:

(*i*) Lobster fishers will have a 2-week grace period from February 1 to February 14 to remove all lobster gear from the closed area. During this grace period, any hauled trap must not be re-set and must be removed from the area. Any lobsters taken from traps during this grace period must be returned to the sea immediately and any Federal lobster permit holder retrieving Area 5 traps during this grace period is prohibited from possessing on board any lobster regardless of the area from which the lobster may have been harvested.

(*ii*) Lobster fishers have a 1-week grace period from March 24 to March 31 to re-set gear in the closed area. During this grace period, re-set traps may not be re-hauled and any Federal lobster permit holder re-setting Area 5 traps during this grace period is prohibited from possessing on board any lobster regardless of the area from which the lobster may have been harvested.

(*3*) Federal lobster permit holders are prohibited from possessing or carrying lobster traps aboard a vessel in Area 5 waters during this seasonal closure unless the vessel operating subject to the grace period identified in paragraph (c)(1)(xxx)(C)(*2*)(*ii*) of this section (*ii*) or is transiting through Area 5 pursuant to

paragraph (c)(1)(xxx)(C)(*5*) of this section.

(*4*) The Area 5 seasonal closure relates only to Area 5. The restrictive provisions of §§ 697.3 and 697.4(a)(7)(v) do not apply to this closure. Federal lobster permit holders with an Area 5 designation and another Lobster Management Area designation on their Federal lobster permits would not have to similarly remove their lobster gear from the other designated management areas.

(*5*) *Transiting Area 5.* Federal lobster permit holders may possess lobster traps on their vessels in Area 5 during the seasonal closure only if:

(*i*) The trap gear is stowed; and

(*ii*) The vessel is transiting the Area 5. For the purposes of this section, transiting shall mean passing through Area 5 without stopping, to reach a destination outside Area 5.

(*6*) The Regional Administrator may authorize a permit holder or vessel owner to haul ashore lobster traps from Area 5 during the seasonal closure without having to engage in the exempted fishing process in § 697.22, if the permit holder or vessel owner can establish the following:

(*i*) That the lobster traps were not able to be hauled ashore before the seasonal closure due to incapacity, vessel/mechanical inoperability, and/or poor weather; and

(*ii*) That all lobsters caught in the subject traps will be immediately returned to the sea.

(*iii*) The Regional Administrator may condition this authorization as appropriate in order to maintain the overall integrity of the closure.

* * * * *

(3) * * *

(iii) The possession of egg-bearing female lobsters in violation of the requirements set forth in § 697.20(d), v-notched female American lobsters in violation of the v-notch requirements set forth in § 697.20(g), American lobsters that are smaller than the minimum sizes set forth in § 697.20(a), American lobsters that are larger than the maximum carapace sizes set forth in § 697.20(b), or lobster parts, possessed at or prior to the time when the aforementioned lobsters or parts are received by a dealer, will be prima facie evidence that such American lobsters or parts were taken or imported in violation of these regulations. A preponderance of all submitted evidence that such American lobsters were harvested by a vessel not holding a permit under this part and fishing exclusively within state or foreign waters will be sufficient to rebut the presumption.

* * * * *

■ 4. In § 697.19, revise paragraphs (b) through (k) and add paragraph (l) to read as follows:

§ 697.19 Trap limits and trap tag requirements for vessels fishing with lobster traps.

* * * * *

(b) *Area 2 trap limits.* The Area 2 trap limit is 800 traps. Federally permitted lobster fishing vessels may only fish with traps that have been previously qualified and allocated into Area 2 by the Regional Administrator, as part of the Federal Area 2 Limited Access Program. This allocation may be modified by trap cuts and/or trap transfers, but in no case shall the allocation exceed the trap limit.

(c) *Area 3 trap limits.* The Area 3 trap limit is 1,945 traps. Federally permitted lobster fishing vessels may only fish with traps that have been previously qualified and allocated into Area 3 by the Regional Administrator, as part of the Federal Area 3 Limited Access Program. This allocation may be modified by trap cuts and/or trap transfers, but in no case shall the allocation exceed the trap limit.

(d) *Area 4 trap limits.* The Area 4 trap limit is 1,440 traps. Federally permitted lobster fishing vessels may only fish with traps that have been previously qualified and allocated into Area 4 by the Regional Administrator, as part of the Federal Area 4 Limited Access Program. This allocation may be modified by trap cuts and/or trap transfers, but in no case shall the allocation exceed the trap limit.

(e) *Area 5 trap limits.* The Area 5 trap limit is 1,440 traps, unless the vessel is operating under an Area 5 Trap Waiver permit issued under § 697.26. Federally permitted lobster fishing vessels may only fish with traps that have been previously qualified and allocated into Area 5 by the Regional Administrator, as part of the Federal Area 5 Limited Access Program. This allocation may be modified by trap cuts and/or trap transfers, but in no case shall the allocation exceed the trap limit.

(f) *Outer Cape Area.* The Outer Cape Area trap limit is 800 traps. Federally permitted lobster fishing vessels may only fish with traps that have been previously qualified and allocated into the Outer Cape Area by the Regional Administrator, as part of the Federal Outer Cape Cod Area Limited Access Program. This allocation may be modified by trap cuts and/or trap transfers, but in no case shall the allocation exceed the trap limit.

(g) *Trap cuts.* Trap allocations shall be reduced in the following Areas as set forth below:

(1) Area 2 allocations shall be reduced according to the following schedule:

Effective year of trap reduction	Area 2 reductions (percent)
April 30, 2016, 11:59 p.m.	25
April 30, 2017, 11:59 p.m.	5
April 30, 2018, 11:59 p.m.	5
April 30, 2019, 11:59 p.m.	5
April 30, 2020, 11:59 p.m.	5
April 30, 2021, 11:59 p.m.	5

(2) Area 3 allocations shall be reduced according to the following schedule:

Effective year of trap reduction	Area 3 reductions (percent)
April 30, 2016, 11:59 p.m.	5
April 30, 2017, 11:59 p.m.	5
April 30, 2018, 11:59 p.m.	5
April 30, 2019, 11:59 p.m.	5
April 30, 2020, 11:59 p.m.	5

(h) *Lobster trap limits for vessels fishing or authorized to fish in more than one EEZ management area.* A vessel owner who elects to fish in more than one EEZ Management Area is restricted to the lowest trap cap and/or trap allocation of all the areas designated on the permit and may not fish with, deploy in, possess in, or haul back from any of those elected management areas more lobster traps than the lowest number of lobster traps allocated to that vessel for any one elected management area.

(i) *Conservation equivalent trap limits in New Hampshire state waters.* Notwithstanding any other provision, any vessel with a Federal lobster permit and a New Hampshire Full Commercial Lobster license may fish up to a maximum of 1,200 lobster traps in New Hampshire state waters, to the extent authorized by New Hampshire lobster fishery regulations. However, such vessel may not fish, possess, deploy, or haul back more than 800 lobster traps in the Federal waters of EEZ Nearshore Management Area 1, and may not fish more than a combined total of 1,200 lobster traps in the Federal and New Hampshire state waters portions of EEZ Nearshore Management Area 1.

(j) *Trap Tag Requirements for vessels fishing with lobster traps.* All lobster traps in Federal waters must have a valid Federal lobster trap tag permanently attached to the trap bridge or central cross-member. Federal lobster permit holders are eligible to receive Area 1 trap tags only if the Regional Administrator has qualified the permit

to fish in Area 1 as part of the Federal Area 1 Limited Entry Program. Federal lobster permit holders are eligible to receive Area 2, 3, 4, 5, and/or Outer Cape Area trap tags only if the Regional Administrator has allocated those traps as part of the Federal Area 2, 3, 4, 5, and/or Outer Cape Area Limited Access Program. Any vessel with a Federal lobster permit may not possess, deploy, or haul back lobster traps in any portion of any lobster management area that do not have a valid, federally recognized trap tag permanently attached to the trap bridge or central cross-member.

(k) *Maximum lobster trap tags authorized for direct purchase.* In any fishing year, the maximum number of tags authorized for direct purchase by each permit holder is the applicable trap limit specified in paragraphs (a) through (f) of this section plus an additional 10 percent to cover trap loss.

(l) *EEZ Management Area 5 trap waiver exemption.* Any vessel issued an Area 5 Trap Waiver permit under § 697.4(p) is exempt from the provisions of this section.

■ 5. In § 697.20, revise paragraphs (a)(5) through (8), (b)(5) and (6), (d)(1) and (2), (g)(3) and (4) and remove paragraphs (b)(7) and (8) and (g)(5) through (8) to read as follows:

§ 697.20 Size, harvesting and landing requirements.

(a) * * *

(5) Through April 30, 2015, the minimum carapace length for all American lobsters harvested in or from the Offshore Management Area 3 is 3½ inches (8.89 cm).

(6) Through April 30, 2015, the minimum carapace length for all American lobsters landed, harvested or possessed by vessels issued a Federal limited access American lobster permit fishing in or electing to fish in EEZ Offshore Management Area 3 is 3½ inches (8.89 cm).

(7) Effective May 1, 2015, the minimum carapace length for all American lobsters harvested in or from the Offshore Management Area 3 is $3\frac{17}{32}$ inches (8.97 cm).

(8) Effective May 1, 2015, the minimum carapace length for all American lobsters landed, harvested, or possessed by vessels issued a Federal limited access American lobster permit fishing in or electing to fish in EEZ Offshore Management Area 3 is $3\frac{17}{32}$ inches (8.97 cm).

* * * * *

(b) * * *

(5) The maximum carapace length for all American lobster harvested in or from EEZ Offshore Management Area 3 or the Outer Cape Lobster Management Area is 6¾ inches (17.15 cm).

(6) The maximum carapace length for all American lobster landed, harvested, or possessed by vessels issued a Federal limited access American lobster permit fishing in or electing to fish in EEZ Offshore Management Area 3 or the Outer Cape Lobster Management Area is 6¾ inches (17.15 cm).

(d) * * *

(1) Any berried female lobster harvested in or from the EEZ must be returned to the sea immediately. If any berried female lobster is harvested in or from the EEZ Nearshore Management Areas 1, 2, 4, or 5, or in or from the EEZ Offshore Management Area 3, north of 42° 30′ North latitude, it must be v-notched before being returned to sea immediately.

(2) Any berried female lobster harvested or possessed by a vessel issued a Federal limited access lobster permit must be returned to the sea immediately. If any berried female lobster is harvested in or from the EEZ Nearshore Management Areas 1, 2, 4, or 5, or in or from the EEZ Offshore Management Area 3, north of 42° 30′ North latitude, it must be v-notched before being returned to sea immediately.

* * * * *

(g) * * *

(3) No person may possess any female lobster possessing a standard v-shaped notch harvested in or from the EEZ Nearshore Management Area 2, 4, 5, 6, Outer Cape Area, or the EEZ Offshore Management Area 3.

(4) No vessel, owner, or operator issued a Federal limited access American lobster permit fishing in or electing to fish in the EEZ Nearshore Management Area 2, 4, 5, 6, Outer Cape Area, or the EEZ Offshore Management Area 3 may land, harvest or possess any female lobster possessing a standard v-shaped notch.

[FR Doc. 2015–00421 Filed 1–14–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 10
Thursday, January 15, 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 AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 215, 220, and 226

[FNS–2011–0029]

RIN 0584–AE18

Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes changes to the meal pattern requirements for the Child and Adult Care Food Program (CACFP) to better align the meal patterns with the 2010 Dietary Guidelines for Americans, as required by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA). The proposed changes are based on the Dietary Guidelines for Americans, science-based recommendations made by the Institute of Medicine of the National Academies in the report *Child and Adult Care Food Program: Aligning Dietary Guidance for All,* and input from stakeholders, as well as cost and practical considerations for CACFP institutions and facilities. In addition, this proposal would make additional revisions to the health and wellness components of CACFP to reflect several requirements set forth in the HHFKA, including making changes to the purpose of the Program and making water available to Program participants. Several of these changes would be extended to the National School Lunch Program, School Breakfast Program, and Special Milk Program to increase consistency across all Child Nutrition Programs. Implementation of this proposed rule would serve as a step towards more nutritious meals that improve the dietary habits of participants in day care.

DATES: To be assured of consideration, comments must be received on or before April 15, 2015.

ADDRESSES: The Food and Nutrition Service (FNS), USDA, invites interested persons to submit comments on this proposed rule. In order to ensure proper receipt, comments may be submitted through one of the following methods only:

- *Preferred method:* Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Written comments should be addressed to Tina Namian, Branch Chief, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, Department of Agriculture, Post Office Box 66874, St. Louis, Missouri 63166.

Comments sent by other methods not listed above will not be able to be accepted and subsequently not posted. Comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. USDA will make the comments publicly available on the Internet via *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tina Namian, Branch Chief, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1206, Alexandria, Virginia 22302–1594, 703–305–2590.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Executive Summary
III. Background and Discussion of the Proposed Rule
IV. Procedural Matters

I. Public Comment Procedures

Your written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason(s) and/or provide supporting information for any change you recommend or proposal(s) you oppose. Where possible, you should reference the specific section or paragraph of the proposal you are addressing. Comments received after the close of the comment period (see **DATES**) will not be considered or included in the Administrative Record for the final rule.

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make the proposed regulations easier to understand, as well as comments and information that could help us make the programs as effective as practical, including answers to questions such as the following:

(1) Are the requirements in the proposed regulations clearly stated?

(2) Does the proposed rule contain technical language or jargon that interferes with its clarity?

(3) Does the format of the proposed rule (*e.g.,* grouping and order of sections, use of headings, and paragraphing) make it clearer or less clear?

(4) Would the proposed rule be easier to understand if it was divided into more (but shorter) sections?

(5) Is the description of the proposed rule in the preamble section entitled ''Background and Discussion of the Proposed Rule'' helpful in understanding the proposed rule? How could this description be more helpful in making the proposed rule easier to understand?

(6) What could be done to minimize the burdens and/or improve outcomes of the program, consistent with program objectives? Costs and benefits include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Please provide information that would help quantitatively asses the benefits and costs of this proposed rule.

(7) What could be done to foster incentives for innovation, flexibility, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public)?

II. Executive Summary

Purpose of the Regulatory Action

This rulemaking sets forth proposed revisions to implement amendments made to Section 17 of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1766, by section 221 of Public Law 111–296, the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), for day care institutions participating in the Child and Adult Care Food Program (CACFP), schools serving infants and

young children, ages four and under, who participate in the School Breakfast Program (SBP) or National School Lunch Program (NSLP), and schools and institutions serving children of all ages who participate in the Special Milk Program (SMP).

The amendments made by the HHFKA require the Department of Agriculture (USDA) through its CACFP to promote health and wellness in child care settings through guidance and technical assistance that focuses on nutrition, physical activity, and limiting electronic media use. More specifically, the amendments to the NSLA made by the HHFKA require USDA to review the CACFP meal patterns and make them consistent with (a) the most recent version of the Dietary Guidelines for Americans, (b) the most recent relevant nutrition science, and (c) appropriate authoritative scientific agency and organization recommendations. These updates should occur no less frequently than every 10 years. As the Dietary Guidelines and science evolve, USDA will continue to provide guidance, as needed, to support CACFP's nutrition and wellness goals. In formulating this proposed rule, the USDA relied primarily on recommendations included in the *Dietary Guidelines for Americans, 2010,* and *Child and Adult Care Food Program: Aligning Dietary Guidance for All,* a 2010 report prepared for USDA by the Institute of Medicine (IOM) of the National Academies, *http://www.iom.edu/Reports/2010/Child-and-Adult-Care-Food-Program-Aligning-Dietary-Guidance-for-All.aspx.* In reviewing the recommendations, USDA recognized that changes to the meal pattern must be sensitive to cost and practical application. With this in mind, a number of revisions to the meal pattern have been proposed, as well as optional best practices that facilities may choose to implement.

Summary of the Major Provisions of the Regulatory Action in Question

Program Purpose

The HHFKA redefined the purpose of the CACFP as a program that provides aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

Infant Meal Patterns

Under the proposed rule, the age groups for infants would be 0 through 5 months, and 6 through 11 months. These proposed changes would allow us to better meet the recommendations of the American Academy of Pediatrics (AAP) and make the age groups consistent with the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Additionally, to better meet the nutritional needs of infants, this proposed rule would revise the infant meal patterns to allow service of only breastmilk and/or infant formula to infants through 5 months of age, allow the introduction of additional meal components at 6 months of age (as developmentally appropriate), prohibit the service of fruit juice to infants through 11 months, and require the service of a fruit or vegetable in the infant snack pattern. In addition, as an incentive for encouraging breastfeeding and to better align program rules, this proposed rule would allow reimbursement for meals served to infants under six months of age when the mother directly breastfeeds her child at the child care facility. Meals containing breastmilk or iron-fortified infant formula supplied by the parent or the facility are already eligible for CACFP reimbursement.

Child and Adult Meal Patterns

To address the nutritional needs of older children, this proposed rule would include the addition of a new age group for children: 13 through 18 years old. Additionally, to more closely align the meals served in CACFP with the 2010 Dietary Guidelines, the IOM's 2010 report, *Child and Adult Care Food Program: Aligning Dietary Guidance for All,* and other USDA Child Nutrition Programs, this proposed rule would require that:

- The currently combined fruits and vegetables component be divided into a separate fruit component and vegetable component;
- At least one serving per day, across all eating occasions, of grains be whole grain-rich as described in the new definition of ''whole grains'' under 7 CFR 226.2;
- Breakfast cereals conform to requirements as outlined by WIC, under Table 4 of 7 CFR 246.10(e)(1212);
- Grain-based desserts be excluded from being used to meet the grain component requirement;
- A meat or meat alternate be allowed as a substitute for up to one-half of the required grains at breakfast meals;
- Tofu be allowed as a meat alternate;
- Unflavored whole milk be served to children one year of age (12 through 23 months) and 1 percent or fat-free milk be served to children two and older and adults;
- Flavored milk served is fat-free only;
- Non-dairy milk substitutions, flavored or unflavored, that are nutritionally equivalent to milk, as outlined by the NSLP under 7 CFR 210.10(d), may be served in lieu of fluid milk, if requested in writing by a child's parent or guardian or an adult participant;
- For adult participants only, yogurt be permitted as a fluid milk alternate up to one time per day across all eating occasions; and
- Frying be disallowed as an onsite preparation method for day care institutions.

Additionally, as required by the HHFKA, this proposed rule would require that day care institutions make drinking water available throughout the day to all children upon their request.

Best Practices

This proposed rule also includes best practices that day care facilities may choose to follow to further improve the nutritional quality of meals served. These proposed changes are intended to provide options for participants that will further improve the overall health and wellness of children and adults in day care settings.

Flavored Milk and Yogurt—Proposed Alternatives

This proposed rule includes alternatives for the service of flavored milk and yogurt and seeks public comment on these options. It proposes to prohibit the service of flavored milk or, alternatively, limit the sugar content in flavored milk served to children 2 through 4 years of age. The rule also seeks public comment on whether provisions limiting sugar in flavored milk served to children 5 years of age and older should be a required part of the CACFP meal patterns or a best practice that facilities may choose to adopt. The proposed rule's sugar limit for flavored milk is no more than 22 grams per 8 fluid ounces. Similarly, the rule invites public comment on whether sugar limits for yogurt should be a required part of the CACFP meal patterns or a best practice that facilities may choose to adopt. The proposed sugar limit for yogurt is no more than 30 grams of sugar per 6 ounces. The proposed rule presents these as Alternatives A1 and A2 for flavored milk for children 2 through 4 years of age; B1 and B2 for flavored milk for children 5 years of age and older; and C1 and C2 for yogurt for all age groups.

Other Child Nutrition Programs

To maintain consistency across programs, this proposed rule would revise the SBP and NSLP meal patterns for infants and children under 5 years of age to reflect the respective meal patterns proposed for CACFP. Additionally, this proposed rule would revise the fluid milk requirements and approved non-dairy milk substitutions for the SMP.

Cost and Benefits

The proposed rule adopts a cost-neutral subset of recommendations from the 2010 IOM report because no additional meal reimbursement has been provided to institute the proposed changes. Due to the structure of the CACFP, day care institutions are sensitive to even modest increases in Program operation cost; therefore it is important to propose cost-neutral changes that do not discourage participation in the CACFP. Without increasing net costs to CACFP center and day care home providers, the proposed changes will increase the availability of key food groups in program meals, reduce the amount of solid fats and sugars offered, and give providers additional flexibility to offer meals that meet participants' nutritional requirements as well as their dietary preferences.

III. Background and Discussion of the Proposed Rule

Overview of the Preamble

This rule proposes to revise the nutritional aspects of the CACFP based on statutory requirements and recommendations from a variety sources. The statutory requirements are in Section 17 of the NSLA, as amended by section 221 of the HHFKA. The recommendations are derived from the *Dietary Guidelines for Americans, 2010,* a 2010 report from the Institute of Medicine of the National Academies, and stakeholders. In addition, USDA exercised discretion in implementing these recommendations based on cost and operational issues. Throughout this preamble, the term ''providers'' refer to centers and day care homes that operate the Program.

To assist the reader, the preamble that follows is organized to discuss the following topics:

- *Background,* which includes an overview of CACFP and the current meal patterns;
- *HHFKA,* which includes a discussion of the statutory provisions pertinent to the nutritional aspects of the CACFP;
- *Updating the CACFP Meal Patterns,* which includes a discussion of the recommendations of the Dietary Guidelines, the Institute of Medicine, and stakeholders;
- *Proposed Meal Pattern Changes for CACFP;*
- *Best Practices;*
- *Flavored Milk and Yogurt;*
- *Proposed Miscellaneous Changes;*
- *Proposed Corresponding Changes to Other Child Nutrition Programs;* and
- *Technical Assistance.*

Background

The predecessor to the CACFP, the Child Care Food Program, was authorized as a pilot program in 1968 and became permanent in 1975. It provides cash assistance to States to assist child and adult care institutions and family or group day care homes in providing nutritious foods that contribute to the wellness, healthy growth, and development of children, and the health and wellness of older adults and functionally impaired adults. CACFP generally provides for more vulnerable populations: Children from birth through 18 years of age, adults 60 years of age or older, and functionally impaired adults of any age. In fiscal year 2013, the Program served over 3.67 million children and adults.

As with the NSLP and SBP, in CACFP, the USDA establishes meal patterns with minimum food component and quantity requirements to facilitate the planning of well-balanced meals. Participating centers and day care homes providing meals meeting the minimum requirements are eligible for reimbursement for the meals served to eligible children and adults.

Under current regulations found at 7 CFR 226.20, the daily meal patterns for children and adults require that minimum amounts of four food components be served. For example, lunches must contain:

- Fluid milk;
- Two or more vegetables or fruits, or a combination of both. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of the fruit/vegetable component for lunch and supper meals;
- Whole grain or enriched bread; cornbread, biscuits, rolls, muffins, etc., made with whole grain or enriched meal or flour; whole grain or enriched pasta or noodle products such as macaroni, cereal grains such as rice, bulgur, or corn grits; or any combination of these foods; and
- Lean meat, poultry or fish; alternate protein products (as defined in Appendix A of 7 CFR part 226); cheese; an egg; cooked dry beans or peas; peanut butter; or any combination of these foods. These foods must be served in a main dish, or in a main dish and one other menu item, to meet this requirement. Cooked dry beans or dry peas may be used as the meat alternate requirement or as part of the vegetable/fruit component but not as both in the same meal. Generally, nuts and seeds and their butters may be used to meet no more than one-half of the meat/meat alternative component.

Existing Program regulations permit substitutions of foods if individual participants are unable, because of medical or other special dietary needs, to consume such foods. Substitutions because of medical needs are permissible only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

The CACFP meal patterns have not been significantly revised since the inception of the Program, and in that time nutritional concerns have shifted from those of malnutrition, to the overconsumption of calories, saturated fats, added fats, added sugar, and sodium and the under consumption of fiber and other essential vitamins. Such overconsumption has contributed to an epidemic of overweight, obesity, and other major health concerns affecting children, adolescents, and adults. The meal pattern revisions seek to address this new set of concerns regarding the health of America's children.

Healthy, Hunger-Free Kids Act of 2010

In recognition of advances in nutritional science, section 221 of the HHFKA amended section 17 of the NSLA (42 U.S.C. 1766) to make a number of changes designed to improve the nutrition and wellness of children and adults participating in the CACFP.

Purpose of the Program—Section 17(a) of the NSLA (42 U.S.C. 1766(a)), as amended by the HHFKA, significantly expands the focus of CACFP from initiating and maintaining nonprofit food service programs to ensuring those programs provide nutritious foods that contribute to the wellness, healthy growth and development of young children and the health and wellness of adults in care. Section 17(a) also directs the USDA to encourage health and wellness and to provide guidance and technical assistance in a number of related areas including nutrition, physical activity, and limiting electronic media use.

Meal Pattern Updates—Section 17(g)(2) of the NSLA (42 U.S.C. 1766(g)(2)), requires USDA to review and, as appropriate, update the CACFP meal patterns to ensure that meals are

consistent with the goals of the most recent Dietary Guidelines for Americans and promote the health of the populations served as indicated by the most recent and relevant nutrition science and appropriate authoritative scientific agency and organization recommendations. These updates must be made within 18 months of the review of the meal patterns and no less frequently than every 10 years thereafter. Section 17(g)(2) further directs the USDA to conduct a review of the cost of any changes to child care centers and family day care homes.

Exceptions for Special Dietary Needs/Emergency Shelters—While amendments made by the HHFKA will update meal pattern requirements in CACFP, the provisions also accommodate the need for exceptions to the requirements. As a result, Section 17(g)(2)(C) of the NSLA (42 U.S.C. 1766(g)(2)(C)), now makes it clear that the minimum nutritional requirements established through this rulemaking process are not to prohibit participating institutions from substituting foods to accommodate individual participants who do not have disabilities, but who are medically certified as having special medical or dietary needs. Further, this paragraph allows the USDA to waive all or part of the meal pattern requirements for emergency shelters.

Prohibition on Using Food as Reward or Punishment—Section 17(g)(3) of the NSLA (42 U.S.C. 1766(g)(3)), now explicitly reaffirms the USDA's long-standing policy that reimbursable meals must contribute to the development and socialization of children by providing food that is not used as a punishment nor a reward.

Fluid Milk Requirement—Section 17(g)(4) of the NSLA, as amended by the HHFKA (42 U.S.C. 1766(g)(4)), requires that fluid milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines for Americans and in cases of medical or special dietary needs allows the substitution of non-dairy beverages that are nutritionally equivalent to fluid milk (*i.e.,* meet the nutritional standards of fortification for calcium, protein, vitamin A, vitamin D and other nutrients to levels found in cow's milk). The 2010 Dietary Guidelines recommend that persons two years of age and older consume low-fat (1 percent) or fat-free (skim) fluid milk. Therefore, fluid milk served in CACFP to participants two years of age and older must be: fat-free or low-fat milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose free milk, fat-free or low-fat buttermilk, or fat-free or low-fat acidified milk.

Nondiscrimination Policy and Use of Donated Foods—Sections 17(g)(5) and (g)(6) of the NSLA, as amended by the HHFKA (42 U.S.C. 1766(g)(5) and (g)(6)), restate two long-standing statutory provisions. Section 17(g)(5) prohibits physical segregation or other discrimination against any person because of inability to pay and any overt identification by special tokens, tickets, etc. Section 17(g)(6) requires participating institutions to use foods donated by the Secretary, to the maximum extent practicable.

Promoting Health and Wellness—Section 221 of the HHFKA also amended section 17 by adding a new paragraph (u) (42 U.S.C. 1766(u)), which requires USDA to encourage centers and family day care homes to provide daily opportunities for structured and unstructured age-appropriate physical activity and to limit the use of electronic media. In addition, paragraph (u) requires participating institutions to make available to children, as nutritionally appropriate, potable water as an acceptable fluid for consumption throughout the day, including at meal times. While drinking water must be made available to children during meal times, the changes made to the NSLA by HHKFA do not include water as part of the reimbursable meal and thus, water may not be served in lieu of fluid milk.

Technical Assistance—Finally, section 17(u) directs the USDA to assist participating centers and homes in complying with the nutritional and wellness recommendations through training, education materials, guidance, and technical assistance.

Implementation of these statutory requirements is discussed in more detail in this preamble and in the proposed regulatory language. To assist the reader, the following table directs the reader to further discussions of these provisions in this proposed rule.

Statutory requirements	Location in proposed regulation
Purpose of the Program	Miscellaneous Changes and 226.20(a).
Meal Pattern Updates	Proposed Meal Pattern Changes for CACFP.
Exceptions for Special Dietary Needs/Emergency Shelters	Miscellaneous Changes.
Prohibition on Using Food as a Reward or Punishment	Miscellaneous Changes and 226.20(q).
Fluid Milk Requirement (including Substitutions)	Proposed Meal Pattern Changes for CACFP and 226.20(a) and (i).
Nondiscrimination Policy and Use of Donated Foods	Miscellaneous Changes and 226.20(n).
Promoting Health and Wellness (Water)	Miscellaneous Changes and 226.25(i).
Technical Assistance	Technical Assistance.

Updating the CACFP Meal Patterns

Prior to the enactment of the HHFKA, the USDA commissioned the IOM to review the current CACFP meal patterns and provide recommendations that would improve the nutritional quality of meals and align them with the 2005 Dietary Guidelines, the most recent version available at the time. In the past, the IOM has also provided recommendations for WIC, and the NSLP and SBP.

In November 2010, the IOM issued the report *Child and Adult Care Food Program: Aligning Dietary Guidance for All* (*http://www.iom.edu/Reports/2010/Child-and-Adult-Care-Food-Program-Aligning-Dietary-Guidance-for-All.aspx*). The IOM's recommendations encompass two distinct elements: Meal patterns and food specifications.

The meal pattern recommendations are intended to align the meal patterns with the Dietary Guidelines and nutrient targets and allow the identification of meals that qualify for reimbursement. The IOM developed three meal pattern recommendations:

1. Revise the meal pattern requirements for healthy infants up to one year of age to include only breastmilk or formula for infants under 6 months of age; the gradual introduction of baby meats, cereals, fruits and vegetables beginning at age 6 months; and the omission of fruit juice at any time before the age of 1 year.

2. Revise the meal pattern requirements for children 1 year and older and adults to increase the variety of fruits and vegetables, increase the proportion of whole grains, and decrease solid fats, added sugars, trans fats, and sodium.

3. Allow CACFP facilities the option of serving one enhanced snack in the afternoon in place of a smaller snack in both the morning and the afternoon.

In addition to the meal pattern recommendations, the IOM also recommended including overall food specifications in the meal patterns. Food specifications were intended to restrict certain types of foods and food preparation methods, increase the minimum amounts of food required to be served at each meal, and increase the amounts of whole grains, lean meats, and dark green, red, and orange vegetables served.

The IOM concluded that implementation of all of its recommendations would increase the cost of meals by an average of 27 percent to 44 percent for all age groups, except infants. The IOM acknowledged that the increased cost and the need for extensive technical assistance due to the complexity of the new meal patterns would present challenges to the successful implementation of the recommended meal pattern changes.

To address these issues, the IOM recommended that the USDA consult with stakeholders regarding their ability to implement and monitor the recommendations. The IOM also recommended that USDA conduct additional research on the overall CACFP population to determine the foods currently served in CACFP in order to establish a baseline on which cost implications could be more accurately calculated.

Upon release of the IOM's report and recommendations for changes to the CACFP meal pattern, the USDA consulted at national meetings and other venues with a number of CACFP stakeholders, including State agencies, professional organizations, and advocacy groups, to discuss the recommendations. The stakeholders expressed concerns centered primarily on the complexity of the recommendations and possible changes, the anticipated large increase in meal cost, and the expected result of increased difficulty in monitoring such changes. Concerns and alternative recommendations expressed by stakeholders were considered when drafting these proposed changes.

After careful thought and consideration of the recommendations in the 2010 Dietary Guidelines, the IOM's recommendations, and stakeholder concerns, the USDA concluded that any proposed changes to the meal pattern must be implemented by providers without undue difficulty and be sensitive to cost.

Thus, this proposed rule would adopt the following recommendations:

- Revise the infant age groups from three age groups to two age groups;
- Introduce solid foods to infants beginning at 6 months of age;
- Eliminate the service of fruit juice to infants of any age;
- Allow reimbursement for infant meals when the mother directly breastfeeds her child at the child care facility;
- Require a fruit or vegetable serving in the snack meal pattern for the 6 to 11 month infant age group;
- Allow additional grain options for infant snacks;
- Add a fourth age group (13 through 18 years) to the meal pattern for children;
- Separate the fruit and vegetable component for children and adults;
- Require that at least one grain serving per day, across all eating occasions, be whole grain or whole grain-rich;
- Require breakfast cereals to conform to WIC requirements;
- Prevent grain-based desserts from counting towards the grains component;
- Allow an optional meat or meat alternate to be served at breakfast in lieu of some grains;
- Allow tofu to be counted as a meat alternate;
- Allow yogurt to be used to meet the fluid milk requirement for adults only, no more than once per day; and
- Disallow frying as an onsite preparation method for day care institutions and facilities.

These proposed changes are discussed in more detail under the section entitled, Proposed Meal Pattern Requirements for CACFP.

Additionally, this rule seeks public comment on a number of provisions related to the service of flavored milk and yogurt in the CACFP meal pattern. It proposes to prohibit the service of flavored milk or, alternatively, limit the sugar content in flavored milk served to children 2 through 4 years of age. The rule also seeks public comment on whether provisions limiting sugar in flavored milk served to children 5 years of age and older should be a required part of the CACFP meal patterns or a best practice that facilities may choose to adopt. The proposed rule's sugar limit for flavored milk is no more than 22 grams per 8 fluid ounces. Similarly, the rule invites public comment on whether sugar limits for yogurt should be a required part of the CACFP meal patterns or a best practice that facilities may choose to adopt. The proposed sugar limit for yogurt is no more than 30 grams of sugar per 6 ounces. The proposed rule presents these as Alternatives A1 and A2 for flavored milk for children 2 through 4 years of age; B1 and B2 for flavored milk for children 5 years of age and older; and C1 and C2 for yogurt for all age groups. These alternatives are discussed in more detail under the section entitled Flavored Milk and Yogurt.

As discussed below, the proposed rule does not adopt the IOM recommendations relating to weekly meal patterns, specifications for certain foods, and enhanced snacks for reasons related to the increased cost and efficient operation of the Program.

Weekly Meal Patterns and Certain Food Specifications

The IOM recommended many food specifications which would limit or prohibit certain types of foods and/or how foods may be prepared. Food specifications included such things as limiting fruit juice and highly processed meats throughout the week and prohibiting cheese products/foods and deep fried or pre-fried vegetables. While some food specifications were adopted, others were deemed overly complicated to implement at this time and/or challenging to monitor. For example, the IOM recommended limiting processed meats. The proposed rule does not adopt this recommendation at this time due to the difficulty involved in clearly defining processed meats. However, comments on how processed meats could be defined and the feasibility, practicality, and challenges associated with implementing such a limitation are encouraged.

In addition, the IOM recommended weekly meal patterns, similar in nature to the NSLP. Many stakeholders expressed concern over the weekly meal pattern because it would increase recordkeeping and monitoring complexity. Additionally, many children are not in full-time child care and therefore, weekly meal patterns and certain food specifications would not achieve the anticipated benefit. Further, implementing these recommendations would likely have a negative impact on the administration of the Program. CACFP is offered in diverse types of facilities, mostly small or very small, with varying degrees of staffing, training in meal planning and preparation, and resources. Adding weekly menus was determined to add unnecessary complexity. Therefore, it is important that the CACFP meal patterns are easy to understand, implement, and monitor in a wide variety of settings.

Enhanced Snack

The recommendation to give facilities the option of serving one enhanced snack in the afternoon in place of a smaller snack in both the morning and afternoon was not adopted for inclusion

in this proposed rule. The IOM suggested that the enhanced snack option would be particularly appropriate for older children in afterschool programs and for adults because the size of a normal snack may not be sufficient to meet their nutritional needs. However, we determined that an enhanced snack with larger components would prove more costly than snacks currently approved. Additionally, because the USDA does not have the authority to change the reimbursement structure for meals served, the enhanced snack option would place an increased economic burden on institutions and facilities. Lastly, section 122 of the HHFKA (which was enacted after the IOM report was completed) extended the at-risk afterschool meals option to all States, thus providing an immediate solution to the need for larger meals in the late afternoon or evening for older children.

The USDA realizes many facilities may want to go further when it comes to providing healthy meals to CACFP participants. Therefore, we have outlined some best practices based on both the IOM recommendations and the Dietary Guidelines that facilities may strive for when choosing to serve healthier options. A number of these best practices represent recommendations or food specifications not adopted as requirements for reasons of cost or complexity. USDA applauds those facilities that find ways to incorporate these best practices into their meal service and requests comments on how to encourage more facilities to implement the best practices.

Lastly, comments on other ways to improve the meals served to children in care without negatively impacting Program participation are encouraged. Specifically, comments on the reasonableness of implementing separate meal pattern requirements for day care centers and day care homes are requested. Centers would include those providing outside-school-hours-care, at-risk afterschool care, and adult day care, as well as homeless shelters. Comments on whether such an approach would be beneficial and the feasibility, practicality, and challenges of implementing separate requirements are encouraged.

Proposed Meal Pattern Changes for CACFP

Proposed Changes to the Infant Meal Pattern

The field of pediatric nutrition has increased greatly in recent years and with it, a better understanding of what is necessary to meet the needs of growing and developing infants. Because the Dietary Guidelines do not address children under the age of two, the AAP serves as the leading authority for children's developmental needs from birth through 23 months. The IOM recommendations pertaining to infants took the AAP recommendations into consideration. IOM recommendations for the infant meal pattern would require fewer components than the current meal pattern for lunch and supper meals, but more components for snacks.

Infant Age Groups and the Introduction of Solid Foods—Current regulations establish three infant age groupings: 0 through 3 months, 4 through 7 months, and 8 through 11 months (7 CFR 226.20(b)). These age groups permit the introduction of solid foods in breakfasts, lunches or suppers as early as 4 months, if the infant is developmentally ready.

The IOM noted that the first Feeding Infants and Toddlers Study (FITS), 2002, a comprehensive assessment of food and nutrient intakes of infants and toddlers, found that almost 30 percent of infants were fed complementary foods before the age of 4 months, when infants should be consuming only breastmilk or formula. The AAP advises delaying the introduction of complementary foods until after 6 months of age. To accommodate these concerns, the IOM recommended that infant age groupings be revised from the current three age groups to two age groups. Under the recommended 0 through 5 month age group, infants under 6 months of age would receive only breastmilk or infant formula. The 6 month through 11 month age group would allow for the gradual introduction of solid foods beginning at 6 months of age. This change would also ensure the CACFP age groupings are consistent with infant age groups established by WIC.

Accordingly, the proposed rule would consolidate the CACFP age groups for infants into the two recommended age groups and would allow for the gradual introduction of solid foods beginning at 6 months of age. These changes are found at § 226.20(b).

Breastfeeding—Current meal patterns only allow day care home providers who breastfeed their own infants to claim reimbursement for the meal if the provider is eligible to claim her own children's meals at the time of the feeding. The IOM recommended that additional incentives be developed to support breastfeeding. USDA agrees with the IOM's recommendation. Therefore, this proposed rule would allow any child care facility to receive reimbursement for meals when the mother directly breastfeeds her child at the child care facility. Facilities are encouraged to make available a quiet, private area for mothers who come to the facility to breastfeed.

Fruits and Vegetables—The IOM made two recommendations relating to the service of fruits and vegetables to infants. First, the IOM recommended eliminating the service of fruit juice to infants of any age. Current regulations permit fruit juice to be served in the snack meal pattern for infants 8 through 11 months. The second recommendation would require a fruit or vegetable serving in the snack meal pattern for the 6 through 11 month age group. These recommendations ensure infants are provided more access to fruits and vegetables without the consumption of sugars and low-nutrient dense calories that fruit juice provides. These recommendations would bring the CACFP meal patterns into alignment with the food packages for infants in the WIC Program.

Accordingly, the proposed rule would require a fruit or vegetable serving in the snack meal pattern for the 6 through 11 month age group and eliminate fruit juice from the meal patterns for infants. These proposed changes are found at § 226.20(b).

Grains—Feedback from CACFP stakeholders and providers included a request to allow additional grain options, as developmentally appropriate, for infant snacks, primarily ready-to-eat cereals which are often served but not counted towards the grain requirement. The IOM recommended limiting grain options for infants to bread and/or crackers only. To better meet the needs of child care providers and because allowing additional grain alternatives would not result in an increased cost to the provider, this proposed rule also would allow ready-to-eat cereal as a grain for older infants. Accordingly, this provision is included in § 226.20(b) of the proposed rule.

Meat and Meat Alternates—Current meal patterns allow infants to be served cheese, cottage cheese, or a cheese food or spread beginning at the age of 8 months. Stakeholders requested that the proposed meal pattern also allow yogurt to be served to infants. However, the IOM recommends that no cow's milk or cow's milk byproducts be introduced to infants until 12 months of age. We concur with the IOM's recommendation. This proposed rule would eliminate the option of serving cheese, cottage cheese, or cheese food or spread to infants and

will continue to prohibit serving yogurt to infants.

Summary—The proposed changes to the infant meal patterns are reflected in the following chart and are found at § 226.20(b)(5) of this proposed rule.

Infants	Birth through 5 months	6 through 11 months
Breakfast, Lunch, or Supper	4–6 fluid ounces breastmilk [1] or formula [2]	6–8 fluid ounces breastmilk [1] or formula [2]. 1–4 tablespoons infant cereal [2], meat, fish, poultry, egg yolk, cooked dry beans, or cooked dry peas or a combination of any of the above. 1–2 tablespoons vegetable [3] or fruit [3].
Snack	2–4 fluid ounces breastmilk [1] or formula [2]	2–4 fluid ounces breastmilk [1] or formula [2]. ¼–½ ounce bread, [4] cracker [4], or ready-to-eat breakfast cereal [4]. 1–2 tablespoons vegetable [3] or fruit [3].

[1] Breastmilk or formula, or portions of both, may be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months. For some infants who regularly consume less than the minimum amount of breastmilk or formula per feeding, a serving of less than the minimum amount of breastmilk or formula may be offered with additional breastmilk or formula offered at a later time if the infant will consume more.

[2] Infant formula and dry infant cereal must be iron-fortified.

[3] Fruit or vegetable, or portions of both, may be served. Fruit and vegetable juices may not be served.

[4] A serving of grains must be whole grain, whole grain-rich, enriched meal, or enriched flour.

Proposed Changes to the Meal Pattern for Children and Adults

Age Groups—Current regulations establish CACFP meal patterns for three age groups for children: 1 through 2 years, 3 through 5 years, and 6 through 12 years (§ 226.20(c)). Children older than 12 years of age are not addressed directly, though providers are directed to follow the 6 through 12 year old meal pattern when serving older children.

To remain consistent with age groups used by NSLP and SBP, the IOM recommended that the children's age groups be revised from the current three age groups to four age groups: 1 year, 2 through 4 years, 5 through 13 years, and 14 through 18 years.

This proposed rule would retain the existing three age groups (1 through 2 years, 3 through 5 years, and 6 through 12 years). As noted above, revising the age groups would result in some children being moved into the next age group, thus requiring larger minimum amounts of foods to be served. Because the meal reimbursement would remain unchanged, requiring larger amounts of food to be served would likely increase the cost of operating the Program for child care institutions and facilities. However, the proposal would adopt the IOM's recommendation to add a fourth age group (13 through 18 years). While creating a 13 through 18 year age group better reflects the characteristics of the population served by CACFP, USDA is not proposing to modify the meal pattern requirements for these children at this time because doing so would increase the cost of operating the Program. Instead, the meal pattern for children ages 13 through18 is the same as the meal pattern for children ages 6 through 12. Recognizing that the nutritional needs of this age group may vary, recommended accommodations will be addressed through guidance. Accordingly, the age group modification can be found at § 226.20(c) of this proposed rule.

Fruits and Vegetables—Current breakfast and lunch meal patterns, found at § 226.20(a) and (c), include one combined fruit and vegetable component, which allows providers to meet the minimum quantities by providing fruits, vegetables, or a combination of both. In addition, full-strength fruit juice may be counted to meet the breakfast requirement and, in the case of lunch and supper, it may be counted towards no more than one-half of the minimum quantity required for the fruit and vegetable component. Finally, two different fruits and/or vegetables are required to be served at lunch and supper meals.

The Dietary Guidelines recommends that all Americans consume more fruits and vegetables, because they are a major contributor of vitamins and minerals, including vitamin A, vitamin C, vitamin K, potassium, folate, and magnesium, all of which are under consumed in the American population as a whole. Additionally, the increased consumption of fruits and vegetables is associated with a reduced risk of cardiovascular disease and can be protective against certain types of cancer.

For these reasons, the IOM determined that it is important to not only increase the amount of fruits and vegetables offered in meals, but also to increase the variety of those served and limit the servings of those high in solid fats and added sugars. To accomplish these goals, the IOM also recommended that fruit and vegetables be split into two separate components and recommended food specifications which included limiting how fruits and vegetables can be prepared and served.

This proposed rule would adopt the IOM's recommendation to separate the current fruit and vegetable component into two separate components for lunch and supper meals and snacks. To maintain consistency with the SBP, the recommendation to separate the fruit and vegetable component for breakfast meals was not adopted. Additionally, to maintain cost neutrality, the total amount of fruits and vegetables required at each meal would remain the same as under the current regulations. In order to remain consistent with SBP, for breakfast meals, the provider may choose to serve the fruit component, the vegetable component, or a combination of both.

Additionally, this proposed rule would no longer require providers to serve two different types of vegetables or fruits at lunch and supper meals, as currently required, because the fruit and vegetable component would be split into two components.

The proposed rule also would allow fruit juice or vegetable juice to comprise the entire fruit or vegetable component for all meals. With the fruit and vegetable component separated into two components with no increase in the total serving size, requiring that juice comprise no more than half of the component would result in very small servings. However, this proposed rule would not allow fruit juice and vegetable juice to be served at the same meal, and would allow only one beverage (fluid milk, fruit juice, or vegetable juice) to be served at snacks.

Accordingly, the proposed rule changes to the vegetable component are found at § 226.20(a)(2), the fruit component at § 226.20(a)(3), and the meal pattern at § 226.20(c).

Grains—Current meal patterns for all age groups, found at § 226.20(a) and § 226.20(c), require that all grains served

are whole grain or enriched and/or fortified.

The Dietary Guidelines state that half of the recommended total grain intake should be whole grains. Whole grains are an excellent source of nutrients, including magnesium, selenium, iron, B vitamins, and dietary fiber. Additionally, whole grain consumption may reduce the risk of cardiovascular disease. Recognizing concerns such as whole grain product availability and the difficulty in identifying whole grain products based on product labeling, however, the IOM recommended that at least one-half of all grains served over the course of the day be whole grain or whole grain-rich. Other grains must be enriched. The IOM's recommendation that a portion of the grains served be whole grain or whole grain-rich is consistent with requirements in the NSLP, SBP, and WIC.

Based on these recommendations, this proposed rule would require that at least one grain serving per day, across all eating occasions, be whole grain or whole grain-rich. The proposed rule would adopt the definition of whole grain used in the NSLP at § 210.2, which defines whole grain to mean foods that consist of the intact, ground, cracked, or flaked grain seed and whose principal anatomical components—the starchy endosperm, germ and bran—are present in the same relative proportions as they exist in the intact grain seed. Whole grain-rich foods are those that are not 100 percent whole grain but generally contain at least 50 percent whole grains, while the remaining grains are enriched. Because the whole grain content of food products is not always easily identifiable on a product label, the Food and Nutrition Service (FNS) will provide additional guidance on evaluation of grain products as needed.

Additionally, in order to reduce the amount of sugars consumed, the IOM recommended prohibiting breakfast cereals containing more than 21.2 grams of sugar per 100 grams (less than or equal to 6 grams of sugar per dry ounce of cereal) from being served. WIC has already adopted similar requirements for breakfast cereals, and WIC State agencies maintain State-specific lists of breakfast cereals that meet these requirements. For these reasons, implementing this recommendation should be relatively straightforward. Therefore, this proposed rule would require that breakfast cereals meet the WIC requirements. This means that breakfast cereals must: Contain a minimum of 28 mg of iron per 100 grams of dry cereal; contain no more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (no more than 6 grams per dry ounce); contain a minimum of 51 percent whole grains (using dietary fiber as an indicator); meet the regulatory definitions for ''low saturated fat'' at 21 CFR 101.62 (no more than one gram of saturated fat per Reference Amount Customarily Consumed (RACC)) and ''low cholesterol'' (less than 20 mg cholesterol per RACC); bear quantitative trans fat labeling; and contain no more than 6.5 grams of total fat per RACC and no more than 0.5 grams of trans fat per RACC. Breakfast cereals will be defined by the Food and Drug Administration (FDA) definition in 21 CFR 170.3(n)(4) for ready-to-eat, instant, and regular hot cereals.

Finally, the IOM recognized that many grain-based dessert products are a source of solid fats and added sugar. Therefore, the IOM recommended that such products be limited to no more than one serving per week across all eating occasions. Because weekly meal patterns will not be implemented, the proposed rule would not allow grain-based desserts to be counted towards the grains component. More information regarding what would be considered a grain-based dessert will be provided by FNS as needed during implementation. Accordingly, the proposed grain changes are found at § 226.20(a)(4) and § 226.20(c) of this proposed rule.

Meat and Meat Alternates—Current regulations, found at § 226.20(a) and § 226.20(c), require a meat or meat alternate component in lunches and suppers only; there is no meat or meat alternate component requirement in the breakfast or snack meal pattern. The meat or meat alternate requirement can be met by serving age-appropriate quantities of lean meat, poultry, or fish; alternate protein products; cheese; eggs; cooked dry beans or peas; peanut butter, soy nut butter, or other nut or seed butters; peanuts, soy nuts or seeds; or yogurt. Tofu is not currently credited as a meat alternate in CACFP, although it is for school programs.

In recognition that meat and meat alternates are good sources of a host of vitamins and minerals, including B vitamins, vitamin E, zinc, magnesium, and iron, the IOM recommended that a meat or meat alternate be required at breakfast a minimum of three times per week, in lieu of additional grains. The IOM also recommended allowing tofu to be served as a meat alternate. To address concerns about meats as a source of solid fats, the IOM outlined a number of food specifications including: Serving only lean meats, legumes, and nuts; limiting processed, fried, pre-fried, and higher fat meats; serving only natural cheeses; and restricting the preparation methods (for example, requiring that the skin be removed from poultry before serving).

The proposed rule generally adopts the recommendation to include a meat or meat alternate in the breakfast meal pattern; however, to maintain cost neutrality, this proposed rule would not require that the breakfast meal include a meat or meat alternate at least three times a week, as recommended. Rather, the proposal would allow a meat or meat alternate to be served in lieu of up to one-half of the grains requirement at breakfast. This option would provide more flexibility to providers, especially those providing care for older adults, who may have to limit their consumption of carbohydrates due to medical reasons such as diabetes.

This rule also would allow tofu to be used to meet all or part of the meat or meat alternate components in accordance with FNS guidance. Tofu would be defined to mean a commercially prepared soy-bean derived food made by a process in which soybeans are soaked, ground, mixed with water, heated, filtered, coagulated, and formed into cakes. Basic ingredients are whole soybeans, one or more food-grade coagulates (typically a salt or an acid), and water. Accordingly, the proposed meat and meat alternate changes are found at § 226.2 and § 226.20(a)(5) and (c) of this proposed rule.

Fluid Milk—Section 221 of the HHFKA amended section 17(g)(4) of the NSLA (42 U.S.C. 1766(g)(4)) to require that all milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines. The Dietary Guidelines recommends low-fat (1 percent) and fat-free milk (skim) for children over the age of two and adults. Section 17(g)(4) of the NSLA also allows non-dairy milk substitutions in the case of children and adults who cannot consume fluid milk due to medical or other special dietary needs other than a disability. Such substitutions must be nutritionally equivalent to fluid milk and meet specified nutritional standards. Providers may, but are not required to, provide beverages identified by the State as acceptable substitutions based on a written statement of a medical authority or the parent or legal guardian or adult participant that identifies the medical or special dietary need that requires the substitution. Finally, section 17(g)(4) of the NSLA makes it clear that day care facilities are responsible for any expenses incurred in exercising this option that exceed Program reimbursement. It should be noted that this authority applies to children and adults with medical or

special dietary needs other than a disability. In accordance with Federal law, day care facilities serving handicapped children or adults with one or more disabilities that restrict their diets under 7 CFR 15b.3, continue to be required to make appropriate substitutions based on a written statement by a licensed physician.

Because the Dietary Guidelines do not address children under the age of two, the IOM was tasked with providing appropriate recommendations based on other current nutritional science for this population. The IOM recommended that children 1 year of age (12 through 23 months) are served whole milk only, which is consistent with the most recent recommendation of the AAP.

Additionally, to allow flexibility in menu planning, the IOM recommended that yogurt be allowed as an alternate to either fluid milk or meat/meat alternates no more than once per day for children older than 2 years of age and adults.

To implement these provisions of the HHFKA, the USDA issued a memorandum entitled ''Child Nutrition Reauthorization 2010: Nutrition Requirements for Fluid Milk and Fluid Milk Substitutions in the Child and Adult Care Food Program, Questions and Answers'' (CACFP 21–2011 REVISED, September 15, 2011, *http://www.fns.usda.gov/sites/default/files/CACFP-21-2011.pdf*). The memorandum advised State agencies that milk served in the CACFP must be consistent with the most recent version of the Dietary Guidelines for Americans as noted above. Therefore, fluid milk served in CACFP to participants 2 years of age and older must be: Fat-free or low-fat milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose free milk, fat-free or low-fat buttermilk, or fat-free or low-fat acidified milk.

This proposed rule reflects the provisions set forth in the memorandum. In addition, this proposed rule would require children 1 year of age (12 through 23 months) to be served unflavored whole milk only. Furthermore, to ensure consistency with the NSLP and the SBP, this proposed rule would require flavored milk served be fat-free only.

The memorandum discussed above further advised State agencies that in the case of children and adults who cannot consume fluid milk due to medical or other special dietary needs, other than a disability, non-dairy beverages may be served in lieu of fluid milk. Non-dairy beverages must be nutritionally equivalent to milk and meet the nutritional standards for fortification of calcium, protein, vitamin A, vitamin D, and other nutrients to levels found in cow's milk, as outlined in the NSLP regulations at § 210.10(m)(3). CACFP State agencies have the discretion to identify appropriate substitutions that meet these requirements. Based on the memorandum, parents or guardians may now request in writing non-dairy milk substitutions, as described above, without providing a medical statement. The written request must identify the medical or other special dietary need that restricts the diet of the child. Such substitutions are at the option and the expense of the facility. One-year-old children who require a beverage other than whole milk must follow the individual and fluid milk substitution requirements as outlined in the memorandum described above and now found in § 226.20(i) introductory text and (i)(1) of this proposed rule.

To summarize these changes, the proposed rule would:

- Require only unflavored whole milk to be served to children 1 year of age;
- Require low-fat or fat-free milk to be served to children 2 years and older and adults;
- Require that flavored milk served be fat-free only; and
- Allow non-dairy beverages that are nutritionally equivalent to milk to be served in lieu of fluid milk for participants with medical or other special dietary needs.

Lastly, this proposed rule would adopt the IOM's recommendation to allow yogurt to be used to meet the fluid milk requirement for adults only, no more than once per day. Additionally, yogurt may still be used as a meat alternate no more than once per day for all ages. At this time, the USDA will not extend the allowance of yogurt as a fluid milk substitute for children. Milk provides a wealth of nutrients growing children need such as vitamins A and D; comparable quantities of these nutrients are not found in commercially available yogurts at this time.

Additionally, there is concern about the types of beverages that will be served at meals if yogurt is served as the milk component (*i.e.* sugary beverages, soft drinks, etc). Comments from the general public regarding this recommendation are encouraged. For additional discussion of sugar limits on flavored milk and yogurt, please see the section of this preamble entitled Flavored Milk and Yogurt. Accordingly, the proposed milk and milk substitution changes are found at §§ 226.20(a), 226.20(c), and 226.20(i).

Food Preparation—The IOM provided a number of recommendations that would restrict or eliminate certain foods in the meal patterns, or limit how foods could be prepared. Because current CACFP meal patterns do not include nutrient specifications, this was seen as a way to limit the amount of saturated fats and sodium contained in meals. USDA has decided not to adopt various restrictions on individual foods due to the complexity of implementation. However, this proposed rule would prohibit facilities from frying foods (*i.e.,* cooking in added fat or oil) as a method of onsite preparation. Purchased foods that are pre-fried, flash-fried, or par-fried by the manufacturer may still be served, but must be reheated using a method other than frying. This approach is being taken because prohibiting all fried, pre-fried, flash-fried, and par-fried foods from being served would lead to increased food and preparation costs. Additional guidance on what constitutes ''frying'' would be provided by FNS prior to implementation. Comments are requested regarding the feasibility, practicality, and any challenges associated with such a restriction.

Summary—The proposed changes to the child and adult meal patterns are reflected in the following charts and are found at § 226.20(c) of this proposed rule.

BREAKFAST MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS

Food components and food items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Fluid milk [2]	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces.
Vegetables, fruits, or portions of both [3]	¼ cup	½ cup	½ cup	½ cup	½ cup.
Grains [4 5]:					
Whole grain or enriched bread	½ slice	½ slice	1 slice	1 slice	2 slices.

BREAKFAST MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS—Continued

Food components and food items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Whole grain or enriched bread product, such as biscuit, roll, muffin.	½ serving	½ serving	1 serving	1 serving	2 servings.
Whole grain, enriched or fortified Cereal,[6] cereal grain, and/or pasta.	¼ cup	¼ cup	½ cup	½ cup	1 cup.

[1] Must serve all three components for a reimbursable meal. Offer versus serve is an option only for adult participants.
[2] Must be unflavored whole milk for children age one. Multiple options related to flavored milk are presented for public comment for children age 2 years and older. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk no more than once per day.
[3] Pasteurized full-strength juice may be used to meet the requirement. Fruit and vegetable juices may not be served at the same meal.
[4] At least one serving per day, across all eating occasions, must be whole grain or whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.
[5] Meat/meat alternates may be used to meet up to 50 percent of the grains requirement. One ounce of meat/meat alternates is equivalent to one cup/serving of grains.
[6] Breakfast cereals must conform to the requirements of the WIC program as outlined in 7 CFR 246.10(e)(12).

LUNCH AND SUPPER MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS

Food components and food items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Fluid milk [2]	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces [3].
Meat/meat alternates.					
Edible portion as served:					
Lean meat, poultry, or fish	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Tofu, soy products, or alternate protein products [4].	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Cheese	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Large egg	½	¾	1	1	1.
Cooked dry beans or peas	¼ cup	⅜ cup	½ cup	½ cup	½ cup.
Peanut butter or soy nut butter or other nut or seed butters.	2 Tbsp	3 Tbsp	4 Tbsp	4 Tbsp	4 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened.	4 ounces or ½ cup.	6 ounces or ¾ cup.	8 ounces or 1 cup	8 ounces or 1 cup	8 ounces or 1 cup.
The following may be used to meet no more than 50 percent of the requirement:					
Peanuts, soy nuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternates (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry or fish).	½ ounce = 50%	¾ ounce = 50%	1 ounce = 50%	1 ounce = 50%	1 ounce = 50%.
Vegetables [5]	⅛ cup	¼ cup	½ cup	½ cup	½ cup.
Fruits [5]	⅛ cup	¼ cup	¼ cup	¼ cup	½ cup.
Grains [6]:					
Whole grain or enriched bread	½ slice	½ slice	1 slice	1 slice	2 slices.
Whole grain or enriched bread product, such as biscuit, roll, muffin	½ serving	½ serving	1 serving	1 serving	2 servings.
Whole grain, enriched or fortified Cereal [7], cereal grain, and/or pasta	¼ cup	¼ cup	½ cup	½ cup	1 cup.

[1] Must serve all five components for a reimbursable meal. ''Offer versus serve'' is an option only for children in at-risk afterschool care centers and adult participants.
[2] Must be unflavored whole milk for children age 1. Multiple options related to flavored milk are presented for public comment for children age 2 years and older. For adult participants a serving of 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk no more than once per day.
[3] A serving of fluid milk is optional for suppers served to adult participants.
[4] Alternate Protein Products must meet the requirements in Appendix A to Part 226.
[5] Pasteurized full-strength juice may be used to meet the requirement. Fruit and vegetable juices may not be served at the same meal.
[6] At least one serving per day, across all eating occasions, must be whole grain or whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.
[7] Breakfast cereals must conform to the requirements of the WIC program as outlined in 7 CFR 246.10(e)(12).

SNACK MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS

Food Components and food items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Fluid milk [2 3]	4 fluid ounces	4 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces.
Meat/meat alternates Edible portion as served:					
Lean meat, poultry, or fish	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Tofu, soy products, or alternate protein products [4].	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Cheese	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Large egg	½	½	½	½	½.
Cooked dry beans or peas	⅛ cup	⅛ cup	¼ cup	¼ cup	¼ cup.
Peanut butter or soy nut butter or other nut or seed butters.	1 Tbsp	1 Tbsp	2 Tbsp	2 Tbsp	2 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened.	2 ounces or ¼ cup.	2 ounces or ¼ cup.	4 ounces or ½ cup.	4 ounces or ½ cup.	4 ounces or ½ cup.
Peanuts, soy nuts, tree nuts, or Seeds.	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Vegetables [3]	½ cup	½ cup	¾ cup	¾ cup	½ cup.
Fruits [3]	½ cup	½ cup	¾ cup	¾ cup	½ cup
Grains [5]:					
Whole grain or enriched bread	½ slice	½ slice	1 slice	1 slice	1 slice
Whole grain or enriched bread product, such as biscuit, roll, muffin.	½ serving	½ serving	1 serving	1 serving	1 serving
Whole grain, enriched or fortified Cereal,[6] cereal grain, and/or pasta.	¼ cup	⅓ cup	¾ cup	¾ cup	¾ cup

[1] Select two of the five components for a reimbursable snack. Only one of the two components may be a beverage.
[2] Must be unflavored whole milk for children age 1. Multiple options related to flavored milk are presented for public comment for children age 2 years and older. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk no more than once per day.
[3] Only one beverage (fluid milk, vegetable juice or fruit juice) may be served. Pasteurized full-strength juice must be used to meet the requirement.
[4] Alternate Protein Products must meet the requirements in Appendix A to Part 226.
[5] At least one serving per day, across all eating occasions, must be whole grain or whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.
[6] Breakfast cereals must conform to the requirements of the WIC program as outlined in 7 CFR 246.10(e)(12).

Best Practices

The USDA acknowledges that the mandated changes for the meal patterns are limited due to increased cost and practicality issues. However, providers are encouraged to take the initiative in providing healthier meals to children. According to the U.S. Department of Health and Human Services (National Center for Health Statistics, 2011), obesity rates of preschoolers have more than doubled over the last four decades, and one in five children will be overweight or obese by the time they turn age 6. Because of this, numerous parents, public and private agencies and organizations, and the White House have shown a renewed interest in the health of the Nation's children. In June 2011, the First Lady launched ''Let's Move! Child Care,'' an effort to work with child care providers to help our youngest children get off to a healthier start. This initiative uses several tools to promote healthy eating, physical activity, and limiting screen time.

Because child care providers have the ability to influence positive development so early in a child's life, those looking to make further nutritional improvements are encouraged to follow the proposed guidelines discussed below when serving meals to children. These guidelines reflect recommendations from the IOM and the AAP and would allow caregivers to ensure that children and adults are getting the optimal benefit from the meals they receive while in care.

These best practices are included in the regulatory text, but they are optional. Due to the potential of increased food and labor costs associated with implementing these guidelines, they would be met at the sole discretion of the provider. These guidelines would not be required in order to receive Federal reimbursement for meals served. Also, failure to meet the best practices could not be used as a serious deficiency finding (7 CFR 226.6(c)) or as the basis for other disciplinary actions for homes or centers. No additional Federal reimbursement would be available to providers who meet these guidelines. Comments on strategies to encourage providers to implement the identified best practices are requested.

Infants—The IOM recommended that providers support and encourage breastfeeding by providing mothers access to breastfeeding materials and educational opportunities, encouraging mothers to supply breastmilk for their infant while in day care, and providing mothers who come to the day care facility with a quiet, private area to breastfeed. The USDA encourages all providers to adopt these recommendations. (As noted above, this proposed rule would provide reimbursement for breastmilk—only meals when the mother comes to the day care facility to breastfeed her infant, when no other component is required to be served.)

Fruits and Vegetables—Fruits and vegetables provide a variety of vitamins and minerals needed for growth and health maintenance. Exposing children to a variety of fruits and vegetables throughout the week is not only good for them but may serve as the foundation for healthier habits later in life. Therefore, the USDA encourages providers to offer at least one serving

each of dark green vegetables, red or orange vegetables, and legumes once per week. Additionally, we encourage providers to ensure that every snack includes at least one serving of a fruit or vegetable.

As the IOM recognized, some products and preparation methods used for fruits and vegetables can be a source of added sugars and solid fats. To limit the intake of added sugars and solid fats, the USDA recommends that providers adopt the IOM's recommendations and limit the consumption of fruit juice to no more than once per day for children.

In addition, while facilities would not be permitted under this proposed rule to prepare foods onsite by frying them, store-bought, catered, or pre-fried foods can still contribute large amounts of calories and saturated fat to a meal. Therefore, facilities are encouraged to limit all fried and pre-fried foods (including fried and pre-fried vegetables) to no more than once per week across all eating occasions.

Grains—The IOM recommended that at least one-half of all grains served are whole grain-rich. To meet this goal, providers are encouraged to prepare at least two servings of whole grain-rich grains each day. This is an increase from the required one serving of whole grain-rich grains per day.

Fluid Milk—The IOM identified flavored milk as a source of added sugar for children of all ages. In light of this, the USDA recommends that providers serve only unflavored milk to all children, regardless of age. (For additional discussion of flavored milk, please see the section of this preamble entitled Flavored Milk and Yogurt.)

Meat and Meat Alternates—The Dietary Guidelines recommends consuming only lean meats. The IOM identified meats as a source of solid fats and outlined a number of food specifications to address this concern, including: Serving only lean meats, legumes, and nuts; serving only natural cheese; limiting processed meats to no more than once per week across all eating occasions; and limiting fried and pre-fried foods (including meats) to no more than once per week across all eating occasions. As noted above, this proposed rule prohibits frying foods onsite at the facility. In addition, under these best practices, USDA recommends that providers adopt all of the other IOM recommendations regarding meat and meat alternates.

Summary of Best Practices—In summary, the best practices, as outlined in this section, are:

Infants

- Encourage mothers to breastfeed their infants;
- Provide materials and other educational opportunities to breastfeeding mothers;
- Encourage mothers to supply breastmilk for their infants while in day care; and
- Provide mothers who come to the day care facility a quiet, private area to breastfeed.

Fruits and Vegetables

- Limit the consumption of fruit juice to no more than one serving per day;
- Make at least one of the two required components of every snack a fruit or a vegetable;
- Avoid or limit the service of fried and pre-fried foods to no more than one serving per week; and
- Provide at least one serving each of dark green vegetables, red/orange vegetables, and legumes per week.

Grains

- Provide at least two servings of whole grain-rich grains per day (an increase over the required one serving); and
- Serve breakfast cereals that contain no more than 6 grams of sugar per serving.

Milk

- Serve only unflavored milk to all participants, regardless of age.

Meat and Meat Alternates

- Serve only lean meats, nuts, and legumes;
- Avoid or limit the service of processed meats to no more than once per week;
- Avoid or limit the service of fried and pre-fried foods to no more than one serving per week; and
- Serve only natural cheeses.

Accordingly, the proposed rule includes these best practices in § 226.20(e).

Flavored Milk and Yogurt

The IOM identified flavored milk as a source of added sugars. To limit added sugars, the IOM recommended that flavored milk be limited and served only to adults and children 5 years of age and older participating in at-risk afterschool programs, and that flavored milk not be allowed to be served to children of any age in traditional child care or emergency shelters.

The IOM also made recommendations to limit the amount of sugar in flavored milk and in yogurt. For flavored milk, the IOM recommended no more than 22 grams per 8 fluid ounces serving. For yogurt, the IOM recommended no more than 40 grams of sugar per 8 ounce serving. USDA acknowledges that foods high in sugar such as some flavored milk and some yogurt can contribute excess calories to a child's diet, and agrees that the sugar limits recommended for these products by the IOM seem reasonable based on products currently available in the marketplace. We are especially interested in obtaining public input on (1) the proposed prohibition or limitation of serving flavored milk to children 2 through 4 years of age (2) whether sugar limits on flavored milk served to children 5 years of age and older should be adopted in the final rule as a meal pattern requirement or as an optional best practice that facilities may choose to implement at their discretion and (3) whether sugar limits on yogurt should be adopted in the final rule as a meal pattern requirement or as an optional best practice that facilities may choose to implement at their discretion. Therefore, this preamble and the proposed regulatory text present these as specific alternatives for comment, as discussed below.

For flavored milk served to children 2 through 4 years,

- Alternative A1 would prohibit the service of flavored milk to children 2 through 4 years of age. This provision would be considered a requirement under the meal pattern components, which could result in corrective action and/or disallowance of meals if not followed;
- Alternative A2 would require that flavored milk served to children 2 through 4 years of age contain no more than 22 grams of sugar per 8 fluid ounce serving. This provision would be considered a requirement under the meal pattern components, which could result in corrective action and/or disallowance of meals if not followed.

For flavored milk served to children 5 years and older,

- Alternative B1 would require that flavored milk, when served to children 5 years and older and adults, contain no more than 22 grams of sugar per 8 fluid ounce serving. This provision would be considered a requirement under the meal pattern components, which could result in required corrective action and/or disallowance of meals if not followed;
- Alternative B2 would recommend that flavored milk, when served to children 5 years of age and older and adults, contain no more than 22 grams of sugar per 8 fluid ounce serving. This recommendation would be included as a best practice; providers would be encouraged to adhere to these

limitations but would not be required to do so.

For yogurt served to all age groups,

- Alternative C1 would require that yogurt contain no more than 30 grams of sugar per 6 ounce serving. We have converted the IOM's recommendation from 40 grams of sugar per 8 ounce serving because commercially available yogurt is typically sold in 6 ounce containers. This provision would be considered a requirement under the meal pattern components, which could result in required corrective action and/or disallowance of meals if not followed;
- Alternative C2 would recommend that yogurt contain no more than 30 grams of sugar per 6 ounce serving. This recommendation would be included under best practices; providers would be encouraged to adhere to these limitations but would not be required to do so.

Accordingly, these alternatives can be found in the proposed rule in § 226.20(r).

Proposed Miscellaneous Changes

Program Purpose—Section 17(a) of the NSLA (42 U.S.C. 1766(a)), was amended by the HHFKA, and redefined CACFP as a program authorized to provide aid to child and adult care providers and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons. Previously, the purpose of the Program was to enable providers to integrate a nutritious food service with organized care services for enrolled participants. This proposed rule would revise the purpose of the program to reflect the expanded purpose. Accordingly, the proposed change can be found at § 226.1 of this proposed rule.

Meal Pattern Exceptions—Section 17(g)(2)(C) of the NSLA (42 U.S.C. 1766(g)(2)(C)), as amended by the HHFKA, provides for meal pattern flexibility in two areas, special dietary needs and the needs of emergency shelters. Under this paragraph, the minimal nutrition requirements must not prohibit providers from substituting foods to accommodate the medical or other special dietary needs of individual participants. This provision is found at § 226.20(i)(2) of the proposed rule.

The HHFKA also amended the NSLA by providing new authority allowing the USDA to waive all or part of the requirements of the meal patterns for emergency shelters. This proposed rule does not codify the waiver authority for emergency shelters, as it is authority that the USDA may exercise, and not State or local program operators. The USDA does not anticipate the meal pattern requirements in this proposed rule would pose a particular challenge for emergency shelters. However, if challenges arise, the emergency shelter or the sponsoring organization of the shelter may request a waiver through the State agency for FNS Regional Office approval.

Section 17(g)(3) of the NSLA (42 U.S.C. 1766(g)(3)), as amended by the HHFKA, requires providers to ensure that the reimbursable meal service contributes to the development and socialization of enrolled children by restricting the use of food as a punishment or reward. The amendment reflects the long-standing position of the USDA and is included in § 226.20(r) of this proposed rule.

Water—Section 221 of the HHFKA amended section 17 of the NSLA by adding paragraph (u)(2), which requires that child care centers, family day care homes, at-risk afterschool programs, and shelters participating in the CACFP make drinking water available to children for consumption throughout the day. USDA issued an implementation memorandum advising State agencies of this new provision, ''Child Nutrition Reauthorization 2010: Water Availability in the Child and Adult Care Food Program'' (CACFP 20–2011, May 11, 2011, *http://www.fns.usda.gov/sites/default/files/CACFP-20-2011.pdf*). The memorandum advised State agencies that CACFP centers and day care homes must make drinking water available to children, as nutritionally appropriate, throughout the day, including at meal times. Water should be made available to children to drink upon their request, but does not have to be available for children to self-serve. While drinking water must be made available to children during meal times, it is not part of the reimbursable meal and may not be served in lieu of fluid milk. While not specifically required for adult participants, adult day care centers are encouraged to ensure adult participants also have access to drinking water throughout the day.

The 2010 Dietary Guidelines for Americans do not establish a daily minimum intake for water consumption, but do recommend that water be consumed daily. States and sponsors should encourage facilities to serve water with snacks when no other beverage is being served, and in lieu of other high calorie, sweetened beverages (juice drinks, soda, sports drinks, etc.) that are served outside of meal times.

Water can be made available to children in a variety of ways including but not limited to: Having cups available next to the kitchen sink faucet, having water pitchers and cups set out, or simply providing water to a child when it is requested. USDA expects that this provision can be instituted with no or very low cost. However, circumstances may arise in which safe drinking water is not readily available in a facility. In these instances, purchasing water for children may be considered a reasonable and allowable cost for participating facilities. The purchase of water will continue to be an unallowable cost in CACFP facilities if purchased for employee consumption.

Accordingly, this proposed rule would require child care centers and day care homes to make safe drinking water available to children upon their request, throughout the day. The proposed changes can be found at § 226.25(h).

Food Substitutions Supplied by Parents—Program regulations at 7 CFR 226.7(m) and FNS Instruction 784–3, ''Reimbursement for Meals Provided by Parents in the Child Care Food Program'' (October 14, 1982), currently prohibit the reimbursement of meals in which any of the required components are provided by a parent or guardian, unless such food substitutions are specifically related to a medical disability. To better accommodate children with special dietary needs that do not rise to the level of a medical disability, this proposed rule would allow reimbursement for meals that contain up to one component that has been provided by a parent or guardian. Providing a meal component is at the option of the parent or guardian and may not be required by the provider. Additionally, providers are not required to serve meal components provided by a parent or guardian if the substitution is not related to a medical disability. The proposed changes can be found at §§ 226.6(m) and 226.20(i).

Family-Style Meals—Family-Style meal service provides a further opportunity to enhance the nutritional goals of CACFP by encouraging a pleasant eating environment. It promotes mealtime as a learning experience by allowing children to serve themselves from common platters of food, with assistance from supportive adults, and providing educational activities that are centered around food. FNS Instruction 783–9, Revision 2, ''Family Style Meal Service in the Child and Adult Care Food Program'' (May 3, 1993), outlines a number of practices that a center or day care home should follow when utilizing this option,

including placement of a sufficient amount of prepared food on each table and active encouragement of children to serve themselves the full required portion of each component. This proposed rule would codify these practices at § 226.20(o).

Offer Versus Serve—CACFP allows Offer Versus Serve as a meal service option in adult day care centers. It enables adult participants to choose to decline some of the offered food. It helps centers reduce food waste and costs, while maintaining the nutritional integrity of the reimbursable meal served. This proposed rule would extend the option of offer versus serve to children receiving meals in at-risk afterschool care centers. It would allow a child to decline up to two food items offered as part of a reimbursable lunch or supper. The proposed changes can be found at § 226.20(p)(1)(ii).

Technical Amendments—Finally, since this proposed rule revises § 226.20 in its entirety, a number of sections have been restated, without change. These sections include existing paragraphs (e) *Temporary unavailability of milk,* (f) *Continuing unavailability of milk,* (i) *Special variations,* (j) *Meal planning,* (k) *Time of meal service,* (l) *Sanitation,* and (m) *Donated commodities.* In addition, paragraphs (n) *Plentiful foods* and (o) *Additional provisions* have been removed as they are now obsolete.

Proposed Corresponding Changes to Other Child Nutrition Programs

School Breakfast Program—To maintain consistency across programs, the meal pattern requirements for SBP meals to infants and children 1 through 4 years of age will be revised to reflect the proposed breakfast meal requirements for infants and children 1 through 4 years of age for children participating in the CACFP. This proposed rule would remove the meal pattern charts and component description for children under 5 years of age and instead refer to § 226.20(c) for meal pattern quantity and component requirements. Children ages 5 years and up will continue to follow the SBP meal pattern requirements as currently outlined in 7 CFR part 220. Comments from the general public are encouraged as to whether referring to the CACFP regulations for the meal patterns for children under 5 years of age is sufficient or whether meal pattern components, quantities, and charts should be reproduced in SBP regulations, as they are currently.

Additionally, for reasons of consistency with the CACFP meal pattern, this proposed rule would eliminate the offer versus serve option for children under 5 years of age. All proposed changes are discussed and outlined above under the section titled ''*Proposed Meal Pattern Changes for CACFP.''* The minimum serving size of required components remains unchanged. Accordingly, this proposed rule would amend § 220.8(o) to incorporate these changes by reference.

National School Lunch Program—To maintain consistency across programs, the meal pattern requirements for NSLP schools providing snacks and lunches to infants and children 1 through 4 years of age will be revised to reflect the proposed meal pattern requirements for snacks and lunches for infants and children participating in the CACFP outlined in this rule. Children ages 5 years and up will continue to follow the NSLP meal pattern requirements as currently outlined. Comments from the general public are encouraged as to whether referring to the CACFP regulations for the meal patterns for children under 5 years of age is sufficient or whether meal pattern components, quantities, and charts should be reproduced in NSLP regulations, as they are currently.

Additionally, for reasons of consistency with the CACFP meal pattern, this proposed rule would eliminate the offer versus serve option for lunches served to children under 5 years of age. Schools will continue to have the option of serving lunch meals to children under 5 years of age across two serving periods (*i.e.,* splitting the reimbursable meal into two smaller meals). All proposed changes are discussed and outlined above under the section titled ''*Proposed Meal Pattern Changes for CACFP.''* The minimum serving size of required components remains unchanged. Accordingly, this proposed rule would amend § 210.10(o) and (p) to incorporate these changes by reference.

Special Milk Program—To maintain consistency across programs, this proposed rule would require schools and institutions participating in the Special Milk Program to serve only low-fat and fat-free milk to children over the age of 2 years. Additionally, this proposed rule would require that flavored milk served be fat-free. The proposed changes are found at § 215.7a of this proposed rule.

Technical Assistance

The IOM recommended that the USDA provide extensive technical assistance to State agencies, sponsors, and day care providers to implement the recommended meal pattern changes. Key aspects of this assistance would include menu planning, purchasing, food preparation, and recordkeeping.

Section 221 of the HHFKA requires the USDA to provide technical assistance to participating child care centers and day care homes in complying with the new nutritional requirements. As a first step in this technical assistance, USDA has coordinated with the U.S. Department of Health and Human Services to develop recommendations, guidelines, and best practices for day care providers that are consistent with the nutrition, physical activity, and wellness requirements of the HHFKA and this regulation. Based on this collaboration, the handbook ''Nutrition and Wellness Tips for Young Children: Provider Handbook for the Child and Adult Care Food Program'' was published in January 2013 (*http://www.fns.usda.gov/nutrition-and-wellness-tips-young-children-provider-handbook-child-and-adult-care-food-program*). The Handbook includes 15 fact sheets addressing nutrition, physical activity, and screen time. It will be updated as needed upon publication of the final rule.

In addition, USDA conducted needs assessment research to identify additional materials and training that would be useful to CACFP entities; the final report will be available in 2015. Pertinent resources and guidance materials will be developed based on the research results. FNS continues to partner with the National Food Service Management Institute to develop and provide appropriate training materials for CACFP. To further extend the reach of the technical assistance provided, comments are requested on strategies that can be used for providing additional technical assistance on the new meal pattern requirements.

IV. Procedural Matters

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all cost and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both cost and benefits, of reducing cost, of harmonizing rules, and of promoting flexibility. This proposed rule has been determined to be significant and was reviewed by the Office of Management and Budget.

Regulatory Impact Analysis

As required for all rules that have been designated as significant by the Office of Management and Budget, a Regulatory Impact Analysis (RIA) was developed for this proposal. A summary is presented below. The full RIA is included in the supporting documents of the rule docket at *www.regulations.gov.*

Need for Action

This rule proposes changes to the meal pattern requirements for the Child and Adult Care Food Program (CACFP), pursuant to section 221 of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA). Pursuant to the statute, changes are made to improve participants' diets by reducing the prevalence of inadequate and excessive intakes of food, nutrients, and calories. The rule would implement a cost-neutral subset of CACFP meal pattern recommendations for infants, children, and adults contained in the 2010 Institute of Medicine report, *Child and Adult Care Food Program: Aligning Dietary Guidance for All.*

Costs

The baseline for this regulatory impact analysis is the current cost of food to providers in homes and centers that participate in the CACFP. The proposed rule more closely aligns the meals served in CACFP with the Dietary Guidelines in an essentially cost-neutral manner, as HHFKA did not provide any funding for additional or increased meal reimbursements in CACFP. USDA estimates that the rule will result in a very small decrease in the cost for CACFP providers to prepare and serve meals to Program participants,[1] and may result in a small, temporary increase in labor and administrative costs to implement the rule. Therefore, we project no meaningful net change in cost as a result of the rule.

TABLE 1—SUMMARY TABLE OF NET COSTS TO CACFP PROVIDERS OF PROPOSED RULE PROVISIONS

[By fiscal year, in millions of dollars—change from baseline. Negative numbers = cost savings.]

	2015	2016	2017	2018	Total
Net Effect of Infant Provisions	−$4.0	−$4.1	−$4.3	−$4.4	−$16.8
Infant Formula Change	−$7.5	−$7.7	−$8.0	−$8.2	−$31.4
Infant Snack—Fruits and Vegetables	$3.5	$3.6	$3.7	$3.8	$14.6
On-site Breastfeeding Provision	(*)	(*)	(*)	(*)	(*)
Separating Fruits and Vegetables	(*)	(*)	(*)	(*)	(*)
Net Effect of Grain Provisions	−$17.3	−$18.0	−$18.6	−$19.4	−$73.3
New Whole Grain Requirement	$9.0	$9.3	$9.7	$10.0	$38.0
Disallowing Desserts	−$26.3	−$27.3	−$28.3	−$29.4	−$111.3
WIC Compliant Cereals	(*)	(*)	(*)	(*)	(*)
Fluid Milk Provision	−$2.6	−$2.7	−$2.8	−$2.9	−$11.0
Other Provisions	(*)	(*)	(*)	(*)	(*)
Rule Impact on NSLP, SBP, and SMP	(*)	(*)	(*)	(*)	(*)
Potable Water Provision	(*)	(*)	(*)	(*)	(*)
Flavored Milk and Yogurt Option	(*)	(*)	(*)	(*)	(*)
Disallowing Frying as Preparation Method	(*)	(*)	(*)	(*)	(*)
Increased Flexibility in Foods Served to CACFP Participants	(*)	(*)	(*)	(*)	(*)
Net Cost of Rule to CACFP Providers	−$23.9	−$24.8	−$25.7	−$26.7	−$101.1
Baseline Federal Reimbursement and USDA Food Assistance[2]	$3,209	$3,332	$3,455	$3,584	$13,581
Net Cost of Rule as a Percent of Federal Reimbursement	−0.7%	−0.7%	−0.7%	−0.7%	−0.7%

* Cost or savings is too uncertain to be estimated with precision (and is almost certainly too small to affect the estimate meaningfully); see the relevant sections for in-depth discussions of the cost implications of each provision.

Note: Sums may not match exactly due to rounding.

Much of the net cost savings in the table results from disallowing grain-based desserts as a reimbursable meal component as recommended by IOM; however, even without counting this provision as a cost savings, the rule remains essentially cost neutral. Other provisions of the rule that are expected to have a small cost savings include:

- The proposed changes to the meal patterns for infants. A change in the age groups and formula quantities mean that slightly less formula will be served under the proposed meal patterns than under current rules.
- Changes in the fat content of fluid milk served to children. The proposed rule would codify statutory requirements that fluid milk served to CACFP participants two years of age and older be low-fat or fat-free. Because lower fat content milks tend to cost less per unit than higher fat content milks, this change will slightly reduce the cost of CACFP meals.
- Provisions that increase provider flexibility in serving meals, such as allowing a meat or meat alternate to be served in lieu of up to one-half of the bread and grains requirement at breakfast, allowing tofu as a meat alternate, and allowing yogurt to be used to meet the fluid milk requirement for adults, no more than once per day.

Provisions that are expected to or may slightly increase the cost of serving meals that meet the proposed requirements include:

[1] The proposed rule would no longer allow grain based desserts to contribute to the meal patterns' grain requirement. The $101.1 million 4-year cost reduction shown in Table 1 includes the savings to CACFP providers of substituting program-creditable grains in place of more expensive grain-based desserts. To the extent that providers continue to serve similar desserts on a non-creditable basis, their actual costs of serving meals to Program participants will exceed the cost of serving meals that meet Program requirements. If we do not count the current cost of grain-based desserts as a savings in this analysis, then the estimated net cost of the rule is +10.2 million over 4 years, even closer to cost neutral than shown here, though more costly to CACFP providers. Given the considerable potential savings from at least reducing the number of grain based desserts served, providers, on average, should be able to implement the proposed rule with no increase in cost.

[2] Projections prepared by FNS for the development of the FY 2014 President's Budget. These figures are included in this table only to demonstrate that any potential cost impact of the rule (or, indeed, of any individual provision in the rule) is an extremely small percentage of overall Federal reimbursements to CACFP providers.

• The addition of fruits and vegetables as a component of infant snacks starting at 6 months.

• The proposed requirement that at least one bread or grain serving per day be whole grain or whole grain rich. Because whole grain products tend to cost more than their refined grain substitutes, this provision is expected to have a modest upward effect on the cost of providing CACFP meals.

• The proposed separation of fruits and vegetables into separate meal components. Although this is not expected to result in an increase in the quantities of fruits and vegetables offered, unit costs may increase if providers choose to buy smaller pre-packed servings of fruits and vegetables in order to serve both a fruit and a vegetable at the same meal.

• Provisions that limit provider flexibility in serving meals, such as the disallowing of frying as an on-site food preparation method.

Benefits

By updating Program regulations to make them more consistent with the goals of the most recent *Dietary Guidelines for Americans,* the proposed rule will ensure that meals served at CACFP centers and homes better reflect current nutrition science; increase the availability of key food groups; better meet the nutritional needs of infants, children, and adults; and foster healthy eating habits.

The proposed changes are expected to positively impact the nutritional outcomes of all groups of CACFP participants. The infant pattern will help to ensure that infants will exclusively breast- or formula-feed throughout their first six months of life, as recommended by the American Academy of Pediatrics (AAP). Separating fruits and vegetables into two components increases the variety of foods that CACFP participants are able to consume at meal times. Disallowing desserts as reimbursable meal components, disallowing frying as an on-site food preparation method, and modifying the fluid milk requirements will decrease the amounts of solid fats and added sugars consumed by CACFP participants through Program meals. Requiring that one serving of grains be whole-grain-rich will increase the whole grain consumption of CACFP participants, which, as IOM notes in its report, is very low across all CACFP participant age groups.

The rule also increases flexibility for CACFP providers to better meet the nutritional requirements and dietary preferences of participants. It allows a meat or meat alternate to be served in lieu of up to one-half of the bread and grains requirement at breakfast, allows tofu as a meat alternate, and allows yogurt to be used to meet the fluid milk requirement for adults, no more than once per day.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). FNS certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities, including child care providers and school districts. While this proposed rule makes several revisions to the CACFP meal patterns based on recommendations of the Institute of Medicine (IOM), the provisions proposed in this rulemaking are of minimal cost and would be achievable without creating a hardship for any of the small entities that administer and participate in the Program.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995, Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. Under section 202 of UMRA, FNS must generally prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. When this statement is needed, section 205 of UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives, and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rulemaking.

This proposed rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) that would result in cost to State, local, or Tribal governments or to the private sector of $100 million or more in any one year.

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where these actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under section (6)(b)(2)(B) of Executive Order 13121. FNS has considered the potential impact of this proposed rule on State and local governments and has determined that it does not have federalism implications. This proposed rule would not impose substantial or direct compliance costs on State and local governments. Therefore, a federalism summary impact statement is not required.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' This rulemaking, when published as a final rule, is intended to have a preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions. This rulemaking is not intended to have a retroactive effect. Prior to any judicial challenge to the provisions or application of the of this rulemaking, all applicable administrative procedures under §§ 210.18(q), 226.6(k), 226.6(l), 226.16(l), 226.22, 235.11(f), and 7 CFR parts 3016 and 3019 must be exhausted. This includes any administrative procedures provided by State or local governments.

Civil Rights Impact Analysis

FNS has reviewed this proposed rule in accordance with USDA regulations 4300–4, ''Civil Rights Impact Analysis,'' and 1512–1, ''Regulatory Decision Making Requirements.'' After a careful review of the proposed rule's intent and provisions, FNS has determined that this proposed rule is not intended to limit or reduce in any way the ability of protected classes of individuals to receive benefits on the basis of their race, color, national origin, sex, age, or disability, nor is it intended to have a differential impact on minority-owned or operated business establishments, and woman-owned or operated business establishments that participate in the programs affected by this rulemaking.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

In spring 2011, FNS offered opportunities for consultation with Tribal officials or their designees to discuss the impact of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) on tribes or Indian Tribal governments. FNS coordinated five consultation sessions in total that provided the opportunity to address Tribal concerns related to the Child Nutrition Programs:

1. HHFKA Webinar and Conference Call—April 12, 2011
2. Mountain Plains—HHFKA Consultation, Rapid City, South Dakota—March 23, 2011
3. Tribal Self-Governance Annual Conference, Palm Springs, California—May 2, 2011
4. National Congress of American Indians Mid-Year Conference, Milwaukee, Wisconsin—June 14, 2011
5. HHFKA Webinar and Conference Call—June, 22, 2011

Reports from these consultations are part of the USDA annual reporting on Tribal consultation and collaboration. FNS will respond in a timely and meaningful manner to Tribal government requests for consultation concerning this rulemaking. Currently, FNS provides regularly scheduled quarterly consultation sessions as an opportunity for collaborative conversations with Tribal officials and their designees.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; see 5 CFR part 1320) requires that the Office of Management and Budget (OMB) approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. Information collections in this proposed rule have been previously approved under OMB #0584–0055. There is no new information collection burden associated with this proposed rule.

E-Government Act Compliance

FNS is committed to complying with the E-Government Act of 2002 to promote the use of the Internet and other information technologies to provide increased opportunities to provide for citizen access to government information and services, and for other purposes.

List of Subjects

7 CFR Part 210

Children, Commodity School Program, Food assistance programs, Grants programs—social programs, National School Lunch Program, Nutrition, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 215

Food assistance programs, Grant programs—education, Grant programs—health, Infants and children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 226

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, American Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR parts 210, 215, 220, and 226 are proposed to be amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

■ 1. The authority citation for 7 CFR part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

■ 2. Amend § 210.10 as follows:
■ a. In paragraph (a)(1)(i), remove the words ''1 to 4'' in the fourth sentence and add in their place the words ''1 through 4'';
■ b. In paragraph (a)(1)(ii), remove the last sentence;
■ c. Revise paragraph (e);
■ d. In paragraph (g), revise the first sentence;
■ e. Revise paragraph (j);
■ f. In paragraph (l)(1), add two sentences at the end of the paragraph; and
■ g. Revise paragraphs (o) and (p).

The additions and revisions read as follows:

§ 210.10 Meal requirements for lunches and requirements for afterschool snacks.

* * * * *

(e) *Offer versus serve.* (i) *For students in grades K through 12.* School lunches must offer daily the five food components specified in the meal pattern in paragraph (c) of this section. Under offer versus serve, students must be allowed to decline two items at lunch, except that the students must select at least 1/2 cup of either the fruit or vegetable component. Senior high schools (as defined by the State educational agency) must participate in offer versus serve. Schools below the senior high level may participate in offer versus serve at the discretion of the school food authority.

(ii) *For children ages 1 through 4.* School lunches must offer daily all five required food components specified in the meal pattern in paragraph (p) of this section. If the school food authority elects offer versus serve, students in preschool may decline one or two of the five food components.

* * * * *

(g) *Compliance assistance.* The State agency and school food authority must provide technical assistance and training to assist schools in planning lunches that meet the meal pattern in paragraph (c) of this section; the calorie, saturated fat, sodium, and trans fat specifications established in paragraph (f) of this section; and the meal pattern requirements in paragraphs (o) and (p) of this section, as applicable. * * *

* * * * *

(j) *State agency's responsibilities for compliance monitoring.* Compliance with the meal requirements in paragraph (b) of this section, including dietary specifications for calories, saturated fat, sodium and trans fat, and paragraphs (o) and (p) of this section, as applicable, will be monitored by the State agency through administrative reviews authorized in § 210.18.

* * * * *

(l) * * *

(1) * * * With State agency approval, schools may serve lunches to children under age 5 over two service periods. Schools may divide the quantities and/or food items offered each time any way they wish.

* * * * *

(o) *Afterschool snacks.* Eligible schools operating afterschool care programs may be reimbursed for one afterschool snack served to a child (as defined in § 210.2) per day.

(1) ''Eligible schools'' means schools that:

(i) Operate school lunch programs under the Richard B. Russell National School Lunch Act; and

(ii) Sponsor afterschool care programs as defined in § 210.2.

(2) Afterschool snack requirements for children in grades K–12. Afterschool snacks shall contain two different components from the following four:

(i) A serving of fluid milk as a beverage, or on cereal, or used in part for each purpose;

(ii) A serving of meat or meat alternate. Nuts and seeds and their butters listed in FNS guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts are excluded and shall not be used as meat alternates due to their low protein content. Nut or seed meals or flours shall not be used as a meat alternate except as allowed under Appendix A of this part;

(iii) A serving of vegetable(s) or fruit(s) or full-strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods. Juice may not be served when fluid milk is served as the only other component;

(iv) A serving of whole-grain or enriched bread; or an equivalent serving of a bread product, such as cornbread, biscuits, rolls, or muffins made with whole-grain or enriched meal or flour; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni, or cereal grains such as enriched rice, bulgur, or enriched corn grits; or an equivalent quantity of any combination of these foods.

(3) Afterschool snack requirements for children under age 5. Afterschool snacks served to infants ages birth through 11 months and to children ages 1 through 4 must meet the requirements for meal supplements for the Child and Adult Care Food Program as specified under paragraphs § 226.20(a), (b), (c)(3) and (d) of this chapter, as applicable. In addition, school food authorities serving after school snacks must comply with the requirements set forth in paragraphs (a), (c)(3), (c)(7), (d)(2) through (4), (g), and (m) of this section.

(p) *Lunches for preschoolers and infants*—(1) *Requirements for preschoolers' lunch pattern.* Lunches for children ages 1 through 4 must meet the requirements for lunches for the Child and Adult Care Food Program as specified under paragraphs § 226.20(a), (c)(2) and (d) of this chapter. In addition, school food authorities serving lunches under this paragraph must comply with the requirements set forth in paragraphs (a), (c)(3), (c)(4), (c)(7), (d)(2) through (4), (e), (g), (j), (k), (l), and (m) of this section.

(2) *Requirements for infants' lunch pattern.* Lunches for infants ages birth through 11 months must meet the requirements for lunches under paragraphs § 226.20(b) and (d) of this chapter, as applicable. In addition, school food authorities serving lunches under this paragraph must comply with the requirements set forth in paragraphs (a), (g), (l), and (m) of this section, as applicable.

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

■ 3. The authority for 7 CFR part 215 continues to read as follows:

Authority: 42 U.S.C. 1772 and 1779.

■ 4. In 7 CFR part 215 add new § 215.7a to read as follows:

§ 215.7a Fluid milk and non-dairy milk substitute requirements.

Fluid milk and non-dairy beverages served must meet the requirements as outlined in this paragraph.

(a) *Types of fluid milk.* All fluid milk served in the Program must be pasteurized fluid milk which meets State and local standards for such milk. All fluid milk must have vitamins A and D at levels specified by the Food and Drug Administration and must be consistent with State and local standards for such milk. Fluid milk served must also meet the following requirements:

(1) Children one year of age must be offered only unflavored whole milk.

(2) Children ages 2 years and older must be served either unflavored low-fat (1 percent) or unflavored fat-free (skim) or flavored fat-free (skim) milk.

(b) *Fluid milk substitutes.* Non-dairy fluid milk substitutions may be provided for non-disabled children with medical or special dietary needs so long as requests are submitted in writing from the child's parent or guardian. If a school or day care center chooses to offer one or more substitutes for fluid milk, the non-dairy beverage(s) must provide the nutrients listed in the following table. Fluid milk substitutes must be fortified in accordance with fortification guidelines issued by the Food and Drug Administration. A school or day care center need only offer the non-dairy beverage(s) that it has identified as allowable fluid milk substitutes according to the following chart:

Nutrient	Per cup (8 fl oz)
Calcium	276 mg.
Protein	8 g.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B–12	1.1 mcg.

PART 220—SCHOOL BREAKFAST PROGRAM

■ 5. The authority citation for 7 CFR part 220 continues to read as follows:

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

■ 6. Amend § 220.8 as follows:
■ a. In paragraph (a) introductory text, revise the first sentence;
■ b. In paragraph (a)(3), revise the third sentence;
■ c. In paragraph (c), revise the title;
■ d. In paragraph (g), revise the first sentence;
■ e. In paragraph (j), revise the first sentence; and
■ f. Revise paragraph (o).

The revisions read as follows:

§ 220.8 Meal requirements for breakfasts.

(a) * * * This section contains the meal requirements applicable to school breakfasts for students in grades K to 12, and for children under the age of 5.
* * *

* * * * *

(3) * * * Labels or manufacturer specifications for food products and ingredients used to prepare school meals for students in grades K to 12 must indicate zero grams of *trans* fat per serving (less than 0.5 grams). * * *
* * * * *

(c) *Meal pattern for school breakfasts for grades K to 12.* * * *
* * * * *

(g) * * * The State agency and school food authority must provide technical assistance and training to assist schools in planning breakfasts that meet the meal pattern in paragraph (c) of this section, the dietary specifications for calorie, saturated fat, sodium, and trans fat established in paragraph (f) of this section, and the meal pattern in paragraph (o) of this section, as applicable. * * *
* * * * *

(j) * * * Effective SY 2013–2014, compliance with the applicable meal requirements in paragraphs (b) and (o) of this section will be monitored by the State agency through administrative reviews authorized in § 210.18 of this chapter.
* * * * *

(o) *Breakfasts for preschoolers and infants.* Breakfast served to infants ages birth through 11 months and to children ages 1 through 4 must meet the requirements for breakfasts served under the Child and Adult Care Food Program as specified under paragraphs § 226.20(a),(b), (c)(1), and (d). In addition, school food authorities serving breakfasts under this paragraph must comply with the requirements set forth

in paragraphs (a),(c)(3), (g), (j), (k), (l), and (m) of this section, as applicable.

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

■ 7. The authority citation for 7 CFR part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

■ 8. Revise § 226.1 to read as follows:

§ 226.1 General purpose and scope.

This part announces the regulations under which the Secretary of Agriculture will carry out the Child and Adult Care Food Program. Section 17 of the Richard B. Russell National School Lunch Act, as amended, authorizes assistance to States through grants-in-aid and other means to initiate, maintain, and expand nonprofit food service programs for children or adult participants in non-residential institutions which provide care. The program is intended to provide aid to child and adult participants and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

■ 9. In § 226.2, add definitions of *Tofu* and *Whole grains* in alphabetical order to read as follows:

§ 226.2 Definitions.

* * * * *

Tofu means a commercially prepared soy-bean derived food, made by a process in which soybeans are soaked, ground, mixed with water, heated, filtered, coagulated, and formed into cakes. Basic ingredients are whole soybeans, one or more food-grade coagulates (typically a salt or an acid), and water. Tofu must conform to FNS guidance to count towards the meat/meat alternates component.

* * * * *

Whole grains means foods that consist of the intact, ground, cracked, or flaked grain seed whose principal anatomical components—the starchy endosperm, germ and bran—are present in the same relative proportions as they exist in the intact grain seed. Whole grain-rich products must conform to FNS guidance to count towards the grain component.

* * * * *

■ 10. In § 226.7, revise paragraph (m) to read as follows:

§ 226.7 State agency responsibilities for financial management.

* * * * *

(m) *Financial management system.* (1) Each State agency shall establish a financial management system in accordance with 7 CFR parts 3015, 3016, and 3019, as applicable, and FNS guidance to identify allowable Program costs, and establish standards for institutional recordkeeping and reporting. These standards:

(i) Prohibit claiming reimbursement for meals provided by a participant's family, except as authorized by §§ 226.18(e), 226.20(b)(2), and 226.20(g); and

(ii) Allow the cost of meals served to adults who perform necessary food service labor under the Program, except in day care homes.

(2) The State agency shall provide guidance on financial management requirements to each institution.

■ 11. Revise § 226.20 to read as follows:

§ 226.20 Requirements for meals.

(a) *Meal components.* Except as otherwise provided in this section, each meal served in the Program must contain, at a minimum, the indicated food components:

(1) *Fluid milk.* Fluid milk as a beverage or on cereal, or used in part for each purpose, as follows:

(i) *Children 1 year old.* Children one year of age must be served only unflavored whole milk.

(ii) *Children 2 years and older.* Children two years and older must be served either unflavored low-fat (1 percent) or unflavored fat-free (skim) or flavored fat-free (skim) milk.

(iv) *Adults.* Adults must be served either unflavored low-fat (1 percent) or unflavored fat-free (skim) or flavored fat-free (skim) milk. Six ounces (weight) or ¾ cup (volume) of yogurt may be used to fulfill the equivalent of 8 ounces of fluid milk, not more than once per day.

(2) *Vegetables.* A serving may contain fresh, frozen, or canned vegetables, dry beans and peas (legumes), or vegetable juice. All vegetables are credited based on their volume as served, except that 1 cup of leafy greens count as ½ cup of vegetables. Pasteurized, full-strength vegetable juice may be used to fulfill the requirement. Fruit juices and vegetable juices may not be served at the same meal. Cooked dry beans or dry peas may be used as either a vegetable or a meat alternate, but not both, in the same meal.

(3) *Fruits.* A serving may contain fresh, frozen, or dried fruits or fruit juice. All fruits are credited based on their volume as served, except that ¼ cup of dried fruit counts as ½ cup of fruit. Pasteurized, full-strength fruit juice may be used to fulfill the requirement. Fruit juices and vegetable juices may not be served at the same meal.

(4) *Grains.* At a minimum, at least one serving per day, across all eating occasions of bread, cereals, and grains, must be whole-grain or whole-grain rich. Grain-based desserts do not count towards meeting the grains requirement.

(i) *Breakfast cereals.* Breakfast cereals are those as defined by FDA in 21 CFR 170.3(n)(4) for ready-to-eat and instant and regular hot cereals. Breakfast cereals must conform to the requirements of the WIC program as outlined in § 246.10(e)(12).

(ii) *All other grains.* A serving must be made with enriched or whole grain meal or flour, in accordance with FNS guidance. A serving may contain whole grain, whole grain-rich, or enriched bread; or cornbread, biscuits, rolls, muffins, and other bread products made with whole grain or enriched meal or flour; or whole grain or enriched or fortified cereal; or cooked whole grain or enriched pasta or noodle products, such as macaroni; or cereal grains, such as rice, bulgur, or corn grits; or any combination of these foods.

(5) *Meat and meat alternates.* (i) The creditable quantity of meat/meat alternates must be the edible portion as served of lean meat, poultry or fish; alternate protein products; or cheese; or an egg; or cooked dry beans or peas; or peanut butter; or any combination of these foods. Meat/meat alternates must be served in a main dish, or in a main dish and one other menu item, to meet this requirement.

(ii) *Nuts and seeds.* Nuts and seeds and their butters are allowed as meat alternates in accordance with FNS guidance. Acorns, chestnuts, and coconuts may not be used because of their low protein and iron content. Nut and seed meals or flours may be used only if they meet the requirements for alternate protein products established in Appendix A to this part. For lunch and supper meals, nuts or seeds may be used to meet no more than one-half (50 percent) of the meat/meat alternates component. They must be combined with other meat/meat alternates to meet the full requirement for a reimbursable lunch or supper.

(iii) *Yogurt.* Yogurt may be used to meet all or part of the meat/meat alternates component. Yogurt may be plain or flavored, unsweetened or sweetened. Noncommercial or non-standardized yogurt products, such as frozen yogurt, drinkable yogurt products, homemade yogurt, yogurt

flavored products, yogurt bars, yogurt covered fruits or nuts, or similar products are not creditable. Four ounces (weight) or ½ cup (volume) of yogurt equals one ounce of the meat/meat alternates requirement. For adults, six ounces (weight) or ¾ cup (volume) of yogurt may be used to fulfill the equivalent of 8 oz. of fluid milk, no more than once per day.

(iv) *Tofu and soy products.* Commercial tofu and soy products may be used to meet all or part of the meat/meat alternates component in accordance with FNS guidance and Appendix A to this part. Non-commercial and/or non-standardized tofu and soy products cannot be used.

(v) *Beans and peas (legumes).* Cooked dry beans and peas may be used to meet all or part of the meat/meat alternates component. Beans and peas may be used as the meat alternate or as part of the vegetable component, but not both, in the same meal. Beans and peas include foods such as black beans, garbanzo beans, lentils, kidney beans, mature lima beans, navy beans, pinto beans, and split peas.

(vi) *Other meat alternates.* Other meat alternates, such as cheese, eggs, and nut butters may be used to meet all or part of the meat/meat alternate component in accordance with FNS guidance.

(b) *Infant meals*—(1) *Feeding meals to infants.* Reimbursable meals served to infants ages birth through 11 months must meet the requirements described in this paragraph. Foods included in the infant meal must be of a texture and a consistency that are appropriate for the age and development of the infant being served. The foods must be served during a span of time consistent with the infant's eating habits. For those infants whose dietary needs are more individualized, exceptions to the meal pattern must be made in accordance with the requirements found in paragraph (h) of this section.

(2) *Breastmilk and iron-fortified formula.* Either breastmilk or iron-fortified infant formula, or portions of both, must be served for the entire first year. A facility that enrolls formula-fed infants must offer at least one type of iron-fortified infant formula, which the parent (or guardian) may either accept, or choose to decline and supply the infant's formula instead. Meals containing breastmilk and meals containing iron-fortified infant formula, supplied by the facility or by the parent (or guardian), are eligible for reimbursement. Meals in which a mother directly breastfeeds her child at the child care facility are also eligible for reimbursement. For infants 6 months and older, a meal is only reimbursable when the facility supplies at least two components of the infant's meal.

(3) *Solid foods.* The introduction of solid foods may begin at the age of six months, as developmentally appropriate. The facility should consult with the infant's parent (or guardian) in making the decision to introduce solid foods. Solid foods of an appropriate texture and consistency should be introduced one at a time on a gradual basis with the intent of ensuring the infant's health and nutritional well-being.

(4) *Infant meal pattern.* Infant meals must have, at a minimum, each of the food components indicated, in the amount that is appropriate for the infant's age. For some infants who regularly consume less than the minimum amount of breastmilk or iron-fortified infant formula per feeding, a serving of less than the minimum amount of breastmilk or infant formula may be offered. In these situations, additional breastmilk or infant formula must be offered at a later time if the infant will consume more. Meals may include portions of breastmilk and iron-fortified infant formula as long as the total number of ounces meets, or exceeds, the minimum amount required of this food component.

(i) *Birth through 5 months.* Only breastmilk or iron-fortified formula is required to meet the infant's nutritional needs.

(A) *Breakfast*—4 to 6 fluid ounces of breastmilk or iron-fortified infant formula.

(B) *Lunch or supper*—4 to 6 fluid ounces of breastmilk or iron-fortified infant formula.

(C) *Snack*—4 to 6 fluid ounces of breastmilk or iron-fortified infant formula.

(ii) *6 through 11 months.* Breastmilk or iron-fortified formula is required. Solid foods of an appropriate texture and consistency are required as developmentally appropriate. Meals are reimbursable when facilities provide all of the components in the meal pattern that the infant is developmentally ready to accept.

(A) *Breakfast, lunch, or supper*—6 to 8 fluid ounces of breastmilk or iron-fortified infant formula; and 1 to 4 tablespoons of iron-fortified dry infant cereal meat, fish, poultry, egg yolk, cooked dry beans, or cooked dry peas; and 1 to 2 tablespoons of vegetable fruit, or portions of both. Fruit and vegetable juices may not be served.

(B) *Snack*—2 to 4 fluid ounces of breastmilk or iron-fortified infant formula; and ¼ to ½ ounce bread, crackers, or ready-to-eat breakfast cereals; and 1 to 2 tablespoons of vegetable or fruit, or portions of both. Fruit and vegetable juices may not be served. A serving of grains must be whole grain, whole grain-rich, enriched meal, or enriched flour.

(5) *Infant meal pattern table.* The minimum amounts of food components to serve to infants, as described in paragraph (b)(4) of this section, are:

Infants	Birth through 5 months	6 through 11 months
Breakfast, Lunch, or Supper	4–6 fluid ounces breastmilk [1] or formula [2]	6–8 fluid ounces breastmilk [1] or formula [2]. 1–4 tablespoons infant cereal [2] meat, fish, poultry, egg yolk, cooked dry beans, or cooked dry peas, or a combination of the above. 1–2 tablespoons vegetable [3] or fruit [3] or a combination of both.
Snack	2–4 fluid ounces breastmilk [1] or formula [2]	2–4 fluid ounces breastmilk [1] or formula [2]. ¼–½ ounce bread,[4] cracker [4], or ready-to-eat breakfast cereal [4]. 1–2 tablespoons vegetable [3] or fruit [3] or a combination of both.

[1] Breastmilk or formula, or portions of both, may be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months. For some breastfed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered with additional breastmilk offered at a later time if the infant will consume more.

[2] Infant formula and dry infant cereal must be iron-fortified.

[3] Fruit or vegetable, or portions of both, may be served. Fruit and vegetable juices may not be served.

[4] A serving of grains must be whole grain, whole grain-rich, enriched meal, or enriched flour.

(c) *Meal patterns for children ages 1 through 18 and adult participants.* Facilities must serve the food components and quantities specified in the following meal pattern for children ages 1 through 2, 3 through 5, 6 through 12, 13 through 18, and adult participants in order to qualify for reimbursement.

(1) *Breakfast.* Fluid milk, vegetables and/or fruit, and grains are required components of the breakfast meal. Meat/meat alternate may be used to meet no more than one-half (fifty percent) of the grains requirement. The minimum amounts of food components to be served at breakfast are as follows:

BREAKFAST MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS

Food Components and Food Items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Fluid milk [2]	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces.
Vegetables, fruits, or portions of both [3]	¼ cup	½ cup	½ cup	½ cup	½ cup.
Grains [4 5]:					
Whole grain or enriched bread	½ slice	½ slice	1 slice	1 slice	2 slices.
Whole grain or enriched bread product, such as biscuit, roll, muffin.	½ serving	½ serving	1 serving	1 serving	2 servings.
Whole grain, enriched or fortified Cereal [6], cereal grain, and/or pasta.	¼ cup	¼ cup	½ cup	½ cup	1 cup.

[1] Must serve all three components for a reimbursable meal. Offer versus serve is an option for only adult and at-risk participants.
[2] Must be unflavored whole milk for children age one. Multiple options related to flavored milk are presented for public comment for children age 2 years and older. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk no more than once per day.
[3] Pasteurized full-strength juice may be used to meet the requirement. Fruit and vegetable juices may not be served at the same meal.
[4] At least one serving per day, across all eating occasions, must be whole grain or whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.
[5] Meat/meat alternates may be used to meet up to 50 percent of the grains requirement. One ounce of meat/meat alternates is equivalent to one cup/serving of grains.
[6] Breakfast cereals must conform to the requirements of the WIC program as outlined in 7 CFR 246.10(e)(12).

(2) *Lunch and supper.* The minimum amounts of food components to be served as lunch or supper are as follows:

LUNCH AND SUPPER MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS

Food Components and Food Items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Fluid milk [2]	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces.[3]
Meat/meat alternates.					
Edible portion as served:					
Lean meat, poultry, or fish	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Tofu, soy products, or alternate protein products [4].	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Cheese	1 ounce	1½ ounces	2 ounces	2 ounces	2 ounces.
Large egg	½	¾	1	1	1.
Cooked dry beans or peas	¼ cup	⅜ cup	½ cup	½ cup	½ cup.
Peanut butter or soy nut butter or other nut or seed butters.	2 Tbsp	3 Tbsp	4 Tbsp	4 Tbsp	4 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened.	4 ounces or ½ cup.	6 ounces or ¾ cup.	8 ounces or 1 cup	8 ounces or 1cup	8 ounces or 1cup.
The following may be used to meet no more than 50 percent of the requirement:					
Peanuts, soy nuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternates (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry or fish).	½ ounce = 50%	¾ ounce = 50%	1 ounce = 50%	1 ounce = 50%	1 ounce = 50%.
Vegetables [5]	⅛ cup	¼ cup	½ cup	½ cup	½ cup.
Fruits [5]	⅛ cup	¼ cup	¼ cup	¼ cup	½ cup.
Grains [6]:					
Whole grain or enriched bread	½ slice	½ slice	1 slice	1 slice	2 slices.

LUNCH AND SUPPER MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS—Continued

Food Components and Food Items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Whole grain or enriched bread product, such as biscuit, roll, muffin.	½ serving	½ serving	1 serving	1 serving	2 servings.
Whole grain, enriched or fortified Cereal [7], cereal grain, and/or pasta.	¼ cup	¼ cup	½ cup	½ cup	1 cup.

[1] Must serve all five components for a reimbursable meal. "Offer versus serve" is an option for only adult and at-risk participants.
[2] Must be unflavored whole milk for children age one. Multiple options related to flavored milk are presented for public comment for children age 2 years and older. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk no more than once per day.
[3] A serving of fluid milk is optional for suppers served to adult participants.
[4] Alternate protein products must meet the requirements in Appendix A to part 226.
[5] Pasteurized full-strength juice may be used to meet the requirement. Fruit and vegetable juices may not be served at the same meal.
[6] At least one serving per day, across all eating occasions, must be whole grain or whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.
[7] Breakfast cereals must conform to the requirements of the WIC program as outlined in 7 CFR 246.10(e)(12).

(3) *Snack.* Select two of the following five components. Fruit juice, vegetable juice, and milk may comprise no more than one component of the snack. The minimum amounts of food components to be served as snack as set forth in this paragraph are as follows:

SNACK MEAL PATTERN FOR CHILDREN AND ADULT PARTICIPANTS

Food Components and Food Items [1]	Ages 1–2	Ages 3–5	Ages 6–12	Ages 13–18	Adult
	Minimum quantities				
Fluid milk [2 3]	4 fluid ounces	4 fluid ounces	8 fluid ounces	8 fluid ounces	8 fluid ounces.
Meats/meat alternates.					
Edible portion as served:					
Lean meat, poultry, or fish	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Tofu, soy products, or alternate protein products [4].	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Cheese	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Large egg	½	½	½	½	½.
Cooked dry beans or peas	⅛ cup	⅛ cup	¼ cup	¼ cup	¼ cup.
Peanut butter or soy nut butter or other nut or seed butters.	1 Tbsp	1 Tbsp	2 Tbsp	2 Tbsp	2 Tbsp.
Yogurt, plain or flavored unsweetened or sweetened.	2 ounces or ¼ cup.	2 ounces or ¼ cup.	4 ounces or ½ cup.	4 ounces or ½ cup.	4 ounces or ½ cup.
Peanuts, soy nuts, tree nuts, or Seeds.	½ ounce	½ ounce	1 ounce	1 ounce	1 ounce.
Vegetables [3]	½ cup	½ cup	¾ cup	¾ cup	½ cup.
Fruits [3]	½ cup	½ cup	¾ cup	¾ cup	½ cup.
Grains [5]:					
Whole grain or enriched bread	½ slice	½ slice	1 slice	1 slice	1 slice.
Whole grain or enriched bread product, such as biscuit, roll, muffin.	½ serving	½ serving	1 serving	1 serving	1 serving.
Whole grain, enriched or fortified Cereal [6], cereal grain, and/or pasta.	¼ cup	⅓ cup	¾ cup	¾ cup	¾ cup.

[1] Select two of the five components for a reimbursable snack. Only one of the two components may be a beverage.
[2] Must be unflavored whole milk for children age one. Multiple options related to flavored milk are presented for public comment for children age 2 years and older. For adult participants, 6 ounces (weight) or ¾ cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk no more than once per day.
[3] Only one beverage (fluid milk, vegetable juice or fruit juice) may be served. Pasteurized full-strength juice must be used to meet the requirement.
[4] Alternate protein products must meet the requirements in Appendix A to part 226.
[5] At least one serving per day, across all eating occasions, must be whole grain or whole grain-rich. Grain-based desserts do not count towards meeting the grains requirement.
[6] Breakfast cereals must conform to the requirements of the WIC program as outlined in 7 CFR 246.10(e)(12).

(d) *Food preparation.* Frying may not be used as a method of onsite preparation for foods served as part of the reimbursable meal. Foods that have been pre-fried, flash-fried, or par-fried by the manufacturer may be served but must be heated by a method other than frying.

(e) *Best practices.* Facilities willing to go further in providing healthier options may follow the best practices, as outlined below, when serving meals and

snacks. Best practices are suggestions only and may not be required to be followed in order to receive reimbursement for the meal nor may noncompliance with the best practice standards be used as a serious deficiency finding (§ 226.6(c) of this part) or as the basis for other disciplinary actions for homes or centers.

(1) *Infants.* Facilities should support mothers who choose to breastfeed their infants by encouraging mother to supply breastmilk for their infants while in day care and providing a quiet, private area for mothers who come to day care facility to breastfeed.

(2) *Fruits and vegetables.* Facilities should:

(i) Limit the consumption of fruit juice to no more than one serving per day for children one and older.

(ii) Make at least one of the two required components of snack a fruit or a vegetable.

(iii) Limit fried and pre-fried foods to no more than one serving per week, across all eating occasions.

(iv) Provide at least one serving each of dark green vegetables, red/orange vegetables, and legumes once per week.

(3) *Grains.* Facilities should:

(i) Provide at least two servings of whole grain-rich grains per day.

(ii) Serve breakfast cereals that contain no more than 6 grams of sugar per serving.

(4) *Milk.* Facilities should serve only unflavored milk to all participants.

(5) *Meat and meat alternates.* Facilities should:

(i) Serve only lean meats, nuts, and legumes.

(ii) Limit the service of processed meats to no more than once per week, across all eating occasions.

(iii) Limit the service of fried and pre-fried foods to no more than one serving per week, across all eating occasions.

(iv) Serve only natural cheeses.

(f) *Temporary unavailability of milk.* If emergency conditions prevent an institution normally having a supply of milk from temporarily obtaining milk deliveries, the State agency may approve the service of breakfasts, lunches, or suppers without milk during the emergency period.

(g) *Continuing unavailability of milk.* The inability of an institution to obtain a supply of milk on a continuing basis should not bar it from participation in the Program. In such cases, the State agency may approve service of meals without milk, provided that an equivalent amount of canned, whole dry or fat-free dry milk is used in the preparation of the components of the meal set forth in paragraphs (a)(1) through (3) of this section.

(h) *Statewide substitutions.* In American Samoa, Puerto Rico, Guam, and the Virgin Islands, the following variations from the meal requirements are authorized: a serving of a starchy vegetable, such as yams, plantains, or sweet potatoes may be substituted for the grains requirements.

(i) *Individual substitutions.* For substitutions due to medical reasons (not reaching the level of a disability) or special dietary needs, a parent or guardian may supply up to one component of the reimbursable meal, so long as the facility provides the remaining components.

(1) *Fluid milk substitutions.* Non-dairy fluid milk substitutions may be provided for non-disabled children with medical or special dietary needs so long as requests are submitted in writing from the child's parent or guardian or the adult participant. The non-dairy beverage(s) must provide the nutrients listed in the following table. Milk substitutions must be fortified in accordance with fortification guidelines issued by the Food and Drug Administration.

Nutrient	Per cup
Calcium	276 mg.
Protein	8 g.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg.
Vitamin B-12	1.1 mcg.

(2) *Food substitutions*—(i) *Food substitutions for disability reasons.* Substitutions must be made for foods listed in paragraphs (b) and (c) of this section for individual participants who are considered to have a disability under 7 CFR 15b.3 and whose disability restricts their diet. Substitutions must be made on a case-by-case basis only when supported by a statement from a licensed physician that includes recommended alternate foods, unless otherwise exempted by FNS.

(ii) *Food substitutions for non-disability reasons.* Substitutions may be made for foods listed in paragraphs (b) and (c) of this section for individual participants without disabilities who cannot consume the regular meal because of medical or special dietary needs. Substitutions may be made on a case-by-case basis only when supported by a statement from a recognized medical authority that includes recommended alternate foods, unless otherwise exempted by FNS.

(j) *Special variations.* FNS may approve variations in the food components of the meals on an experimental or a continuing basis in any institution where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(k) *Meal planning.* Institutions should plan for and order meals on the basis of current participation trends, with the objective of providing only one meal per participant at each meal service. Records of participation and of ordering or preparing meals should be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to estimate precisely the number of meals needed and to reduce the resultant waste, any excess meals that are ordered may be served to participants and may be claimed for reimbursement, unless the State agency determines that the institution has failed to plan and prepare or order meals with the objective of providing only one meal per participant at each meal service.

(l) *Time of meal service.* State agencies may require any institution or facility to allow a specific amount of time to elapse between meal services or require that meal services not exceed a specified duration.

(m) *Sanitation.* Institutions should ensure that in storing, preparing, and serving food, proper sanitation and health standards are met which conform with all applicable State and local laws and regulations. Institutions should ensure that adequate facilities are available to store food or hold meals.

(n) *Donated commodities.* Institutions should efficiently use in the Program any foods donated by the Department and accepted by the institution.

(o) *Family-style meal service.* Family-style is a type of meal service which allows children to serve themselves from common platters of food with the assistance of supervising adults. Facilities choosing to exercise this option must be in compliance with the following practices:

(1) A sufficient amount of prepared food must be placed on each table to provide the full required portions of each of the food components, as outlined in paragraphs (c)(1) and (2) of this section, for all children at the table and to accommodate supervising adult(s) if they eat with the children.

(2) Children must self-serve the meal components, with the exception of fluids (milk, juice, etc). During the course of the meal, it is the responsibility of the supervising adults to actively encourage each child to serve themselves the full required portion for

each food component of the meal pattern. Supervising adults who choose to serve the fluids directly to the children must serve the required minimum quantity to each child.

(3) Institutions which use family-style meal service may not claim second meals for reimbursement.

(p) *Offer versus serve.* (1) Each adult day care center and at-risk after school program must offer its participants all of the required food servings as set forth in paragraph (c)(1)(i) and (ii) of this section. However, at the discretion of the adult day care center or at-risk afterschool program, participants may be permitted to decline:

(i) For adults: (A) *One of the four* food items (one serving of milk, one serving of fruit and/or vegetable, and two servings of grains or grain alternate and/or meat/meat alternate) required at breakfast;

(B) *Two of the six* food items (one serving of milk, one servings of vegetable, one serving of fruit, two servings of grain or grain alternate, and one serving of meat or meat alternate) required at lunch; and

(C) *Two of the five* food items (one serving of vegetables, one serving of fruit, two servings of grain or grain alternate, and one serving of meat or meat alternate) required at supper.

(ii) For children participating in at-risk after school programs: *Two of the five* food items (one serving of vegetables, one serving of fruits, one serving of grain or grain alternate, one serving of meat or meat alternate, and one serving of fluid milk) required at supper.

(2) In pricing programs, the price of a reimbursable meal must not be affected if an adult participant declines a food item.

(q) *Prohibition on using food as a punishment or reward.* Meals served under this part must contribute to the development and socialization of children by providing food that is not used as a punishment or reward.

(r) *Sugar limitations*—(1) *Flavored milk for children 2 through 4 years*—(i) *Alternative A1.* The service of flavored milk to children 2 through 4 years of age is prohibited; or

(ii) *Alternative A2.* To be creditable as part of a reimbursable meal under paragraph (a)(1) of this section, flavored milk served to children 2 through 4 years of age must contain no more than 22 grams of sugar per 8 fluid ounce serving.

(2) *Flavored milk for children 5 years and older*—(i) *Alternative B1.* To be creditable as part of a reimbursable meal under paragraph (a)(1) of this section, flavored milk served must contain no more than 22 grams of sugar per 8 fluid ounce serving; or

(ii) *Alternative B2.* Facilities willing to go further in providing healthier options may follow the best practices as outlined under paragraph (e) of this section, which may include limiting the sugar in flavored milk to no more than 22 grams per 8 fluid ounce serving.

(3) *Yogurt for all age groups*—(i) *Alternative C1.* To be creditable as part of a reimbursable under paragraph (a)(1)(iv) or (a)(5) of this section, yogurt served must contain no more than 30 grams of sugar per 6 ounce serving; or

(ii) *Alternative C2.* Facilities willing to go further in providing healthier options may follow the best practices as outlined under paragraph (e) of this section, which may include limiting the sugar in yogurt to no more than 30 grams per 6 ounce serving.

■ 12. In § 226.25 add paragraph (i) to read as follows:

§ 226.25 Other provisions.

* * * * *

(i) *Water availability.* A child care facility must make potable drinking water available to children upon their request, throughout the day.

Dated: January 8, 2015.

Kevin W. Concannon,

Under Secretary, Food, Nutrition, and Consumer Services.

[FR Doc. 2015–00446 Filed 1–14–15; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 900, 1150, 1160, 1205, 1206, 1207, 1208, 1209, 1210, 1212, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1230, 1250, 1260, and 1280

[Document Number AMS–FV–14–0032]

Exemption of Organic Products From Assessment Under a Commodity Promotion Law

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of comment period.

SUMMARY: Notice is hereby given that the comment period on proposed modifications to the organic assessment exemption regulations under 23 Federal marketing orders and 22 research and promotion programs is extended until February 17, 2015. The proposed rule would expand the organic assessment exemption to cover all ''organic'' and ''100 percent organic'' products certified under the National Organic Program regardless of whether the person requesting the exemption also produces, handles, markets, or imports conventional or nonorganic products. The authority for this proposal is in section 10004 of the Agricultural Act of 2014.

DATES: Comments must be received by February 17, 2015.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue and the December 16, 2014, issue of the **Federal Register**. Comments will be included in the record and made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Barry Broadbent, Senior Marketing Specialist, or Michelle Sharrow, Branch Chief, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938; or email: *Barry.Broadbent@ams.usda.gov,* or *Michelle.Sharrow@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: A proposed rule was published in the **Federal Register** on December 16, 2014 (79 FR 75006). The proposed rule would expand the organic assessment exemption, currently only available to entities that produce or market solely 100 percent organic products, to cover all ''organic'' and ''100 percent organic'' products certified under the National Organic Program regardless of whether the person requesting the exemption also produces, handles, markets, or imports conventional or nonorganic products. The action is authorized by the Agricultural Act of 2014. The comment period established in the proposed rule closes January 15, 2015.

USDA received comments from affected programs and industry members requesting that the comment period be extended beyond January 15, 2015. The comments expressed concern that the original December 16 to January

15 comment period was insufficient given the numerous holidays that occurred during that timeframe. The commenters requested the extension to provide additional time for interested persons to analyze the proposal and to submit written comments.

After reviewing the requests, USDA is extending the comment period to February 17, 2015. This will provide interested persons over 60 days to review the proposed rule, perform a complete analysis, and submit written comments.

Authority: This document is issued pursuant to the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601–674); Beef Promotion and Research Act of 1985 (7 U.S.C. 2901–2911); Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425); Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101–2118); Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501–4514); Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701–2718); Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401–6417); Hass Avocado Promotion, Research, and Information Act of 2000 (7 U.S.C. 7801–7813); Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101–6112); Popcorn Promotion, Research, and Consumer Information Act of 1996 (7 U.S.C. 7481–7491); Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819); Potato Research and Promotion Act of 1971 (7 U.S.C. 2611–2627); Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301–6311); and Watermelon Research and Promotion Act (7 U.S.C. 4901–4916); and 7 U.S.C. 7401.

Dated: January 12, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–00540 Filed 1–14–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket ID FFIEC–2014–0001]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

12 CFR Chapter II

[Docket No. OP–1491]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCIES: Office of the Comptroller of the Currency (''OCC''), Treasury; Board of Governors of the Federal Reserve System (''Board''); and Federal Deposit Insurance Corporation (''FDIC'').

ACTION: Notice of outreach meeting.

SUMMARY: The OCC, Board, and FDIC (''we'' or ''Agencies'') announce the second in a series of outreach meetings on the Agencies' interagency process to review their regulations under the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (''EGRPRA'').

DATES: An outreach meeting will be held on Wednesday, February 4, 2015, beginning at 9:00 a.m. Central Standard Time (CST). Online registrations will be accepted through January 28, 2015, or until all seats are filled, whichever is earlier. If seats are available, individuals may register in person at the Federal Reserve Bank of Dallas on the day of the meeting. Additional outreach meetings are scheduled for Boston on May 4, 2015; Chicago on October 19, 2015; and Washington, DC, on December 2, 2015. The Agencies also plan to hold an outreach meeting this summer that will focus on rural banks.

ADDRESSES: The Agencies will hold the February 4, 2015, outreach meeting at the Federal Reserve Bank of Dallas, 2200 N. Pearl St., Dallas, Texas 75201. Live video of this meeting will be streamed at *http://egrpra.ffiec.gov/.* All Dallas participants should register at *http://egrpra.ffiec.gov/outreach/outreach-index.html.* Any interested individual may submit comments through the EGRPRA Web site during open comment periods at: *http://egrpra.ffiec.gov/submit-comment/submit-comment-index.html.*

FOR FURTHER INFORMATION CONTACT:

OCC: Heidi M. Thomas, Special Counsel, (202) 649–5490; for persons who are deaf or hard of hearing, TTY (202) 649–5597.

Board: Claudia Von Pervieux, Counsel, (202) 452–2552; for persons who are deaf or hard of hearing, TTY (202) 263–4869.

FDIC: Ruth R. Amberg, Assistant General Counsel, (202) 898–3736; for persons who are deaf or hard of hearing, TTY 1–800–925–4618.

SUPPLEMENTARY INFORMATION: EGRPRA [1] directs the Agencies, along with the Federal Financial Institutions Examination Council (Council), not less frequently than once every ten years, to conduct a review of their regulations to identify outdated or otherwise unnecessary regulations. The Agencies are holding a series of at least five outreach meetings to provide an opportunity for bankers, consumer and community groups, and other interested persons to present their views directly to senior management and staff of the Agencies on any of 12 specific categories of regulations, as further described below. The Agencies held the first of these outreach meetings on December 2, 2014, in Los Angeles, California.[2]

The second outreach meeting will be held on February 4, 2015, in Dallas, Texas. Senior agency staff from the OCC, FDIC and Board are scheduled to attend. Video of this meeting will be streamed live at *http://egrpra.ffiec.gov/.* The meeting will consist of panels of bankers and consumer and community groups who will present particular issues. There will be limited time after each panel for comments from meeting attendees. In addition, there will be a session at the end of the meeting during which audience members may present views on any of the regulations under review. The Agencies reserve the right to limit the time of individual commenters, if needed, in order to accommodate the number of persons desiring to speak.

Comments made by panelists and audience members at this meeting will be reflected in the public comment file. Audience members who do not wish to comment orally may submit written comments at the meeting. In addition, any interested individual may submit comments through the EGRPRA Web

[1] Public Law 104–208 (1996), 110 Stat. 3009–414, codified at 12 U.S.C. 3311.

[2] A taped video of this outreach meeting is available on the EGRPRA Web site at *http://egrpra.ffiec.gov/outreach/outreach-index.html.*

site during open comment periods at: *http://egrpra.ffiec.gov/submit-comment/submit-comment-index.html.* Further outreach meetings are scheduled for Boston on May 4, 2015; Chicago on October 19, 2015; and Washington, DC, on December 2, 2015. The Agencies also plan to hold an outreach meeting this summer that will focus on rural banks.

All participants should register for the Dallas outreach meeting at *http://egrpra.ffiec.gov/outreach/outreach-index.html.* Because of space constraints, on-site attendance will be limited. Online registrations will be accepted through January 28, 2015, or until all seats are filled, whichever is earlier. If seats are available, individuals may register in person at the Federal Reserve Bank of Dallas on the day of the meeting. Registration is not required to view the live-stream broadcast.

Further details about the first outreach meeting, including the agenda, are published on the EGRPRA Web site at *http://egrpra.ffiec.gov/outreach/outreach-index.html.*

Additional Background on EGRPRA

Section 2222 of EGRPRA directs the Agencies, along with the Council, to conduct a review of their regulations not less frequently than once every ten years to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions. In conducting this review, the Agencies are required to categorize their regulations by type and, at regular intervals, provide notice and solicit public comment on categories of regulations, requesting commenters to identify areas of regulations that are outdated, unnecessary, or unduly burdensome. The statute requires the Agencies to publish in the **Federal Register** a summary of the comments received, identifying significant issues raised and commenting on these issues. The statute also directs the Agencies to eliminate unnecessary regulations to the extent that such action is appropriate. Finally, section 2222 requires the Council, of which the Agencies are members, to submit a report to Congress that summarizes any significant issues raised in the public comments and the relative merits of such issues. The report also must include an analysis of whether the Agencies are able to address the regulatory burdens associated with such issues by regulation or whether these burdens must be addressed by legislative action.

For purposes of this review, the Agencies have grouped our combined regulations into 12 categories: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection; Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. On June 4, 2014, we published a **Federal Register** notice asking for public comment on three of these categories—Applications and Reporting, Powers and Activities, and International Operations regulations.[3] We also published a chart listing all of the regulations included in the EGRPRA review. Over the next year, we will publish additional notices, seeking comment on the remaining categories.

Dated: January 8, 2015.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, January 9, 2015.

Robert deV. Frierson,

Secretary of the Board.

Dated: January 8, 2015.

Federal Deposit Insurance Corporation by,

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–00516 Filed 1–14–15; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 5

[Docket No. FR–5173–N–03]

Affirmatively Furthering Fair Housing: Re-Opening Public Comment Period on Subject of Later First AFH Submission Date for Certain Entities

AGENCY: Office of General Counsel, HUD.

ACTION: Proposed rule; re-opening of comment period for a specific topic.

SUMMARY: On July 19, 2013, HUD published a proposed rule on Affirmatively Furthering Fair Housing. The comment period for the proposed rule closed on September 17, 2013. HUD received over 1,000 public comments in response to the proposed rule. While many commenters expressed outright support for HUD's proposal, and other commenters expressed outright opposition, the majority of the commenters provided valuable feedback and suggestions on HUD's proposal.

One area of concern expressed by many commenters was the ability of program participants, those that are small or those that receive small grants or allocations of HUD funds, to prepare and submit the Assessment of Fair Housing (AFH) in accordance with the process set out in HUD's proposed rule, and by the proposed submission deadline. Commenters comprised of State jurisdictions or their representatives also expressed concern about the ability to complete an AFH, which they commented did not take into consideration the unique role of States. These commenters stated that HUD's proposed AFH was tailored to entitlement jurisdictions.

In response to these comments, HUD is considering providing certain HUD program participants—States, Insular Areas, qualified PHAs, jurisdictions receiving a small Community Development Block (CDBG) grant (which is based on a percentage of the CDBG formula appropriation, as described in this notice)—with the option of submitting their first AFH at a date later than would otherwise be required for program participants that are not States or Insular Areas, not qualified PHAs, and are not grantees receiving a small CDBG grant, as proposed to be defined in this notice.

This supplemental notice of proposed rulemaking therefore re-opens the public comment period on the Affirmatively Furthering Fair Housing proposed rule for an additional 30 days solely to seek comment on these specific issues. HUD is not soliciting comment on any other issues related to HUD's July 19, 2013, proposed rule.

DATES: The comment period for a specific topic in the proposed rule published on July 19, 2013 (78 FR 43709), is re-opened. The due date for comments discussed in this supplemental notice of proposed rulemaking is February 17, 2015.

ADDRESSES: Interested persons are invited to submit comments responsive to this request for information to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–7000. Communications must refer to the above docket number and title and should contain the information specified in the ''Request for Comments'' of this supplemental notice of proposed rulemaking.

Electronic Submission of Comments. Interested persons may submit comments 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

[3] 79 FR 32172.

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 interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

Submission of Hard Copy Comments. Comments may be submitted by mail or hand delivery. To ensure that the information is fully considered by all of the reviewers, each commenter submitting hard copy comments, by mail or hand delivery, should submit comments or requests to the address above, addressed to the attention of the Regulations Division. Due to security measures at all federal agencies, submission of comments or requests by mail often result in delayed delivery. To ensure timely receipt of comments, HUD recommends that any comments submitted by mail be submitted at least 2 weeks in advance of the public comment deadline. All hard copy comments received by mail or hand delivery are a part of the public record and will be posted to *http://www.regulations.gov* without change.

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 this supplemental notice of proposed rulemaking.

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

Public Inspection of Comments. All comments submitted to HUD regarding this supplemental notice of proposed rulemaking will be available, without charge, 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 advance appointment to review the documents must be scheduled by calling the Regulation Division at 202–708–3055 (this is not a toll-free number). Copies of all comments submitted will also be available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Camille Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10282, Washington, DC 20410; telephone number 202–708–1793 (this is not a toll-free number). Individuals with hearing- or speech-impairments may access this number via TTY by calling the toll-free Federal Relay Service during working hours at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On July 19, 2013, at 78 FR 43709, HUD published in the **Federal Register** rulemaking that proposed a new fair housing planning process to assist program participants in carrying out their duty to affirmatively further fair housing, a duty required under the authority of the Fair Housing Act (title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–3619).[1] Section 808(e)(5) of the Fair Housing Act (42 U.S.C. 3608(e)(5)) requires that HUD programs and activities be administered in a manner that affirmatively furthers the policies of the Fair Housing Act. The proposed rule presented a proposed definition of the term ''affirmatively furthering fair housing'' for purposes of program participants' planning processes and an approach to fair housing planning that HUD believes would better aid program participants fulfill their statutory obligation to affirmatively further fair housing in accordance with Fair Housing Act requirements.

As noted in the Summary of this supplemental notice of proposed rulemaking, HUD received over 1,000 comments in response to the proposed rule.[2] While HUD continues to review and consider the helpful and thoughtful questions, recommendations, and concerns raised by the public commenters, this document seeks comment on the limited issue of a delayed submission of the first AFH for certain entities.

As more fully discussed below, HUD is considering providing a later submission date for the first AFH to be completed by qualified PHAs, and entitlement jurisdictions that receive small CDBG grants (as defined below), States, and Insular Areas.

In the July 19, 2013, proposed rule, HUD specifically sought public comment on issues pertaining to the subject matter of this document. Question 12 of the proposed rule, at 78 FR 43724, solicited comment on whether there are any AFH requirements that should be modified for States. Question 13 of the proposed rule, at 78 FR 43724, solicited comment on whether there are any AFH requirements that should be modified for small program participants, such as small units of general local government and small public housing agencies (PHAs).

HUD appreciates the comments specifically directed to these issues, and solicits further comment on these issues as modified and elaborated upon in this supplemental notice of proposed rulemaking.

II. Specific Requests for Comment—Later AFH Submission Date for Certain Entities

HUD takes the opportunity in this document to assure all program participants that HUD intends to provide all program participants with sufficient time to prepare and submit their first AFH. HUD agrees with commenters that not all program participants are the same; that they vary in such aspects as size, capacity, the amount of HUD resources generally received annually, the scope of responsibilities under various HUD programs; and any or all of such aspects may factor in their ability to timely respond to new regulatory requirements. To address this concern, HUD is considering providing the following categories of program participants with a later submission date for their first AFH.

Along with the consideration to provide certain entities additional time to complete their AFHs, as described in this supplemental notice of proposed rulemaking, HUD is considering a staggered AFH submission approach, as recommended by many commenters.

States and Insular Areas: HUD acknowledges the comments stating that the AFH process proposed in the July 19, 2013, rulemaking is better suited for local jurisdictions, and not States and Insular Areas. In the 60-day notice on the AFFH Assessment Tool that HUD published in the **Federal Register** on September 26, 2014, at 79 FR 57949, in accordance with the Paperwork Reduction Act, HUD advised that the Assessment Tool that is the subject of the 60-day notice is primarily designed for use by entitlement jurisdictions, other than States, and for joint submissions by entitlement jurisdictions and public housing agencies (PHAs). (See 79 FR 57950–57951.)[3] The notice also stated that HUD is considering developing program participant-specific Assessment Tools, such as one specifically for States and Insular Areas,

[1] The July 19, 2013, proposed rule can be found at *http://www.gpo.gov/fdsys/pkg/FR-2013-07-19/pdf/2013-16751.pdf.*

[2] All public comments on HUD's July 19, 2013, proposed rule can be found at *http://www.regulations.gov/#!docketDetail;D=HUD-2013-0066.*

[3] HUD's proposed Assessment Tool can be found at *http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-22956.pdf,* and the public comments can be found at *http://www.regulations.gov/#!docketDetail;D=HUD-2014-0080.*

and that: ''It is HUD's intention to have any program-participant-specific Assessment Tools developed by HUD available for public comment at the 30-day notice required under the Paperwork Reduction Act.''

Upon further consideration, HUD has decided to design a separate Assessment Tool for States and Insular Areas. HUD believes that a separate Assessment Tool for States and Insular Areas would address commenters' concerns about the AFH approach being better suited for entitlement jurisdictions. This separate Assessment Tool will not be provided for public comment as part of the 30-day notice for the Assessment Tool presented in the September 26, 2014, notice. Rather, HUD will have the Assessment Tool for States and Insular Areas separately undergo the full notice and comment process (a 60-day notice and a 30-day notice) under the Paperwork Reduction Act.

Specific solicitation of comment #1: HUD welcomes public comment on the proposal to delay submission of the first AFH for States and Insular Areas.

Qualified PHAs: HUD is also considering delaying the date of submission of the first AFH for PHAs that meet the criteria of a ''qualified PHA,'' as defined in section 2702 of title VII of the Housing and Economic Recovery Act (HERA).[4] Section 2702 of HERA defines ''qualified PHA'' as a PHA: (1) For which the sum of (i) the number of public housing dwelling units administered by PHA, and (ii) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the PHA is 550 or fewer; and (2) that is not designated under section 6(j)(2) of the United States Housing Act as a troubled PHA, and does not have a failing score under the Section 8 Management Assessment Program during the prior 12 months. HUD codified this statutory definition in its regulations on Public Housing Agency Plans at 24 CFR part 903, and the definition of ''qualified PHA'' is found at § 903.3(c).

HERA defined qualified PHAs to exempt such PHAs, which are small PHAs, from the burden of preparing and submitting an annual PHA Plan. Given that Congress has determined that qualified PHAs should have reduced administrative burdens, HUD believes it is appropriate to provide these agencies with more time to submit their first AFH.

Specific solicitation of comment #2: HUD seeks comment on a delayed submission date of the first AFH due for qualified PHAs.

Entitlement Jurisdictions Receiving Small CDBG Grants (Grants of Approximately $350,000 or Less): In addition to recognizing the burdens faced by small entities, such as small PHAs, HUD recognizes that the amount of HUD funding that many entitlement jurisdictions receive is not substantial. HUD has discussed the challenges faced by entitlement jurisdictions receiving small CDBG grants in HUD's Congressional Justifications (CJ) provided for Fiscal Years 2014 and 2013.[5]

In the two CJs, HUD discussed that the median CDBG grant size for entitlement communities in FY 2012 was just under $800,000, but that almost 15 percent of CDBG entitlement grantees received an allocation of less than $300,000 in 2012. HUD advised that given the very limited amount of money the grantees can use for planning and administrative costs ($60,000 for a $300,000 grant), HUD expressed concern about the ability of grantees to effectively sustain their programs with such small dollar-amount grants. In response to such concern and in order to assist entitlement jurisdictions receiving small CDBG grants, in October 4, 2012, HUD hosted a webinar for ''Small Grantees (CDBG Grantee < $350,000 Per Year).'' The purpose of the webinar was to invite small CDBG grantees to express their concerns, and to address certain topics posed by HUD.[6]

Although the focus in the CJs and the webinar have been on dollar amounts in the range of $300,000 to $350,000, HUD proposes that delineation of which entitlement jurisdictions are defined as those receiving small CDBG grants should be based on a percentage of the CDBG formula appropriation, and HUD proposed such delineation in the FY 2014 CJ. HUD proposed to establish a minimum grant threshold of 0.0125 percent of the CDBG formula appropriation amount in order for a jurisdiction to receive a direct CDBG entitlement allocation. HUD stated that based on the requested funding level of $2.798 billion in FY 2014, and jurisdictions that received fiscal year 2012 CDBG entitlement allocations, HUD estimated that 239 local governments would fall below the 0.0125 percent minimum grant threshold ($348,875). The percentage proposed by HUD in the FY 2014 CJ, reaches the same result as a dollar threshold, approximately $350,000, but is a better measure of a small grant that a strict dollar amount threshold. Accordingly, HUD is proposing that entitlement jurisdictions receiving a grant of 0.0125 of the CDBG formula appropriation or less are designated as small CDBG grantees and, similar to qualified PHAs, HUD would delay the submission date of the first AFFH by small CDBG grantees.

Specific solicitation of comment #3: HUD seeks comment on whether the proposed percentage of 0.0125 of the CDBG formula appropriation is an appropriate threshold to set for entitlement jurisdictions that would be provided a later first AFH submission date. HUD welcomes any alternative thresholds that would better capture those entitlement jurisdictions that have capacity challenges. HUD asks that commenters offering alternative thresholds explain the basis for any alternative threshold suggested.

III. Solicitation of Comment Only on Delayed Submission of First AFH

This solicitation of public comment is solely on the specific questions pertaining to whether there should be a delayed submission date for certain entities as provided in this supplemental notice of proposed rulemaking. This notice is not re-opening public comment on any other issues related to HUD's July 19, 2013, proposed rule, and HUD will not review or consider public comments that address issues other than the specific questions in this document directed to delayed submission of the first AFH.

Dated: January 9, 2015.

Camille E. Acevedo,

Associate General Counsel for Legislation and Regulations.

[FR Doc. 2015–00468 Filed 1–14–15; 8:45 am]

BILLING CODE 4210–67–P

[4] Public Law 110–289, 122 Stat. 2654, approved July 30, 2008, see 122 Stat 2863.

[5] See pages P–15 and P–16 for FY 2013 CJ at *http://portal.hud.gov/hudportal/documents/huddoc?id=CommunityDevelopmentFund.pdf;* and page Q24 of the FY 2014 CJ at *http://portal.hud.gov/hudportal/documents/huddoc?id=COMDEVFUND.pdf.*

[6] See *https://www.hudexchange.info/training-events/courses/moving-cdbg-forward-small-grantees-cdbg-grant—350-000-per-year-webinar/.*

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

[NPS–AKRO–15122; PPAKAKROZ5, PPMPRLE1Y.L00000]

RIN 1024–AE21

Alaska; Hunting and Trapping in National Preserves—Reopening of Public Comment Period

AGENCY: National Park Service, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: The National Park Service is reopening the public comment period for the proposed rule to amend its regulations for sport hunting and trapping in National Preserves in Alaska. The proposed rule also includes updates to procedures for closing an area or restricting an activity in National Park Service Areas in Alaska and other minor changes. Reopening the comment period for 31 days will allow more time for the public to review the proposal and submit comments.

DATES: The comment period for the proposed rule published on September 4, 2014 (79 FR 52595), is reopened. Comments must be received by 11:59 p.m. EST on February 15, 2015.

ADDRESSES: You may submit comments, identified by Regulation Identifier Number (RIN) 1024–AE21, by either of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or hand deliver to:* National Park Service, Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501.

Instructions: Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions must include the words ''National Park Service'' or ''NPS'' and must include the docket number or RIN for this rulemaking (1024–AE21).

FOR FURTHER INFORMATION CONTACT: Andee Sears, Regional Law Enforcement Specialist, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. Phone (907) 644–3417. Email: *AKR_Regulations@nps.gov.*

SUPPLEMENTARY INFORMATION: On September 4, 2014, the National Park Service (NPS) published in the **Federal Register** (79 FR 52595) a proposed rule to amend its regulations for sport hunting and trapping in National Preserves in Alaska The proposed rule also includes updates to procedures for closing an area or restricting an activity in National Park Service Areas in Alaska and other minor changes. The 90-day public comment period for this proposal closed on December 3, 2014. In order to give the public additional time to review and comment on the proposal, we are reopening the public comment period from January 15, 2015 through February 15, 2015. If you already commented on the proposed rule you do not have to resubmit your comments.

To view comments received through the Federal eRulemaking portal, go to *http://www.regulations.gov* and enter 1024–AE21 in the search box. 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, we cannot guarantee that we will be able to do so.

Dated: December 18, 2014.

Michael Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–30665 Filed 1–14–15; 8:45 am]

BILLING CODE 4310–EJ–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 383

[Docket No. 14–CRB–0002–NSR (2016–2020)]

Digital Performance Right in Sound Recordings and Ephemeral Recordings for a New Subscription Service

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Proposed rule.

SUMMARY: The Copyright Royalty Judges are publishing for comment proposed regulations that would set the royalty rates and terms for the digital transmission of sound recordings by new subscription services and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2016, and ending on December 31, 2020.

DATES: Comments and objections, if any, are due no later than February 17, 2015.

ADDRESSES: The proposed rule is posted on the agency's Web site (*www.loc.gov/crb*). Submit electronic comments via email to *crb@loc.gov* or online at *http://www.regulations.gov.* Those who chose not to submit comments electronically should see How to Submit Comments in the **SUPPLEMENTARY INFORMATION** section below for further instructions.

FOR FURTHER INFORMATION CONTACT: Richard Strasser, Senior Attorney, or Kimberly Whittle, Attorney Advisor, by telephone at (202) 707–7658, or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: The Copyright Royalty Judges (''Judges'') received a joint motion from SoundExchange, Inc. and Sirius XM Radio Inc. to adopt a settlement of their interests regarding royalty rates and terms for 2016–2020 applicable to music services available on cable and satellite television. Sirius XM Radio is a creator of music programming for DiSH satellite television. SoundExchange, Inc. represents the interests of sound recording copyright owners. SoundExchange and Sirius XM Radio propose regulatory language that, in part, simplifies the existing rate structure found in 37 CFR part 383. The Judges hereby publish the proposed revision to the regulation and request comments from the public.

Background

Section 114(f)(2)(A) of the Copyright Act, title 17 of the United States Code, provides that, prior to the expiration of a rate term, the Judges shall commence a proceeding to determine reasonable royalty terms and rates for a new subscription service (*i.e.,* a subscription service that was established after July 1, 1998, or is using a different transmission medium from what it used prior to July 1, 1998) on which sound recordings are performed. 17 U.S.C. 114(f)(2)(A). Section 112(e)(3) provides for proceedings to be commenced to determine rates and terms for licenses to make ephemeral reproductions to facilitate certain digital audio transmissions including those made by new subscription services. 17 U.S.C. 112(e)(3). The Judges have conducted two prior proceedings for five-year rate terms pursuant to these provisions. *See* 72 FR 72253 (December 20, 2007) and 75 FR 14074 (March 24, 2010). The current rate term ends December 31, 2015.

Pursuant to section 803(b)(1)(A)(i)(III) of the Copyright Act, the Judges published in the **Federal Register** a notice commencing the rate determination proceeding for the license period 2016–2020 for the new subscription services defined in 37 CFR 383.2(h) and requesting interested parties to submit petitions to participate. See 79 FR 410 (January 3,

2014). Petitions to Participate in this proceeding were received from Music Reports, Inc., National Music Publishers Association, Sirius XM Radio Inc. (''Sirius XM''), Spotify USA Inc., and SoundExchange, Inc.

The Judges announced the three-month negotiation period, *see* 17 U.S.C. 803(b)(3), and directed the participants to submit their written direct statements no later than December 1, 2014. On December 1, 2014, the remaining participants [1] filed a motion asking the Judges to stay the filing of written direct statements in light of the parties' impending settlement. The Judges granted the motion and extended the deadline for filing written direct statements to December 12, 2014. *See* Order Granting Extension of Time for Filing Written Direct Statements, Docket No. 14–CRB–0002–NSR (2016–2020). On December 12, 2014, SoundExchange and Sirius XM filed the settlement that is the subject of this notice.

Section 801(b)(7)(A) authorizes the Judges to adopt rates and terms negotiated by ''some or all of the participants in a proceeding at any time during the proceeding'' provided the settling parties submit the negotiated rates and terms to the Judges for approval. This section provides that in such event:

> (i) The Copyright Royalty Judges shall provide to those that would be bound by the terms, rates, or other determination set by any agreement in a proceeding to determine royalty rates an opportunity to comment on the agreement and shall provide to participants in the proceeding under section 803(b)(2) that would be bound by the terms, rates, or other determination set by the agreement an opportunity to comment on the agreement and object to its adoption as a basis for statutory terms and rates; and
>
> (ii) the Copyright Royalty Judges may decline to adopt the agreement as a basis for statutory terms and rates for participants that are not parties to the agreement, if any participant described in clause (i) objects to the agreement and the Copyright Royalty Judges conclude, based on the record before them if one exists, that the agreement does not provide a reasonable basis for setting statutory terms or rates.

17 U.S.C. 801(b)(7)(A).

Rates and terms the Judges adopt pursuant to this provision are binding on all sound recording copyright owners and all new subscription services performing the licensed sound recordings on digital audio channels transmitted by a cable or satellite television distribution service to residential customers, bundled with television channels as part of a ''basic'' service subscription package and not available separately for a separate fee. *See* 37 CFR 383.2(h).

The public may comment and object to any or all of the proposed regulations contained in this notice. Comments and objections must be submitted no later than February 17, 2015.

How To Submit Comments

Interested members of the public must submit comments to only one of the following addresses. If not commenting by email or online, commenters must submit an original of their comments, five paper copies, and an electronic version on a CD.

Email: *crb@loc.gov;* or

Online: *http://www.regulations.gov;* or

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE. and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

List of Subjects in 37 CFR Part 383

Copyright, Digital audio transmissions, Performance right, Sound recordings.

Proposed Regulation

For the reasons set forth in the preamble, the Copyright Royalty Judges propose to amend 37 CFR part 383 as follows:

PART 383—RATES AND TERMS FOR SUBSCRIPTION TRANSMISSIONS AND THE REPRODUCTION OF EPHEMERAL RECORDINGS BY NEW SUBSCRIPTION SERVICES

■ 1. The authority citation for part 383 continues to read as follows:

Authority: 17 U.S.C. 112(e), 114, and 801(b)(1).

Title [Amended]

■ 2. Amend the title as follows:

Add the word ''CERTAIN'' before ''NEW SUBSCRIPTION SERVICES''.

§ 383.1 [Amended]

■ 3. Amend § 383.1 as follows:

■ a. In paragraph (a), remove ''from the inception of the Licensees' Services'' and add in its place ''January 1, 2016,'' and remove ''2015'' and add in its place ''2020''; and

■ b. In paragraph (c), add ''voluntary'' before ''license agreements''.

§ 383.2 [Amended]

■ 4. Amend § 383.2 as follows:

■ a. Remove paragraph (a);

■ b. Redesignate paragraphs (b) through (f) as paragraphs (a) through (e);

■ c. In paragraph (b), add ''made under this part pursuant to the statutory licenses'' before ''under 17 U.S.C.''; remove ''or'' and add in its place ''and''; and remove ''(g)'';

■ d. In paragraph (c), remove ''from the inception of the Licensees' Services'' and add in its place ''January 1, 2016''; and remove ''2015'' and add in its place ''2020'';

■ e. In paragraph (d), remove ''(h)'' and add in its place ''(f)'';

■ f. Remove paragraph (g);

■ g. Redesignate paragraphs (h) through (j) as paragraphs (f) through (h); and

■ h. In paragraph (f)(3), remove ''(h)'' and add in its place ''(f)''.

§ 383.3 [Amended]

■ 5. Amend § 383.3 as follows:

■ a. In paragraph (a), remove ''License'' and add in its place ''statutory licenses'';

■ b. Revise paragraph (a)(1) to read as follows:

(1) For Stand-Alone Contracts, the following monthly payment per Subscriber to the Service of such Licensee:

(i) 2016: $0.0179;

(ii) 2017: $0.0185;

(iii) 2018: $0.0190;

(iv) 2019: $0.0196;

(v) 2020: $0.0202;

■ c. Revise paragraph (a)(2) to read as follows:

(2) For Bundled Contracts, the following monthly payment per Subscriber to the Service of such Licensee:

(i) 2016: $0.0299;

(ii) 2017: $0.0308;

(iii) 2018: $0.0317;

(iv) 2019: $0.0326;

(v) 2020: $0.0336; and

■ d. In paragraph (2)(b), Remove '', but payable pursuant to the applicable regulations for all years 2007 and earlier'';

§ 383.4 [Amended]

■ 6. Amend § 383.4 as follows:

In paragraph (a), Remove ''2007–2013'' and add in its place ''2013–2017 and remove ''''2015'' and add in its place ''2020''.

[1] The Judges struck the petitions of two of the other parties, and another party withdrew its petition. Joint Motion to Adopt Settlement at 2.

Dated: January 6, 2015.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2015–00203 Filed 1–14–15; 8:45 am]

BILLING CODE 1410–72–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2010–0544; FRL–9921–62–OAR]

RIN 2060–AQ40

National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking; extension of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing that the period for providing public comments on the December 8, 2014, supplemental proposed rule titled ''National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production'' is being extended for 15 days.

DATES: *Comments.* The public comment period for the supplemental proposed rule published in the **Federal Register** on December 8, 2014 (79 FR 72874), is being extended for 15 days to February 6, 2015, in order to provide the public additional time to submit comments and supporting information.

ADDRESSES: *Comments.* Written comments on the supplemental proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the supplemental proposal (79 FR 72874) for the addresses and detailed instructions.

Docket. Publicly available documents relevant to this action are available for public inspection either electronically at *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, 1301 Constitution Avenue 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. A reasonable fee may be charged for copying. The official public docket for this rulemaking is Docket ID No. EPA–HQ–OAR–2010–0544.

World Wide Web. The EPA Web site for this rulemaking is at *http://www.epa.gov/ttn/atw/alum2nd/alum2pg.html.*

FOR FURTHER INFORMATION CONTACT: Ms. Rochelle Boyd, Metals and Inorganic Chemicals Group (D243–02), Sector Policies and Programs Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; Telephone number: (919) 541–1390; Fax number (919) 541–3207; Email address: *boyd.rochelle@epa.gov.*

SUPPLEMENTARY INFORMATION:

Comment Period

After considering a request to extend the public comment period, the EPA has decided to extend the public comment period for an additional 15 days. Therefore, the public comment period will end on February 6, 2015, rather than January 22, 2015. This extension will help ensure that the public has sufficient time to review the proposed rule and the supporting technical documents and data available in the docket.

Dated: January 6, 2015.

Stephen D. Page,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2015–00460 Filed 1–14–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2011–0797; FRL–9921–63–OAR]

RIN 2060–AQ92

National Emission Standards for Hazardous Air Pollutants: Primary Aluminum Reduction Plants; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking; extension of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing that the period for providing public comments on the December 8, 2014, supplemental proposed rule titled ''National Emission Standards for Hazardous Air Pollutants: Primary Aluminum Reduction Plants'' is being extended for 15 days.

DATES: *Comments.* The public comment period for the supplemental proposed rule published in the **Federal Register** on December 8, 2014 (79 FR 72914), is being extended for 15 days to February 6, 2015, in order to provide the public additional time to submit comments and supporting information.

ADDRESSES: *Comments.* Written comments on the supplemental proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the supplemental proposal (79 FR 72914) for the addresses and detailed instructions.

Docket. Publicly available documents relevant to this action are available for public inspection either electronically at *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, 1301 Constitution Avenue 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. A reasonable fee may be charged for copying. The official public docket for this rulemaking is Docket ID No. EPA–HQ–OAR–2011–0797.

World Wide Web. The EPA Web site for this rulemaking is at *http://www.epa.gov/ttn/atw/alum/alumpg.html.*

FOR FURTHER INFORMATION CONTACT: Mr. David Putney, Metals and Inorganic Chemicals Group (D243–02), Sector Policies and Programs Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; Telephone number: (919) 541–2016; Fax number (919) 541–3207; Email address: *putney.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

Comment Period

After considering a request received to extend the public comment period, the EPA has decided to extend the public comment period for an additional 15 days. Therefore, the public comment period will end on February 6, 2015, rather than January 22, 2015. This extension will help ensure that the public has sufficient time to review the proposed rule, the supporting technical documents and data available in the docket.

Dated: January 6, 2015.

Stephen D. Page,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2015–00461 Filed 1–14–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2011–0976; FRL–9915–62]

RIN 2070–AJ91

Toluene Diisocyanates (TDI) and Related Compounds; Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Toxic Substance Control Act (TSCA), EPA is proposing a significant new use rule (SNUR) for 2,4-toluene diisocyanate, 2,6-toluene diisocyanate, toluene diisocyanate unspecified isomers (these three chemical substances are hereafter referred to as toluene diisocyanates or TDI) and related compounds as identified in this proposed rule. The proposed significant new use is any use in a consumer product, with a proposed exception for use of certain chemical substances in coatings, elastomers, adhesives, binders, and sealants that results in less than or equal to 0.1 percent by weight of TDI in a consumer product. In addition, EPA is also proposing that the general SNUR article exemption for persons who import or process these chemical substances as part of an article would not apply. Persons subject to the SNUR would be required to notify EPA at least 90 days before commencing any manufacturing or processing. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary based on the information available at that time, an opportunity to protect against potential unreasonable risks, if any, from that activity before it occurs.

DATES: Comments must be received on or before March 16, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2011–0976, 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: Katherine Sleasman, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202–564–7716; email address: *sleasman.katherine@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or distribute in commerce chemical substances and mixtures. 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:

- Chemical and Allied Products Manufacturers (NAICS code 32411).
- Petroleum Refining (NAICS code 325 and 32411).
- Paints, coatings and adhesives manufacturing (NAICS code 3255).
- Urethane and other foam product manufacturing (NAICS code 326150).
- Transportation polyurethane foam products (NAICS code 32615011).
- Building and construction polyurethane foam products (NAICS code 32615031).
- Products made of foam other than polystyrene or polyurethane (NAICS code 32615091).
- All other miscellaneous polyurethane foam products (NAICS code 32615061).
- Consumer and institutional polyurethane foam products (NAICS code 32615051).
- Packing polyurethane foam products (NAICS code 32615021).
- Elastomers (NAICS code 326199).

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Persons who import any chemical substance governed by a final SNUR are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements and the corresponding regulations at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Those persons must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after February 17, 2015 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)), (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

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

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

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)). As described in Unit V., the general SNUR provisions are found at 40 CFR part 721, subpart A.

C. What action is the agency taking?

EPA is proposing a SNUR for 2,4-toluene diisocyanate, 2,6-toluene diisocyanate, toluene diisocyanate unspecified isomers (these three chemical substances are hereafter referred to as toluene diisocyanates or TDI) and related compounds. The proposed significant new use is: Any use in a consumer product of any chemical substance listed in Table 1 of Unit II.A.; and any use in a consumer product of any chemical listed in Table 2 of Unit II.A. (except for use in coatings, elastomers, adhesives, binders, and sealants that results in less than or

equal to 0.1 percent by weight of TDI in a consumer product).

This proposed significant new use rule would apply to the uses EPA has identified in this unit that EPA believes are not ongoing at the time of this proposed rule. EPA is requesting public comment on this proposal, and specifically on the Agency's understanding of ongoing uses for the chemicals identified in Table 1 of Unit II.A and Table 2 of Unit II.A. in consumer products. EPA is particularly interested in whether there are any ongoing uses of these chemicals in consumer products of which the Agency is currently unaware and would welcome specific documentation of any such ongoing uses. A consumer product is defined at 40 CFR 721.3 as: A chemical substance that is directly, or as part of a mixture, sold or made available to consumers for their use in or around a permanent or temporary household or residence, in or around a school, or in recreational settings.

This proposed SNUR would require persons that manufacture (including import) or process any of the chemicals for a significant new use, consistent with the requirements at 40 CFR 721.25, to notify EPA at least 90 days before commencing such manufacture or process of the chemical substance for a significant new use. For this proposed rule, EPA is proposing that the general SNUR article exemption at 40 CFR 721.45(f) for persons who import or process chemical substances as part of an article would not apply. The article exemption at 40 CFR 721.45(f) is based on an assumption that people and the environment will generally not be exposed to chemical substances in articles (see September 5, 1984; 49 FR 35014; FRL–2541–8) (Ref. 1). However, TDI and related compounds are volatile and as such could migrate out of articles that contain them. For instance, studies of TDI in polyurethane products reported that after the reaction between an isocyanate and an alcohol to form polyurethane products, residual levels of isocyanates were detected on the surface of the products, (*e.g.* flexible foams), which if used could lead to exposure (Refs. 2 and 3). Because TDI and related compounds are known to be volatile chemical substances, have been reported to migrate from products, are sensitizers, and would be expected to present a higher potential for exposure if the TDI in the article were a consumer product, EPA would like the opportunity to evaluate such potential uses in consumer products for any associated risks or hazards that might exist before those uses would begin.

D. Why is the agency taking this action?

These SNURs are necessary to ensure that EPA receives timely advance notice of any future manufacturing and processing of TDI and related compounds for new uses that may produce changes in human and environmental exposures. The rationale and objectives for this SNUR are explained in Unit III.

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

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers and processors of the chemical substances included in this proposed rule. This analysis, which is available in the docket, is discussed in Unit IX., and is briefly summarized here. In the event that a SNUN is submitted, costs are estimated to be less than $8,589 per SNUN submission for large business submitters and $6,189 for small business submitters. These estimates include the cost to prepare and submit the SNUN and the payment of a user fee. The proposed SNUR would require first-time submitters of any TSCA section 5 notice to register their company and key users with the CDX reporting tool, deliver a CDX electronic signature to EPA, and establish and use a Pay.gov E-payment account before they may submit a SNUN, for a cost of $200 per firm. However, these activities are only required of first-time submitters of section 5 notices. In addition, for persons exporting a substance that is the subject of a SNUR, a one-time notice must be provided for the first export or intended export to a particular country, which is estimated to be $84.22 per notification. The rule may also affect firms that plan to import or process articles that contain TDI and related compounds, because, while not required by the SNUR, these parties may take additional steps to determine whether TDI and related compounds are part of the articles that they are considering to import or process. Since EPA is unable to predict whether anyone might engage in future activities that would require reporting, potential total costs were not estimated.

II. Chemical Substances Subject to This Proposed Rule

A. What chemicals are included in the proposed SNUR?

This proposed SNUR would apply to TDI and its related compounds listed in Table 1 of this unit and Table 2 of this unit in consumer products. Diisocyanates contain free isocyanate functional groups (=N=C=O). Diisocyanates are combined with other compounds that contain free hydroxyl functional groups (*i.e.,* =OH), typically called ''polyols.'' These two-part components react and begin to form polyurethane polymers. This chemical reaction is completed when all of the isocyanate functional groups are bound within the polymer network. This process is commonly referred to as ''curing.'' Products that contain free isocyanate functional groups are intended to react further and undergo ''curing'' in the process of use. The chemical substances subject to this proposed SNUR contain free isocyanate functional groups and are by definition uncured. Prior to complete curing, consumers and bystanders can potentially be exposed to isocyanates through both dermal and respiratory routes. Exposures to uncured isocyanates could lead to sensitization.

To ascertain if TDI and related compounds are used in consumer products, EPA reviewed published literature, the most recent data from EPA's Chemical Data Reporting program (CDR), and communicated directly with manufacturers and processors. Reporting under the CDR indicated no consumer uses of TDI or related compounds. However, during conversations between EPA personnel and manufacturers and processors, it was revealed that in some cases consumer products may still contain residual TDI of no more than 0.1 percent by weight, as noted in Table 2 of this unit (Ref. 4). This was also confirmed by review of published literature and SDS for consumer adhesives and sealants available in retail outlets. It is EPA's understanding that any TDI present in a coating, adhesive, elastomer, binder or sealant consumer product is at levels of no more than 0.1 percent by weight and would typically be considered residual diisocyanate remaining from the manufacture of a polyurethane polymer, a concentration which is above the detection level (Ref. 5). EPA believes that other consumer products do not contain TDI or related compounds at any level.

TABLE 1—TOLUENE DIISOCYANATE RELATED COMPOUNDS SUBJECT TO THIS ACTION WITH A PROPOSED SIGNIFICANT NEW USE OF ''ANY USE IN A CONSUMER PRODUCT''

Chemical name	Chemical abstracts index name	Chemical abstracts service registry (CASRN) No.
Toluene diisocyanate trimer	Benzene, 1,3-diisocyanatomethyl-, trimer	9019–85–6
Poly(toluene diisocyanate)	Benzene, 1,3-diisocyanatomethyl-, homopolymer	9017–01–0
Toluene diisocyanate dimer	1,3-Diazetidine-2,4-dione, 1,3bis(3-isocyanatomethylphenyl)-	26747–90–0
Toluene diisocyanate ''cyclic'' trimer	1,3,5-Triazine-2,4,6(1H,3H,5H)trione, 1,3,5-tris(3isocyanatomethylphenyl)-	26603–40–7

TABLE 2—TOLUENE DIISOCYANATES SUBJECT TO THIS ACTION WITH A PROPOSED SIGNIFICANT USE OF ''ANY USE IN A CONSUMER PRODUCT (EXCEPT FOR USE IN COATINGS, ADHESIVES, ELASTOMERS, BINDERS, AND SEALANTS AT LESS THAN OR EQUAL TO 0.1 PERCENT IN A CONSUMER PRODUCT)''

Chemical name	Chemical abstracts index name	Chemical abstracts service registry (CASRN) No.
2,6-Toluene diisocyanate	Benzene, 1,3-diisocyanato-2-methyl-	91–08–7
2,4-Toluene diisocyanate	Benzene, 2,4-diisocyanato-1-methyl-	584–84–9
Toluene diisocyanate unspecified isomer	Benzene, 1,3-diisocyanatomethyl-	26471–62–5

B. What are the production volumes and uses of TDI and related compounds?

TDI and the related compounds are generally high production volume chemicals, predominantly used in the production of polyurethanes. There are many types of polyurethane products in the marketplace, with foams representing the largest sector of the polyurethane industry. Flexible foam is primarily used for cushioning, while rigid foam is used mainly for insulation (Ref. 6). Approximately 90 percent of TDI, typically a mixture of toluene diisocyanate isomers, is used in the production of flexible foams, which are designed to be fully cured in a final product. Non-foam polyurethane use sectors of TDI include coatings, adhesives, elastomers, binders, and sealants. These products may be sold and used, most often in a mixture of formulated product, in an uncured form. Because of its hazards, some industry representatives assert that TDI is used in products intended for industrial use only (Ref. 7). In contrast, EPA believes coatings, adhesives, elastomers, binders, and sealants used by general consumers contain residual TDI of no more than 0.1 percent by weight. Due to the projected growth of the market for such use in consumer products as discussed further in Unit II.D., EPA is concerned that consumer products in the future might contain amounts of TDI above these levels. Therefore, EPA is proposing this action to provide the Agency with an opportunity to evaluate such potential uses in consumer products for any associated risks or hazards that might exist before those uses would begin.

C. What are the potential health effects of TDI and related compounds?

In acute, subacute, and chronic animal exposure studies for TDI, the respiratory tract was the target organ, with nasal irritation evident at concentrations above 0.1 ppm and effects becoming more severe with increasing concentration (Ref. 8). TDI is uniformly distributed throughout the body, following inhalation exposure (Refs. 8 and 9). TDI causes skin, eye, and lung irritation, progressive impairment of lung function with long-term inhalation exposure and is a respiratory sensitizer via both the dermal and inhalation routes of exposure in animals (Ref. 8).

Most data on human health hazards resulting from diisocyanate exposures are from occupational populations rather than exposures to consumer products. As discussed in the Toluene Diisocyanate and Related Compounds Action Plan (Ref. 10), diisocyanates, including TDI and related compounds, are well-known dermal, eye, and inhalation irritants and sensitizers based on worker data. They have been documented in the workplace to cause asthma and respiratory problems, such as hypersensitivity pneumonitis, an inflammation of the lungs. In severe cases, there have been reported fatal reactions.

Isocyanate exposure has been identified as the leading attributable cause of work-related asthma, and prevalence in the exposed workforce has been estimated at 1–20 percent (Refs. 11 and 12). Once a worker is sensitized to diisocyanates, subsequent exposures can trigger severe asthma attacks. Spray application and heated processes are associated with higher incidences of asthma than other application methods because they can generate airborne isocyanate vapors and mists, which lead to worker exposure via the respiratory and dermal routes. Most workers who develop diisocyanate asthma have experienced long periods of exposure (months or longer); however, the minimum exposure to isocyanates that can elicit sensitization responses or asthma is unknown. In addition, immune response and subsequent disease in humans can vary significantly between individuals (Ref. 6). Fatalities linked to diisocyanate exposures in sensitized persons have been reported (Refs. 13 and 14).

The International Agency for Research on Cancer (IARC) classified toluene diisocyanates as ''possibly carcinogenic to humans'' (Carcinogenicity Group 2B), based on inadequate evidence for the carcinogenicity of TDI in humans and sufficient evidence for the carcinogenicity of TDI in experimental animals (Ref. 15). TDI has also been classified by the European Commission (EC) as Category 3 for carcinogenicity (''causes concerns for humans owing to possible carcinogenic effects'') (Ref. 16) and by the United States National Toxicology Program (NTP) as ''reasonably anticipated to be a human carcinogen'' (Ref. 17). National

Institutes for Occupational Safety and Health (NIOSH) considers TDI to be an occupational carcinogen and recommends exposure reduction to the lowest feasible levels (Ref 18).

There are very few reports available regarding non-occupational health effects from exposures to TDI products. However, there are case reports suggesting that paraoccupational (brought outside of the workplace) asthma may have resulted from incidental exposure to TDI, one of which involved incidental exposure to varnishing products (Ref. 19). A specific, potential concern for consumer products is exposures to children. Children exposed to the same levels of TDI vapor as adults may receive a larger dose because they have greater lung surface area to body weight ratios and increased respiratory minute volumes to weight ratios. TDI vapor is heavier than air and may layer close to the floor; therefore, children who crawl, roll, or sit on surfaces treated with chemicals (*i.e.* carpets and floors) and play with objects such as toys where residues may settle could potentially receive higher doses of inhaled toxicants than adults present in the same room (Ref. 20).

D. What are the potential route and sources of exposure to TDI and related compounds?

There is available information on worker exposures to industrial products containing TDI, such as coatings, adhesives, and sealants. Exposures resulting from the use of these industrial products may indicate potential but lower level exposures that may result for users conducting similar activities with consumer products containing residual TDI. There is a potential for worker exposure to TDI in all industrial and commercial settings where TDI is present (Ref. 7). Because of the high volatility of TDI, exposure can occur in all phases of its use, even in the final product (Ref.17), and it is unknown to what extent factors such as application techniques, product composition, and environmental conditions influence the availability of TDI in products. One activity where overexposures have been documented is floor finishing in both personal and area samples in one NIOSH evaluation (Ref. 21). Exposure data for professional workers may provide an indication of possible exposures if consumer products and articles were to contain residual TDI.

As previously discussed, TDI is used in coatings, adhesives, sealants, and other polyurethane products. TDI is used in the manufacturing process of the polymer and as a result, a small percentage of TDI may be present in consumer products, including articles. Further, researchers looking at workplace exposures to diisocyanates have noted an increase in the number of isocyanate-containing products used by consumers (Ref. 6). In addition, consumer use of adhesives and sealants is a potential growth sector as seen in the increasing numbers of ''Do It Yourself'' (DIY), energy-conscious homeowners doing more of their own home renovation and repair work, as well as from craftsmen and consumers generally continuing to use adhesives (Ref. 22). Most consumers would be unaware of the potential hazards of consumer products, including articles, containing TDI or other diisocyanates. Consequently, insufficient and inadequate hazard communication may lead to incorrect use and increased consumer and bystander exposures, particularly for sensitive groups, such as children. For example, exposures to bystanders and building occupants (including children) to TDI in industrial products have been reported in the literature, including emissions of TDI from concrete patio sealants (Refs. 23 and 24) and detection of TDI in building air samples following use of urethanes containing TDI to coat wood floors (Ref. 25). It is possible that lower level exposures could occur when conducting comparable activities using similar types of consumer products containing residual TDI. Even if consumers are aware of such potential hazards, they may not take appropriate precautions or research the appropriate resources in which these precautions are addressed. Of particular concern is the fact that children may have a greater potential for exposure if they use or are bystanders to the use of consumer products containing even residual amounts of TDI, because they may not have fully developed judgment for following labeling instructions and safety precautions and may not cease activity even when they are experiencing symptoms of exposure.

III. Rationale and Objectives

A. Rationale

Diisocyanates are potent dermal and lung sensitizers and an attributable cause of work-related asthma worldwide (Ref. 26). In the past, consumer exposures have not been a focus of concern with respect to diisocyanates, because it had been assumed that consumers were generally exposed to products containing only completely cured polyurethanes, which have been generally considered to have low toxicity (Ref. 2). However, an increase in consumer use of polyurethane products that may further react and undergo ''curing'' could occur if consumer products, such as coatings, elastomers, adhesives, and sealants contained TDI in amounts greater than residual amounts. In such instances, TDI and related compounds that are not completely reacted upon their application can provide potential exposures both to the consumer as the direct user or to bystanders when products are used by others (Refs. 2 and 3). In sensitized individuals, exposure to even small amounts of diisocyanates may cause allergic respiratory reactions like asthma and severe breathing difficulties (Ref. 6). EPA believes that the use of any of these chemical substances in consumer products above current levels could significantly increase human exposure, and that such increase should not occur without an opportunity for EPA review and control as appropriate. As discussed in Unit II., regarding the chemicals listed in Table 2 of Unit II.A., based on Safety Data Sheets (SDS) information that coating-, adhesive-, elastomer-, binder-, or sealant-consumer products may contain residual TDI of no more than 0.1 percent by weight, EPA believes that these consumer products do not contain residual TDI of more than 0.1 percent by weight. EPA believes that other consumer products do not contain TDI or related compounds at any level.

Consistent with EPA's past practice for issuing SNURs under TSCA section 5(a)(2), EPA's decision to propose a SNUR for a particular chemical use need not be based on an extensive evaluation of the hazard, exposure, or potential risk associated with that use. Rather, the Agency action is based on EPA's determination that if the use begins or resumes, it may present a risk that EPA should evaluate under TSCA before the manufacturing or processing for that use begins. Since the new use does not currently exist, deferring a detailed consideration of potential risks or hazards related to that use is an effective use of resources. If a person decides to begin manufacturing or processing the chemical for the use, the notice to EPA allows EPA to evaluate the use according to the specific parameters and circumstances surrounding that intended use.

B. Objectives

Based on the considerations in Unit III.A., EPA wants to achieve the following objectives with regard to the significant new use(s) that are designated in this proposed rule:

1. EPA would receive notice of any person's intent to manufacture or process TDI or its related compounds

(see Table 1 of Unit II.A. and Table 2 of Unit II.A.) for the described significant new use before that activity begins.

2. EPA would have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing TDI or its related compounds (see Table 1 of Unit II.A. and Table 2 of Unit II.A.) for the described significant new use.

3. EPA would be able to regulate prospective manufacturers or processors of TDI or its related compounds (see Table 1 of Unit II.A. and Table 2 of Unit II.A.) before the described significant new use of the chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6 or 7.

IV. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors including:

1. The projected volume of manufacturing and processing of a chemical substance.

2. The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.

3. The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.

4. The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

To determine what would constitute a significant new use of TDI or its related compounds subject to this proposed rule, as discussed in this unit, EPA considered relevant information about the toxicity of these substances, likely human exposures and environmental releases associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. EPA has preliminarily determined as the significant new uses: Any use in a consumer product for any chemical listed in Table 1 of Unit II.A.; and any use in a consumer product for any chemical listed in Table 2 of Unit II.A. (except for use in coatings, elastomers, adhesives, binders, and sealants that results in less than or equal to 0.1 percent by weight of TDI in a consumer product).

The article exemption at 40 CFR 721.45(f) is based on an assumption that people and the environment will generally not be exposed to chemical substances in articles (see September 5, 1984; 49 FR 35014,) (Ref. 1). However, TDI and related compounds are volatile and as such could migrate out of articles that contain them. For instance, studies of TDI in polyurethane products reported that after the reaction between an isocyanate and an alcohol to form polyurethane products, residual levels of isocyanates were detected on the surface of the products, which if used could lead to exposure (Refs. 2 and 3). Because TDI and related compounds are known to be volatile chemical substances, have been reported to migrate from products, are sensitizers, and would be expected to present a higher potential for exposure if the TDI in the article were a consumer product, EPA would like the opportunity to evaluate such potential uses in consumer products for any associated risks or hazards that might exist before those uses would begin.

EPA believes any new use of TDI and related compounds as part of articles would increase the duration and magnitude of human exposure to the substance. Based on these considerations, EPA has preliminarily determined that importing or processing substances in Table 1 of Unit II.A. and Table 2 of Unit II.A. as part of articles warrants making inapplicable the article exemption at 40 CFR 721.45(f) for the significant new uses identified in the tables in Unit II.A.

V. Importers and Processors of These Chemical Substances as Part of Articles

Once the determination of a significant new use under TSCA section 5(a)(2) has been made, EPA may separately determine whether it would be appropriate to make the regulatory exemption for some or all persons who import or process a chemical substance as part of an article (40 CFR 721.45(f)) inapplicable to a SNUR. In this case, EPA believes that the assumption underpinning this exemption, that people and the environment will generally not be exposed to chemical substances as part of articles, does not hold true. See Unit IV. for a discussion of why EPA believes this assumption is incorrect. Thus EPA is proposing to make this exemption inapplicable to importers or processors of the TDI and related compounds as part of an article for the identified significant new uses. EPA is requesting comment on the potential for exposure to these chemical substances via these articles and for comments on the ongoing uses of the TDI and related compounds as part of an article.

VI. Applicability of General Provisions

General provisions for SNURs appear under 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. However, for this action, EPA is proposing that 40 CFR 721.45(f) (which generally exempts persons importing or processing a substance as part of an article) will not apply and a person who imports or processes a chemical substance as part of an article would not be exempt from submitting a SNUN.

Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of Premanufacture Notices (PMNs) under TSCA section 5(a)(1)(A). In particular, these requirements include the information submissions requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6 or 7 to control the activities on which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Persons who export or intend to export a chemical substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret TSCA section 12(b) appear at 40 CFR part 707, subpart D. In accordance with 40 CFR 707.60(b) this proposed SNUR does not trigger export notification for articles. Persons who import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, codified at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Those persons must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. The TSCA section 13 import certification requirement applies to articles containing a chemical substance or mixture if so required by the Administrator by a specific rule under TSCA. At this time EPA is not proposing to require import certification

for these chemical substances as part of articles.

VII. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376; FRL–3658–5) (Ref. 27), EPA has decided that the intent of section 5(a)(1)(B) of TSCA is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. If uses begun after publication of the proposed rule were considered ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements, because a person could defeat the SNUR by initiating the proposed significant new use before the rule became final, and then argue that the use was ongoing as of the effective date of the final rule. Thus, persons who begin commercial manufacture or processing of the chemical substance(s) that would be regulated through this proposed rule, if finalized, would have to cease any such activity before the effective date of the rule if and when finalized. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. Uses arising after the publication of the proposed rule are distinguished from uses that exist at publication of the proposed rule. The former would be new uses, the latter ongoing uses, except that uses that are ongoing as of the publication of the proposed rule would not be considered ongoing uses if they have ceased by the date of issuance of a final rule. To the extent that additional ongoing uses are found in the course of rulemaking, EPA would exclude those specific chemical substances for those specific uses from the final SNUR. EPA has promulgated provisions to allow persons to comply with the final SNUR before the effective date. If a person were to meet the conditions of advance compliance under 40 CFR 721.45(h), that person would be considered to have met the requirements of the final SNUR for those activities.

VIII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not usually require developing any particular test data before submission of a SNUN. There are two exceptions:

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)); and

2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a section 4 test rule or a section 5(b)(4) listing covering the chemical substance, persons are required to submit only test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (15 U.S.C. 2604(d); 40 CFR 721.25, and 40 CFR 720.50). However, as a general matter, EPA recommends that SNUN submitters include data that would permit a reasoned evaluation of risks posed by the chemical substance during its manufacture, processing, use, distribution in commerce, or disposal. EPA encourages persons to consult with the agency before submitting a SNUN. As part of this optional pre-notice consultation, EPA would discuss specific data it believes may be useful in evaluating a significant new use. SNUNs submitted for significant new uses without any test data may increase the likelihood that EPA will take action under TSCA section 5(e) to prohibit or limit activities associated with this chemical.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs that provide detailed information on:

- Human exposure and environmental releases that may result from the significant new uses of the chemical substance,
- Potential benefits of the chemical substance, and
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. SNUN Submissions

EPA recommends that submitters consult with the Agency prior to submitting a SNUN to discuss what data may be useful in evaluating a significant new use. Discussions with the Agency prior to submission can afford ample time to conduct any tests that might be helpful in evaluating risks posed by the substance. According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 721.25 and 40 CFR 720.40. E-PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

X. Economic Analysis

A. SNUNs

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers and processors of the chemical substances included in this proposed rule, including as part of articles (Ref. 28). In the event that a SNUN is submitted, costs are estimated at approximately $8,589 per SNUN submission for large business submitters and $6,189 for small business submitters. These estimates include the cost to prepare and submit the SNUN, and the payment of a user fee. Businesses that submit a SNUN would be subject to either a $2,500 user fee required by 40 CFR 700.45(b)(2)(iii), or, if they are a small business with annual sales of less than $40 million when combined with those of the parent company (if any), a reduced user fee of $100 (40 CFR 700.45(b)(1)). EPA's complete economic analysis is available in the public docket for this proposed rule (Ref. 28).

B. Export Notification

Under section 12(b) of TSCA and the implementing regulations at 40 CFR part 707, subpart D, exporters must notify EPA if they export or intend to export a chemical substance or mixture for which, among other things, a rule has been proposed or promulgated under TSCA section 5. For persons exporting a substance that is the subject of a SNUR, a one-time notice must be provided for the first export or intended export to a particular country. The total costs of export notification will vary by chemical, depending on the number of required notifications (*i.e.,* the number of countries to which the chemical is exported). While EPA is unable to make any estimate of the likely number of export notifications for the chemical covered in this proposed SNUR, as stated in the accompanying EA of this proposed SNUR, the estimated cost of the export notification requirement on a per unit basis is $84.22.

C. Import or Processing Chemical Substances as Part of an Article

In proposing to make inapplicable the exemption relating to persons that import or process certain chemical substances as part of an article, this action may affect firms that plan to import or process types of articles that may contain the subject chemical substance. Some firms have an understanding of the contents of the

articles they import or process. However, EPA acknowledges that importers and processors of articles may have varying levels of knowledge about the chemical content of the articles that they import or process. These parties may need to become familiar with the requirements of the rule. And, while not required by the SNUR, these parties may take additional steps to determine whether the subject chemical substances are part of the articles that they are considering to import or process. This determination may involve activities such as gathering information from suppliers along the supply chain, and/or testing samples of the article itself. Costs vary across the activities chosen and the extent of familiarity a firm has regarding the articles it imports or processes. Cost ranges are presented in the ''Understanding the Costs Associated with Eliminating Exemptions for Articles in SNURs'' (Ref. 29). Based on available information, EPA believes that article importers that choose to investigate their products would incur costs at the lower end of the ranges presented in the Economic Analysis. For those companies choosing to undertake actions to assess the composition of the articles they import or process, EPA expects that importers would take actions that are commensurate with the company's perceived likelihood that a chemical substance might be a part of an article, and the resources it has available. Example activities and their costs are provided in the accompanying Economic Analysis of this rule (Ref. 28).

XI. Alternatives

Before proposing this SNUR, EPA considered the following alternative regulatory action:

A. Promulgate a TSCA Section 8(a) Reporting Rule

Under a TSCA section 8(a) rule, EPA could, among other things, generally require persons to report information to the agency when they intend to manufacture or process a listed chemical for a specific use or any use. However, for TDI, the use of TSCA section 8(a) rather than SNUR authority would have several limitations. First, if EPA were to require reporting under TSCA section 8(a) instead of TSCA section 5(a), EPA would not have the opportunity to review human and environmental hazards and exposures associated with the proposed significant new use and, if necessary, take immediate follow-up regulatory action under TSCA sections 5(e) or 5(f) to prohibit or limit the activity before it begins. In addition, EPA may not receive important information from small businesses, because such firms generally are exempt from TSCA section 8(a) reporting requirements (see TSCA sections 8(a)(1)(A) and 8(a)(1)(B)). In view of the level of health concerns about TDI if used for the proposed significant new use, EPA believes that a TSCA section 8(a) rule for this substance would not meet EPA's regulatory objectives.

B. Allow the Exemption for Persons Who Import or Process TDI and Related Compounds as Part of Articles That Would Be Subject to the Proposed SNUR

Under the SNUR exemption provision at 40 CFR 721.45(f), a person who imports or processes a chemical substance covered by a SNUR identified in 40 CFR part 721, subpart E, as part of an article is not generally subject to the notification requirements of 40 CFR 721.25 for that chemical substance. However, EPA is concerned that exempting TDI and related compounds as part of articles would render the SNUR less effective because of the possibility that articles could be imported or processed for uses subject to this proposed SNUR without the submission of a SNUN. This proposed rule would not include the exemption at 40 CFR 721.45(f).

XII. Request for Comment

A. Do you have comments or information about ongoing uses?

EPA welcomes comment on all aspects of this proposed rule. EPA based its understanding of the use profile of these chemicals on the published literature, the 2012 CDR submissions, market research, discussions with manufacturers, and product SDSs. To confirm EPA's understanding, the Agency is requesting public comment on the EPA's understanding that coating, adhesive, elastomer, binder, or sealant consumer products do not contain residual TDI of more than 0.1 percent by weight, as noted in Table 2 of Unit II.A. EPA believes that other consumer products do not contain TDI or related compounds at any level. In providing comments on the concentration of TDI and related compounds in the consumer product, it would be helpful if you provide sufficient information for EPA to substantiate any assertions of use and concentrations.

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

1. *Submitting CBI.* It is EPA's policy to include all comments received in the public docket without change or further notice to the commenter and to make the comments available on-line at *www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM that you mail to EPA 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, subpart B.

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 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.

XIII. 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 in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other

documents, please consult technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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29. EPA, Understanding the Costs Associated with Eliminating Exemptions for Articles in SNURs. May 1, 2013.
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XIV. Statutory and Executive Order Reviews

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA, 44 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR 1320.3(b). The information collection activities associated with existing chemical SNURs are already approved by OMB under OMB control number 2070–0038 (EPA ICR No. 1188); and the information collection activities associated with export notifications are already approved by OMB under OMB control number 2070–0030 (EPA ICR No. 0795). If an entity were to submit a SNUN to the Agency, the annual burden is estimated to be less than 100 hours per response, and the estimated burden for an export notifications is less than 1.5 hours per notification. In both cases, burden is estimated to be reduced for submitters who have already registered to use the electronic submission system. Additional burden, estimated to be less than 10 hours, could be incurred where additional record keeping requirements are specified under 40 CFR 721.125(a), (b), and (c).

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in Title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR,

part 9, and included on the related collection instrument, or form, if applicable. EPA is amending the table in 40 CFR part 9 to list this SNUR. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of the PRA and OMB's implementing regulations at 5 CFR part 1320. Since the existing OMB approval was previously subject to public notice and comment before OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend the table is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

C. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* I hereby certify that promulgation of this proposed SNUR would not have a significant economic impact on a substantial number of small entities. The rationale supporting this conclusion is as follows.

EPA generally finds that proposed and final SNURs are not expected to have a significant economic impact on a substantial number of small entities (See, *e.g.,* Ref. 30). Since these proposed SNURs would require a person who intends to engage in such activity in the future to first notify EPA by submitting a SNUN, no economic impact would occur unless someone files a SNUN to pursue a significant new use in the future or forgoes profits by avoiding or delaying the significant new use. Although some small entities may decide to engage in such activities in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemical substances, the Agency receives only a handful of notices per year. During the six year period from 2005–2011, only three submitters self-identified as small in their SNUN submission (Ref. 28). EPA believes the cost of submitting a SNUN is relatively small compared to the cost of developing and marketing a chemical new to a firm and that the requirement to submit a SNUN generally does not have a significant economic impact.

A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a ''significant new use.'' EPA has preliminarily determined, based in part, on the Agency's market research, that these chemical substances are not being manufactured (including imported) or processed for a significant new use. This preliminary determination also includes importation and processing of these chemical substances as part of articles for the significant new use (Unit IV.). Therefore, based on current knowledge, EPA has preliminarily determined that these uses, including the importation of these chemical substances as part of articles, are not ongoing, and that no small entities presently manufacture for the significant new uses addressed in this proposed rule. EPA will consider information received during the comment period that might indicate that this preliminary determination is incorrect.

EPA believes that there will be minimal impact to processors and importers of these chemical substances as part of articles from this proposed SNUR. The SNUR does not require processors and importers of articles to conduct specific activities to ascertain if they are importing or processing an article that uses a chemical subject to the proposed rule. EPA expects importers would take actions that are commensurate with their perceived likelihood of a chemical substance subject to the SNUR being part of an article, and the resources it has available. EPA has no reason to believe that a firm would voluntarily incur substantial costs to comply with the SNUR, but rather EPA believes each firm will choose the most efficient route to identify whether it is importing the subject chemical substances in articles.

Therefore, EPA believes that the potential economic impact of complying with this proposed SNUR is not expected to be significant or adversely impact a substantial number of small entities.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reason to believe that any State, local, or Tribal government would be impacted by this rulemaking. As such, the requirements of sections 202, 203, 204, or 205 of UMRA, 2 U.S.C. 1531–1538, do not apply to this action.

E. Executive Order 13132: Federalism

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This proposed rule does not have Tribal implications because it is not expected to have any effect (*i.e.,* there will be no increase or decrease in authority or jurisdiction) on Tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 (65 FR 67249, November 9, 2000), does not apply to this action.

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 this action is not intended to address environmental health or safety risks for children.

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

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use.

I. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, section 12(d) of NTTAA, 15 U.S.C. 272 note, does not apply to this section.

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

This proposed rule does not invoke special consideration of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994), because EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This action does not affect the level of protection provided to human health or the environment.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: January 7, 2015.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

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

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add § 721.10789 to subpart E to read as follows:

§ 721.10789 Toluene diisocyanates and related compounds.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances listed in Table 1 and Table 2 of this paragraph are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

TABLE 1—TOLUENE DIISOCYANATES AND RELATED COMPOUNDS SUBJECT TO REPORTING FOR ANY USE IN A CONSUMER PRODUCT

Chemical name	Chemical abstracts index name	Chemical abstracts service registry (CASRN)
Toluene diisocyanate trimer	Benzene, 1,3-diisocyanatomethyl-, trimer	9019–85–6
Poly(toluene diisocyanate)	Benzene, 1,3-diisocyanatomethyl-, homopolymer	9017–01–0
Toluene diisocyanate dimer	1,3-Diazetidine-2,4-dione, 1,3bis(3-isocyanatomethylphenyl)-	26747–90–0
Toluene diisocyanate ''cyclic'' trimer	1,3,5-Triazine-2,4,6(1H,3H,5H)trione, 1,3,5-tris(3isocyanatomethylphenyl)-	26603–40–7

TABLE 2—TOLUENE DIISOCYANATES AND RELATED COMPOUNDS SUBJECT TO REPORTING FOR ANY USE IN A CONSUMER PRODUCT

[Except for use in coatings, adhesives, elastomers, binders, and sealants at less than or equal to 0.1 percent in a consumer product]

Chemical name	Chemical abstracts index name	Chemical abstracts service registry No. (CASRN)
2,6-Toluene diisocyanate	Benzene, 1,3-diisocyanato-2-methyl-	91–08–7
2,4-Toluene diisocyanate	Benzene, 2,4-diisocyanato-1-methyl-	584–84–9
Toluene diisocyanate unspecified isomers	Benzene, 1,3-diisocyanatomethyl-	26471–62–5

(2) The significant new uses are:

(i) For the chemical substances listed in Table 1 of paragraph (a)(1), any use of the chemical substance in consumer products.

(ii) For the chemical substances listed in Table 2 of paragraph (a)(1), any use of the chemical substance in a consumer product (except for use in coatings, adhesives, elastomers, binders, and sealants, that results in less than or equal to 0.1 percent by weight of such chemical substance in the consumer product).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b):

(1) *Revocation of certain notification exemptions.* The provisions of § 721.45(f) do not apply to this section. A person who imports or processes a chemical substance identified in paragraph (a)(1) of this section as part of an article for a significant new use described in paragraph (a)(2) of this section is not thereby exempt from submitting a significant new use notice.

(2) [Reserved]

[FR Doc. 2015–00474 Filed 1–14–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 15–2, RM–11744; DA 15–15]

Television Broadcasting Services; Lansing, Michigan

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by WLAJ–TV LLC, the licensee of station WLAJ–TV, channel 51, Lansing, Michigan, requesting the substitution of channel 25 for channel 51 at Lansing. While the Commission instituted a freeze on the acceptance of full power television rulemaking petitions requesting channel substitutions in May 2011, it subsequently announced that it would lift the freeze to accept such petitions for rulemaking seeking to relocate from channel 51 pursuant to a voluntary relocation agreement with Lower 700 MHz A Block licensees. WLAJ–TV LLC has entered into such a voluntary relocation agreement with T-Mobile USA, Inc. and states that operation on channel 25 would eliminate potential interference to and from wireless operations in the adjacent Lower 700 MHZ A Block.

DATES: Comments must be filed on or before January 30, 2015, and reply comments on or before February 9, 2015.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Christine Reilly, Esq., Pillsbury Winthrop Shaw Pittman, LLP, 2300 N Street NW., Washington, DC 20037–1128.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, *Joyce.Bernstein@fcc.gov,* Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 15–2, adopted January 7, 2015, and released January 7, 2015. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via email *www.BCPIWEB.com.* To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an email to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts (other than *ex parte* presentations exempt under 47 CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1208 for rules governing restricted proceedings.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

Proposed Rules

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Michigan is amended by adding channel 25 and removing channel 51 at Lansing.

[FR Doc. 2015–00616 Filed 1–14–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 14–261; FCC 14–210]

Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission propose new rules designed to better reflect the fact that video services are being provided increasingly over the Internet. Specifically, we propose to modernize our interpretation of the term ''multichannel video programming distributor'' (''MVPD'') by including within its scope services that make available for purchase, by subscribers or customers, multiple linear streams of video programming, regardless of the technology used to distribute the programming. Such an approach will ensure both that incumbent providers will continue to be subject to the pro-competitive, consumer-focused regulations that apply to MVPDs as they transition their services to the Internet and that nascent, Internet-based video programming services will have access to the tools they need to compete with established providers.

DATES: Comments are due on or before February 17, 2015, and reply comments are due on or before March 2, 2015.

ADDRESSES: You may submit comments, identified by MB Docket No. 14–261, by any of the following methods:

• *Federal Communications Commission's Web Site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Brendan Murray, *Brendan.Murray@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–1573 or Mary Margaret Jackson, *MaryMargaret.Jackson@fcc.gov* of the Media Bureau, (202) 418–1083.

For additional information concerning the information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking,* FCC 14–210, adopted on December 17, 2014 and released on December 19, 2014. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC, 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. To request these documents in accessible formats (computer diskettes, large print, audio recording, and Braille), send an email to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Executive Summary

In the Notice of Proposed Rulemaking (''*NPRM*''), we propose to update our rules to better reflect the fact that video services are being provided increasingly over the Internet. Specifically, we propose to modernize our interpretation of the term MVPD by including within its scope services that make available for purchase, by subscribers or customers, multiple linear streams of video programming, regardless of the technology used to distribute the programming. Such an approach will ensure both that incumbent providers will continue to be subject to the pro-competitive, consumer-focused regulations that apply to MVPDs as they

transition their services to the Internet and that nascent, Internet-based video programming services will have access to the tools they need to compete with established providers. For readability throughout the *NPRM,* we use the term ''Internet-delivered'' to refer to any service delivered using IP whether or not it uses the public Internet, except for cable service.

Here the Commission faces, as it has before, the impact of technology transition. Incumbent cable systems have made plain their intent to use a new transmission standard that will permit cable systems to deliver video via IP, and other innovative companies are also experimenting with new business models based on Internet distribution. That is not surprising: Over-the-air television has moved from analog transmission to digital. The telephone networks of the 20th Century have become broadband networks, providing a critical pathway to the Internet. And, in our January Technology Transitions Order, the Commission encouraged experiments that assess the impact on consumers of the coming transition from traditional copper facilities to new telecommunications networks composed of fiber, copper, coaxial cable, and/or wireless connections.

The Commission has recognized that innovation must be encouraged, but not at the expense of technology-neutral public policies. That is why the January Technology Transitions Order emphasized the importance of preserving competition, consumer protection, and public safety. And that is why the *NPRM* proposes to ensure that the rights and responsibilities of an MVPD are not jeopardized by changes in technology. This IP transition will enable cable operators to untether their video offerings from their current infrastructure, and could encourage them to migrate their traditional services to Internet delivery. With these changes on the horizon, it becomes important to interpret the statutory definition of MVPD to ensure that our rules apply sensibly and in a way that encourages innovation regardless of how service is delivered and that the pro-consumer values embodied in MVPD regulation will continue to be served. In so doing, we take note of the regulatory requirements that cable operators must adhere to as they use new technology to offer services, and we invite comment on the regulatory treatment of additional services that cable operators may offer.

Adoption of a technology-neutral MVPD definition will not only preserve current responsibilities, it may create new competitive opportunities that will benefit consumers. Increasingly, companies—incumbents and new entrants alike—are interested in using the Internet as the transmission path for packages of video channels. In initiating this proceeding, our goal is to bring our rules into synch with the realities of the current marketplace and consumer preference where video is no longer tied to a certain transmission technology.

Specifying the circumstances under which an Internet-based provider may qualify as an MVPD, possessing the rights as well as responsibilities that attend that status, may incent new entry that will increase competition in video markets. In particular, extending program access protections to Internet-based providers would allow them to ''access[] critical programming needed to attract and retain subscribers.'' And extending retransmission consent protections and obligations to those providers would allow them to enter the market ''for the disposition of the rights to retransmit broadcast signals.'' Broadcast and cable-affiliated programming could make Internet-based services attractive to customers, who would access the services via broadband. The resulting increased demand for broadband may in turn provide a boost to the deployment of high-speed broadband networks.

In the *NPRM,* we seek comment on possible interpretations of the term MVPD as used in the Communications Act of 1934, as amended (the ''Act'') and seek comment on how each of those interpretations would affect the industry and consumers. Below, we seek comment on two possible interpretations: We propose to interpret the term MVPD to mean distributors of multiple linear video programming streams, including Internet-based services and tentatively conclude that this interpretation is a reasonable interpretation of the Act, and is most consistent with consumer expectations and conditions in the industry. We also seek comment on an alternative interpretation that would require a programming distributor to have control over a transmission path to qualify as an MVPD and invite comment on whether this interpretation is consistent with the Act and Congressional intent. We also invite comment on how this interpretation would apply as companies begin to offer subscription linear video services over the Internet.

We then seek comment on the effects that either interpretation would have on entities that are classified as MVPDs, consumers, and content owners. We seek comment on how each interpretation would benefit and burden entities that would be subject to our rules. We also ask whether we should consider exemption or waiver of certain regulations, if allowed under the statute. We seek comment on whether to modify our retransmission consent ''good faith'' negotiation rules with respect to Internet-based MVPDs to protect local broadcasters. We seek comment on what impact these interpretations would have on content owners, including broadcasters and cable-affiliated programmers. Finally, we seek comment on how to ensure that our interpretation will promote competition and broadband adoption, consistent with the Act and Commission policy.

We also note that the fact that an entity uses IP to deliver cable service does not alter the classification of its facility as a cable system and does not alter the classification of the entity as a cable operator. In other words, those video programming services provided over the operator's facilities remain subject to regulation as cable services. We seek comment on the regulatory status of purely Internet-based linear video programming services that cable operators and direct broadcast satellite (''DBS'') providers may choose to offer in addition to their traditional services.

I. Background

Section 602(13) of the Act defines an MVPD as ''[A] person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.'' The Act also defines the terms ''channel'' and ''video programming,'' which are used in the MVPD definition. Section 602(4) defines ''channel'' as ''a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the Commission by regulation).'' And Section 602(2) of the Act defines ''video programming'' as ''programming provided by, or generally considered comparable to programming provided by, a television broadcast station.''

On March 24, 2010, Sky Angel U.S., LLC (''Sky Angel''), a provider of multiple streams of prescheduled programming over the Internet, filed a complaint and petition for temporary standstill for program access relief, which is available only to MVPDs. On April 21, 2010, the Commission's Media Bureau denied the petition for standstill, holding that Sky Angel failed

to carry its burden of demonstrating that it is likely to succeed in showing on the merits that it is an MVPD entitled to seek relief under the program access rules. The Media Bureau determined that the term ''channel'' as used in the definition of MVPD appears to include a transmission path as a necessary element. Based on the limited record at the time, the Bureau was unable to find that Sky Angel provides its subscribers with a transmission path. Sky Angel's complaint, a second petition for injunctive relief, a motion for sanctions, and discovery requests are pending. In 2012, Sky Angel filed a Petition for Writ of Mandamus with the United States Court of Appeals for the D.C. Circuit, asking the court to require the Commission to adopt and release a final order on the merits of its complaint, and the court denied the Petition ''without prejudice to renewal in the event of significant delay.'' In March 2012, the Media Bureau issued a Public Notice in connection with the Sky Angel complaint, seeking comment on the most appropriate interpretation of the definition of an MVPD (the ''March 2012 Public Notice'') to ensure that the Commission has the benefit of broad public input. In June 2014, Sky Angel notified the Commission that it had ''suspended its video and audio distribution services'' in January 2014 because it is unable ''to acquire programming in a fair and nondiscriminatory way.''

More recently, issues have arisen regarding the status of Aereo, Inc., a former provider of online linear video programming, under the Copyright Act and Communications Act. On June 25, 2014, the Supreme Court found that Aereo violated certain copyright holders' exclusive right to perform their works publicly as provided under the Copyright Act. Aereo then filed with the Copyright Office to pay statutory royalties to retransmit broadcast signals as a cable system. The Copyright Office accepted the filing ''on a provisional basis,'' pending ''further regulatory or judicial developments,'' including this Commission's interpretation of the term MVPD and the outcome of the case that was pending before the U.S. District Court for the Southern District of New York. On November 21, 2014, Aereo filed to reorganize under Chapter 11 of the U.S. Bankruptcy Code.

Comments filed in response to the March 2012 Public Notice reveal a wide range of views. By initiating this rulemaking proceeding, we propose an interpretation that we based on many comments in the record of that proceeding. But we continue to seek broad public input, including discussions with stakeholders, which will fully inform us as we seek to clarify the scope of the definition of MVPD. We note that the Media Bureau recently changed the ex parte status of the March 2012 Public Notice. And today, the Bureau issued a decision holding the Sky Angel proceeding in abeyance pending the outcome of this proceeding and terminating the March 2012 Public Notice docket. These actions will allow parties to discuss with the Commission the definitional and policy issues raised herein without running afoul of the *ex parte* rules.

II. Discussion

As discussed below, we tentatively conclude that the statutory definition of MVPD includes certain Internet-based distributors of video programming. Specifically, we propose to interpret the term MVPD to mean all entities that make available for purchase, by subscribers or customers, multiple streams of video programming distributed at a prescheduled time. In reaching this conclusion, we understand that the market for Internet-based distribution of video programming is nascent and that companies continue to experiment with business models. The current business models include, but are not limited to, the following types of Internet-based video service offerings, including combinations of these offerings: *Subscription Linear.* We use this term to refer to Internet-based distributors that make available continuous, linear streams of video programming on a subscription basis. This category includes Sky Angel's service as it existed before 2014 and Aereo's service as it existed before the Supreme Court decision. *Subscription On-Demand.* We use this term to refer to Internet-based distributors that make video programming available to view on-demand on a subscription basis, allowing subscribers to select and watch television programs, movies, and/or other video content whenever they request to view the content without having to pay an additional fee beyond their recurring subscription fee. This category includes Amazon Prime Instant Video, Hulu Plus, and Netflix. *Transactional On-Demand.* We use this term to refer to Internet-based distributors that make video programming available to view on-demand, with consumers charged on a per-episode, per-season, or per-movie basis to rent the content for a specific period of time or to download the content for storage on a hard drive for viewing at any time. This category includes Amazon Instant Video, CinemaNow (Best Buy), Google Play, iTunes Store (Apple), Sony Entertainment Network, Vudu (Walmart), and Xbox Video (Microsoft). *Ad-based Linear and On-Demand.* We use this term to refer to Internet-based distributors that make video programming available to view linearly or on demand, with consumers able to select and watch television programs, movies, and/or other video content whenever they request on a free, ad-supported basis. This category includes Crackle, FilmOn, Hulu, Yahoo! Screen, and YouTube as they exist today. *Transactional Linear.* We use this term to refer to non-continuous linear programming that is offered on a transactional basis. This category includes Ultimate Fighting Championship's UFC.TV pay-per-view service. We invite commenters to identify other categories and examples of Internet-based distributors of video programming not mentioned here.

As explained below, we seek comment on our tentative conclusion that entities that provide Subscription Linear video services are MVPDs as that term is defined in the Act because they make multiple channels of video programming available for purchase. We seek comment also on whether any of the other categories of Internet-based distributors of video programming identified above fall within the statutory definition of an MVPD. Because these other Internet-based distributors of video programming either (1) make programming available for free, and not ''for purchase'' as required by the definition of an MVPD, or (2) do not provide prescheduled programming that is comparable to programming provided by a television broadcast channel, we believe they fall outside the statutory definition. We seek comment on this view.

Below, we begin by seeking comment on our proposed interpretation of the definition of the term MVPD and on alternative interpretations. We then seek comment on the public policy ramifications of these alternatives and any other alternatives commenters may suggest. We note that an entity that uses IP to deliver cable service does not alter the classification of its facility as a cable system and does not alter the classification of the entity as a cable operator. Finally, we seek comment on how to treat Internet-based linear video programming services that cable operators and DBS providers may choose to offer in addition to their traditional services.

Defining MVPD. To qualify as an MVPD under the Communications Act, an entity must ''make[] available for purchase, by subscribers or customers,

multiple channels of video programming.'' The Commission has previously held that video distributed over the Internet qualifies as ''video programming.'' Thus, the key remaining definitional issue is how to interpret the phrase ''multiple channels of video programming.'' We seek comment on this issue as set forth below.

The Act defines a ''channel'' as ''a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the Commission by regulation).'' As discussed in the Media Bureau's March 2012 Public Notice and in further detail below, there are at least two possible interpretations of the term ''channel'' within the definition of MVPD. We tentatively conclude that the best reading is that ''channels of video programming'' means streams of linear video programming (the ''Linear Programming Interpretation''). Under this interpretation, linear video programming networks, such as ESPN, The Weather Channel, and other sources of video programming that are commonly referred to as television or cable ''channels,'' would be considered ''channels'' for purposes of the MVPD definition, regardless of whether the provider also makes available physical transmission paths. We also seek comment on an alternative interpretation under which the definition of MVPD would include only entities that make available transmission paths in addition to content, and thus exclude those Internet-based distributors of video programming that do not own or operate facilities for delivering content to consumers (the ''Transmission Path Interpretation''). We seek comment on which interpretation is most consistent with the text, purpose, legislative history, and structure of the Act and which interpretation best serves Congressional intent. We also invite commenters to identify any other interpretation of MVPD that is consistent with the statute and would better serve Congressional intent. For example, some commenters call for a ''functional equivalency'' standard, whereby an entity would qualify as an MVPD if it looks and functions like a traditional MVPD from the perspective of consumers; others suggest that Internet-based distributors should be allowed to elect whether or not to avail themselves of MVPD status, taking on both the benefits of such status (such as program access) as well as the regulatory obligations. To the extent that any commenters favor these or other interpretations, they should explain how their proposed interpretation comports with the statute, how it would be administered or adjudicated in particular cases, and describe the policy ramifications.

Proposed ''Linear Programming Interpretation''. Under our proposed rule, we would interpret the term ''channels of video programming'' to mean prescheduled streams of video programming (which we refer to in this *NPRM* as ''linear'' programming), without regard to whether the same entity is also providing the transmission path. We believe that this is the better interpretation for three reasons: (i) It is a reasonable interpretation of the Act and most consistent with Congressional intent, (ii) it best aligns with consumer expectations and industry developments, and (iii) it is consistent with the common meaning of the word channel. We seek comment on the interpretation as set forth below. We seek comment also on our proposal to define ''linear video'' as a ''stream of video programing that is prescheduled by the programmer.''

We tentatively conclude that our proposed Linear Programming Interpretation is consistent with the language of the statute. The statutory definition of MVPD begins by stating that an MVPD is a ''person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor . . . .'' In the Sky Angel Standstill Denial, the Media Bureau stated that, although the list is preceded by the phrase ''not limited to,'' making it clear that the list is illustrative rather than exclusive, it is also preceded by the phrase ''such as,'' which suggests that other covered entities should be ''similar'' to those listed. We tentatively conclude that the essential element that binds the illustrative entities listed in the provision is that each makes multiple streams of prescheduled video programming available for purchase, rather than that the entity controls the physical distribution network. Therefore, we believe that our interpretation is consistent with the illustrative list of MVPDs that the statutory definition provides.

In addition, the Commission has previously held that an entity need not own or operate the facilities that it uses to distribute video programming to subscribers in order to qualify as an MVPD. Rather, an MVPD may use a third party's distribution facilities in order to make video programming available to subscribers. We find, therefore, that our proposed interpretation is consistent with Commission precedent. We seek comment on this finding.

We also find the term ''channel'' used in the context of the MVPD definition (*i.e.,* ''multiple channels of video programming'') to be ambiguous. Further, we tentatively conclude that Congress did not intend the term ''channel'' in this context to be interpreted in accordance with the definition in Section 602(4) of the Act, but rather intended the term to be given its ordinary and common meaning. The Act states that ''the term 'cable channel' or 'channel' means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the Commission by regulation). This definition was adopted in the 1984 Cable Act, which focused primarily on the regulation of cable television. In contrast, the term ''MVPD'' was adopted by Congress eight years later in 1992, when new competitors to cable were emerging, and is specifically ''not limited'' solely to cable operators. Therefore, we tentatively conclude that we should not rely on the cable-specific definition of the term ''channel'' to interpret the definition of ''MVPD,'' which is explicitly defined to encompass video programming distributors that include, but are not limited to, cable operators.

Moreover, using the cable-specific definition of ''channel'' to interpret the definition of ''MVPD'' does not seem consistent with the illustrative list of MVPDs that is included in the definition. For example, DBS providers are specifically included in the definition as MVPDs, but the linear streams of video programming that they provide to subscribers do not align with the definition of ''channel'' in Section 602(4) of the Act, because that definition specifically refers to the electromagnetic spectrum ''used in a cable system.'' If Congress intended an entity to have control over the transmission path in order to be deemed an MVPD, presumably it would have explicitly specified that in the definition of MVPD, as it did with the definition of cable system. Therefore, we tentatively conclude that, when Congress defined an MVPD as an entity that ''makes available . . . channels of video programming,'' it did not intend to limit the types of entities that meet the definition to only those that control the physical method of delivery (*i.e.,* a transmission path). As a consequence, we believe that this is a reasonable

interpretation of the Act. We seek comment on this position.

We believe that our proposed interpretation is consistent with Congress's intent to define ''MVPD'' in a broad and technology-neutral way to ensure that it would not only cover video providers using technologies that existed in 1992, but rather be sufficiently flexible to cover providers using new technologies such as Internet delivery. The Act imposes important pro-consumer responsibilities on MVPDs. As incumbent MVPDs transition to IP delivery, we must ensure that the definition of MVPD is read broadly enough to ensure that consumers do not lose the benefits those provisions are intended to confer. For example, we note that the goals of the program access provision of the Cable Television Consumer Protection and Competition Act of 1992 (''1992 Cable Act'') are to increase competition and diversity in the video programming market, to increase the availability of programming to persons in rural areas, and to spur the development of communications technologies. It would frustrate those goals to exclude from coverage new technologies and services that develop. Consumers are watching more online subscription video, and incumbent operators and new entrants alike are experimenting with or planning to launch linear video services over the Internet. Therefore, we tentatively conclude that the Linear Programming Interpretation is most consistent with consumer expectations and industry trends, and we believe that Congress's goals are best served by an interpretation of MVPD that accommodates changing technology. We seek comment on our tentative conclusion that our proposed interpretation is most consistent with consumer expectations and industry trends. To the extent that commenters disagree with our interpretation, they should address why an interpretation of MVPD that focuses on the physical delivery method an entity uses to provide video programming (i) would serve Congress's goals, (ii) would promote innovation, and (iii) is consistent with the statute.

Finally, certain commenters suggest that the term ''channel'' can be interpreted both in the ''content'' sense and in the ''container'' sense: ''In a video context, the Act uses the term both in a 'container' sense, to refer to a range of frequencies used to transmit programming, and in a 'content' sense to refer to the programming itself, or the programmer.'' Those commenters argue that, based on the context, the content sense applies when interpreting the definition of MVPD, ''since only that reading is consistent with the Act's pro-competitive purposes.'' We note that the legislative history of the 1992 Cable Act refers to ESPN as a ''sports channel'' and CNN as a ''news channel''; given that both of these are linear programming networks, this suggests that Congress used the term channel, at least in this instance, to refer to such programming networks and not to portions of the electromagnetic frequency spectrum. Commenters provide numerous examples of the use of the term ''channel'' in both the content sense (*i.e.,* a linear video programming network) and the container sense (*i.e.,* a range of frequencies used to transmit programming) in everyday usage and in dictionaries, as well as by Congress and the Commission. Because the term ''channel'' as used in the definition of MVPD is ambiguous, we tentatively conclude that it is reasonable to read the term to have its common, everyday meaning of a stream of prescheduled video programming when we interpret the definition of MVPD. As discussed above, we believe our proposed interpretation is most consistent with the Act's goals of increased video competition and broadband deployment. In addition, we believe that it is most consistent with consumer expectations because consumers are focused on the content they receive, rather than the specific method used to deliver it to them. We seek comment on this tentative conclusion.

Scope of the Linear Programming Interpretation. We also seek comment on whether, under the Linear Programming Interpretation, we can and should carve out certain types of entities that make available multiple linear streams of video programming from the MVPD definition. If we interpret ''multiple channels of video programming'' to mean multiple linear streams of video programming, could we, consistent with the statute, narrow the category of entities that would qualify as MVPDs? For example, are there niche online subscription programming providers or other small entities that would not be able to remain in business if they qualify as MVPDs? A ''multichannel'' video programming distributor is required by definition to make multiple channels of video programming available. We seek comment on how to interpret the term ''multiple'' in the definition of MVPD. Although we believe it is important to modernize our interpretation of MVPD to capture entities that provide service similar to or competitive with more traditional MVPD service but through new distribution methods, we also wish to ensure that our rules do not impede innovation by imposing regulations on business models that may be better left to develop unfettered by the rules applicable to MVPDs. Should we interpret the term MVPD to require that a certain number of channels of video programming, such as twenty, be made available? Would twenty channels be too low or too high? Is there justification for a different number? What if an entity makes multiple channels available nationwide, but makes only one channel available for purchase to each subscriber? Should we interpret the term ''channels of video programming'' to require a certain number of programming hours per day or per week or to exempt certain niche programmers? Is there justification to require eighteen hours of programming per day, seven days per week, or some other number? We tentatively conclude that an entity that makes linear services available via the Internet is an MVPD, and our regulations apply to all of the MVPD's video services. Are there other factors that we should consider? For example, should we exempt from the interpretation of linear programming discrete, intermittent events that occur at prescheduled times, such as live individual sporting events? While these events are prescheduled by the programming provider, they are presented sporadically, in contrast to most television channels that broadcast continuously throughout the day. If such events are considered linear programming, our proposed Linear Programming Interpretation would appear to apply to online subscription video packages that stream multiple sporting events, such as those offered by Major League Baseball, Major League Soccer, the National Basketball Association, and the National Hockey League. We seek comment on whether distributors of these types of services should be included within our interpretation of MVPD and, if not, on the statutory basis for excluding them and bright-line tests that we could use to evaluate whether such an exclusion would apply.

We tentatively conclude that we should interpret MVPD so that the definition would not apply to a distributor that makes available only programming that it owns—for example, sports leagues or stand-alone program services like CBS's new streaming service. A potential consequence of the Linear Programming Interpretation would be that a programmer that decides to sell two or more of its own

programming networks directly to consumers online, either instead of or in addition to selling them through cable or DBS operators' programming packages, might subject itself to the benefits and burdens of MVPD status. For example, if Disney were to offer, for purchase by subscribers, a package of linear feeds of the Disney Channel, Disney XD, and Disney Junior for online streaming to customers, would that make Disney an MVPD? Would this unduly limit consumer options? Would bringing such an offering into our MVPD regulations discourage innovation? We seek comment on our statutory authority to adopt our tentative conclusion.

Under the Act, an entity is an MVPD only if it makes multiple channels of video programming ''available for purchase.'' We seek comment on what it means to make video programming available for purchase, particularly as that term would apply if we were to adopt our proposed Linear Programming Interpretation. We tentatively conclude that the term means making an offer to consumers to exchange video service for money. We seek comment on this tentative conclusion. Are there other forms of consideration that a consumer could use to purchase services? If a cable or satellite company offers its subscribers access to supplemental online linear video services without a separate charge, but as part of their paid television packages, does this offering constitute making the online services ''available for purchase''? Do any cable or satellite companies charge subscribers for those services indirectly? Is there any way to trace general subscription fees specifically to supplemental online linear video services? We seek comment on how our proposed interpretation could affect new business models that do not conform with the traditional monthly subscription model, and whether we should treat those business models on a case-by-case basis.

We also seek comment on how our proposed interpretation would apply to entities that are located overseas but make linear video programming networks available for purchase in the United States over the Internet. An entity could meet the definition of MVPD under our proposed definition even if it has no physical presence in the United States. We tentatively conclude that the Commission should not assert jurisdiction over these entities. If commenters disagree, they should provide the authority under which the Commission could assert jurisdiction. If we assert jurisdiction solely over entities with a physical presence in the United States, will some Internet-based distributors of video programming locate their operations overseas to avoid Commission regulation? Would the alternative interpretation discussed below, which would consider an entity to be an MVPD only if it maintains control over a transmission path, avoid this result by requiring an MVPD to have a jurisdictional presence in the United States?

Alternative ''Transmission Path Interpretation''. We seek comment also on an alternative approach that would interpret the term channel in this context as requiring a transmission path. This is the approach for which the Media Bureau expressed tentative support in denying Sky Angel's standstill request. Citing the statutory definition of ''channel'' as ''a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel,'' the Media Bureau expressed the tentative view that the term ''channel'' as used in the definition of MVPD ''appear[s] to include a transmission path as a necessary element.'' Under this interpretation, we would not consider Internet-based linear video providers to be MVPDs unless they control at least some portion of the physical means by which the programming is delivered—for example, via a physical cable that the provider owns or via spectrum that the provider is licensed to use. We seek comment on the Transmission Path Interpretation. How would we reconcile the Transmission Path Interpretation with previous Commission decisions that held that an entity need not own or operate the facilities that it uses to distribute video programming to qualify as an MVPD? Would an entity have to make available multiple transmission paths (or, using the language in the definition of ''channel,'' multiple ''portions of the electromagnetic frequency spectrum'') to each subscriber or customer to qualify as an MVPD? Do all traditional MVPDs make available multiple ''portions of the electromagnetic frequency spectrum'' to each subscriber or customer, including cable operators using switched digital video technology or an IP-based system in which no unique transmission path is associated with any video programming stream? Is there a reasonable basis to believe that Congress intended to regulate as MVPDs only those entities that make available two or more transmission paths to each subscriber or customer, but not those that make available only one transmission path? If we adopt the Transmission Path Interpretation, how can we ensure that our regulations keep up with technology, particularly as incumbent MVPDs transition their services to Internet delivery?

We also seek comment on whether Congress intended to promote only facilities-based competition in the video distribution market, which might support the Transmission Path Interpretation. The Conference Report accompanying the 1992 Cable Act includes a statement that Congress intended to promote ''facilities-based'' competition. Moreover, the Commission has previously stated that '' '[f]acilities-based competition' is a term used in the legislative history of the Act to emphasize that program competition can only become possible if alternative facilities to deliver programming to subscribers are first created. The focus in the 1992 Cable Act is on assuring that facilities-based competition develops.'' On the other hand, the ABC/CBS/NBC Affiliates note that ''there is but one reference to 'facilities-based competition' in the lengthy House Report. . . . Certainly, that single reference cannot support the incorporation of a 'transmission path' requirement into a statutory definition that does not, on its face, contain any such restriction.'' Accordingly, we seek comment on whether Congress sought to increase facilities-based competition exclusively, or sought to encourage competition to incumbent cable operators more generally, regardless of how the competitive service is delivered.

Scope of the Transmission Path Interpretation. As we note above, incumbent MVPDs are obtaining rights to distribute content online at a rapid pace and appear prepared to launch online linear video services that are not tied to their facilities. We seek comment on our regulatory authority under the Transmission Path Interpretation in these cases. The Transmission Path Interpretation seems difficult to apply in certain cases because an entity's status would change depending on how and where the subscriber receives the content. For example, consider a subscriber who views video at her home on a tablet over broadband infrastructure that the video distributor owns, and then visits a local coffee shop and views video on that same tablet via the Internet using broadband infrastructure that the video distributor does not own. In that case, the video provider would be an MVPD at the subscriber's home, but not at the coffee shop. We believe that this would lead to regulatory uncertainty, thus providing

more support for the Linear Programming Interpretation. We seek comment on this analysis.

We invite comment on any other interpretation the Commission should consider in addition to the Linear Programming Interpretation and the Transmission Path Interpretation.

Regulatory Implications of Alternative Interpretations. Below, we seek comment on the policy ramifications of the various interpretations set forth above. To the extent possible, we encourage commenters to quantify any costs and benefits and submit supporting data. In addition to the specific effects that we ask about below, we invite commenters to identify other possible effects of the Linear Programming Interpretation and the Transmission Path Interpretation and how those effects should influence our interpretation.

We realize that under our proposed Linear Programming Interpretation, several new and planned services may be considered MVPD services. On the one hand, DISH, Sony, and Verizon have each announced linear Internet-based subscription video services whose launch is imminent. These services reportedly will carry programming from some of the largest content companies in the world. On the other hand, Aereo, FilmOn, and Sky Angel launched or planned to launch Internet-based subscription video services, but they claim that regulatory uncertainty has limited their ability to develop a subscriber base, limited investment in their services, and hindered their ability to compete. In light of these contrasting examples, we seek comment on whether the privileges and obligations set forth in this section tilt in favor of or against our proposed Linear Programming Interpretation. Would the proposal (i) give innovative companies access to programming that consumers want, or (ii) unduly and unnecessarily burden companies seeking to offer innovative new services?

Application of MVPD-Specific Regulatory Privileges and Obligations to Internet-Based Distributors of Video Programming. As discussed in further detail below, our proposed interpretation would ensure that incumbent MVPDs do not evade our regulations by migrating their services to the Internet. It would also allow Internet-based distributors of video programming, including those that do not control any facilities, to take advantage of the privileges of MVPD status but would also require them to comply with the legal obligations applicable to MVPDs. Conversely, the Transmission Path Interpretation could allow many if not most Internet-based distributors of video programming to avoid regulation, including obligations that promote important public interest benefits, and would also deprive them of certain regulatory privileges. We seek comment on these policy ramifications below.

General Privileges and Obligations. An entity that meets the definition of an MVPD is subject to both privileges and legal obligations under the Communications Act and the Commission's rules. The regulatory privileges of MVPD status include the right to seek relief under the program access rules and the retransmission consent rules. Among the regulatory obligations of MVPDs are statutory and regulatory requirements relating to (i) program carriage; (ii) the competitive availability of navigation devices (including the integration ban); (iii) good faith negotiation with broadcasters for retransmission consent; (iv) Equal Employment Opportunity (''EEO''); (v) closed captioning; (vi) video description; (vii) access to emergency information; (vi) signal leakage; (vii) inside wiring; and (viii) the loudness of commercials.

To the extent that an Internet-based distributor of video programming falls within the definition of an MVPD, it will be able to take advantage of the privileges of MVPD status but will also be subject to MVPD obligations, unless the Commission waives some or all of them if authorized to do so. We seek comment on the overall costs and benefits of applying these regulatory privileges and obligations to Internet-based distributors of video programming, including incumbent operators who migrate to Internet delivery. We also seek comment on specific privileges and obligations below. Would waiver or exemption from certain regulations be an appropriate approach for regulating Internet-based distributors? If so, what regulations should be waived or modified to exempt Internet-based distributors, and do we have authority to do so under the Act? Alternatively, does the statute permit us to allow these entities to choose whether they wish to be classified as MVPDs?

Would subjecting Internet-based distributors to MVPD regulations deter investment in new technologies and drive some current or prospective Internet-based distributors from the market? On the other hand, would subjecting Internet-based distributors to MVPD regulations provide regulatory certainty that could reassure consumers and spur investment by service providers? To what extent should we consider increasing consumer adoption of non-traditional MVPDs as a factor in regulatory treatment of entities that provide similar services but use different delivery mechanisms? If Internet-based distributors compete with traditional MVPDs, should they be subject to the same regulatory obligations as traditional MVPDs?

Specific Privileges. Below, we seek comment on the specific privileges of MVPD status and how they would apply to Internet-based distributors of video programming. Would applying the privileges of MVPD status to Internet-based distributors of video programming impose costs on third parties, such as cable-affiliated programmers and broadcasters? To what extent would the public be harmed if these privileges did not extend to Internet-based distributors of video programming?

Program Access. As required by Section 628 of the Act, the Commission's program access rules provide certain protections to MVPDs in their efforts to license cable-affiliated programming. These rules: (i) Prohibit a cable operator or its affiliated, satellite-delivered programmer from engaging in ''unfair methods of competition or unfair or deceptive acts or practices'' that have the ''purpose or effect'' of ''hinder[ing] significantly or prevent[ing]'' an MVPD from providing programming to subscribers or consumers (the ''unfair act'' prohibition); (ii) prohibit a cable operator from unduly or improperly influencing the decision of its affiliated, satellite-delivered programmer to sell, or unduly or improperly influencing the programmer's prices, terms, and conditions for the sale of, satellite-delivered programming to any unaffiliated MVPD (the ''undue or improper influence'' rule); and (iii) prohibit a cable-affiliated, satellite-delivered programmer from discriminating in the prices, terms, and conditions of sale or delivery of satellite-delivered programming among or between competing MVPDs (the ''non-discrimination'' rule). To the extent that an MVPD believes that a cable-affiliated programmer has violated these rules, it may file a complaint with the Commission.

If the program access rules were to apply, would cable-affiliated programmers be required to negotiate with and license programming to potentially large numbers of Internet-based distributors? How will this impact the value of cable-affiliated programming to traditional MVPDs, especially as compared to non-cable-affiliated programming? To the extent that licensing programming to a

particular Internet-based distributor presents reasonable concerns about signal security and piracy, do the program access rules adequately address this issue by recognizing these concerns as a legitimate reason for a cable-affiliated programmer to withhold programming from an MVPD? Would extending the reach of the program access rules have a positive effect for consumers?

We also seek comment on whether and how our proposed rule and alternative interpretations would impact competition in the video distribution market (both at present and in the future), specifically with respect to the program access rules. Among other things, the program access rules are intended to prevent cable-affiliated programmers from discriminating among similarly situated MVPDs. If Internet-based distributors of video programming are deemed not to be MVPDs because they do not make available transmission paths (and therefore are ineligible for the benefits of the program access rules), would there be any regulatory or other constraint that would prevent a cable-affiliated programmer from making its affiliated programming available for online distribution to only certain Internet-based distributors of video programming, such as those owned by its affiliated cable operator, but not to those owned by other MVPDs? In such a scenario, because the cable-affiliated programmer would not be differentiating among ''MVPDs,'' would different treatment be permissible under the program access rules? How would this impact competition in the video distribution market? Cablevision contends that extending the program access rules to Internet-based distributors would give them too much flexibility compared to existing MVPD competitors. Is this a concern that we should consider, and if so, why? We note that the Commission receives few program access complaints; should this affect our analysis? Or does it reflect that programmers are following our program access rules and they are working?

Retransmission Consent. Section 325(b) of the Act benefits MVPDs by requiring broadcasters to negotiate in good faith with MVPDs for retransmission consent and prohibiting broadcasters from negotiating exclusive retransmission consent agreements with any MVPD. Absent these provisions, broadcasters could potentially refuse to negotiate with and thereby withhold their signals from MVPDs that wish to carry these signals. To the extent that an MVPD believes that a broadcaster has violated these provisions, it may file a complaint with the Commission.

We seek comment on the impact that our proposed interpretation of the definition of MVPD and alternative interpretations would have on the retransmission consent process. Under our proposal, would the retransmission consent rules force broadcasters to negotiate with and license their signals to potentially large numbers of Internet-based distributors? We seek comment also on whether and how competition in the video distribution market (both at present and in the future) would be impacted if Internet-based distributors of video programming are not considered MVPDs and therefore are not able to benefit from the retransmission consent rules.

Section 325(b)(1)(A) of the Act provides that ''no cable system or other multichannel video programming distributor'' shall retransmit a broadcast signal without the broadcaster's consent. But an entity wishing to retransmit a broadcast signal also must obtain authorization to publicly perform the copyrighted works within the broadcast signal. If we adopt the Linear Programming Interpretation and the Copyright Office does not afford statutory licenses to Internet-based video providers, how would we construe a broadcaster's obligation to negotiate in good faith? What effect should the answer to that question have on our policy analysis?

Specific Obligations. Below, we seek comment on specific obligations imposed on MVPDs and how those obligations would apply to Internet-based distributors of video programming. How costly would it be for Internet-based distributors of video programming to comply with these regulations? Would the public be harmed if these obligations did not extend to Internet-based distributors of video programming and such distribution became prevalent?

The interpretation of MVPD that we ultimately adopt in this proceeding may subject certain Internet-based distributors of video programming to Commission regulation that are not currently subject to such regulation. What transition period should we allow these entities to come into compliance with each of the relevant rules?

Program Carriage. The program carriage rules prohibit MVPDs from (i) requiring a financial interest in a video programming vendor's program service as a condition for carriage; (ii) coercing a video programming vendor to provide, or retaliating against a vendor for failing to provide, exclusive rights as a condition of carriage; or (iii) unreasonably restraining the ability of an unaffiliated video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation of vendors in the selection, terms, or conditions for carriage. To the extent that a programming vendor believes that an MVPD is not in compliance with these rules, it may file a complaint with the Commission.

What practical impact, if any, would these rules have on Internet-based distributors of video programming? As we note above, large, established cable operators, DBS providers, and technology companies have announced plans to launch Internet-based video programming services that would be MVPD services under the Linear Programming Interpretation. If these companies follow through with these plans, absent application of the program carriage rules there may be no regulatory constraint preventing them from demanding a financial interest or exclusive rights from programmers as a condition for carriage. Does this argue in favor of adopting an interpretation of MVPD that would cover providers of these services under the program carriage rules? Moreover, as more Internet-based distributors invest in their own programming, they may have an incentive to favor their affiliated programming over unaffiliated programming on the basis of affiliation. We seek comment on the effect that the alternative interpretations will have on negotiations with programmers and Internet-based video programming services. What are the costs and benefits of applying the program carriage obligations to Internet-based video programming services?

Retransmission Consent. As discussed above, Section 325(b)(1)(A) of the Act provides that ''No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—(A) with the express authority of the originating station. . . .'' Thus, to the extent that an Internet-based distributor of video programming qualifies as an MVPD, it must receive the consent of the broadcaster before retransmitting the broadcaster's signal. Moreover, Section 325(b) of the Act imposes an obligation on MVPDs to negotiate in good faith with broadcasters in obtaining retransmission consent. If a broadcaster believes that an MVPD has violated these provisions, it may file a complaint with the Commission.

We seek comment above on how the retransmission consent rules can benefit

MVPDs, as we propose to interpret that term. We now seek comment on the practical impact the obligations of MVPDs under the retransmission consent rules would have on Internet-based distributors of video programming that qualify as MVPDs. What impact will the obligation to negotiate in good faith with broadcasters have on the resources of Internet-based distributors of video programming that qualify as MVPDs? In particular, will Internet-based distributors of video programming that operate on a nationwide basis have to engage in negotiations with thousands of broadcasters throughout the nation?

Are some Internet-based distributors of video programming likely to prefer not to carry broadcast signals? For example, to the extent that an Internet-based provider provides service nationwide it may prefer not to offer local content. In that case, would the good faith negotiation requirements allow these distributors to simply reject all carriage terms offered by a broadcaster and to refrain from making any carriage offers of their own? Or, would this conduct amount to a violation of the duty to negotiate in good faith? Would it matter whether the distributor declined to negotiate with any broadcast stations? How will the answers to these questions impact the business models of Internet-based distributors of video programming that qualify as MVPDs but would prefer not to carry broadcast signals? Is it likely or possible that Internet-based distributors will want to carry broadcast network programming, or to carry broadcast stations nationwide?

How do network affiliation agreements impact the carriage of broadcast stations on Internet-based MVPDs? Specifically, to what extent do existing network affiliation agreements limit or prohibit local network stations' ability to grant retransmission consent rights to Internet-based MVPDs? For example, do any network affiliation agreements prohibit a local network-affiliated station from permitting the retransmission of the entirety of its signal over the Internet? Do they limit the retransmission of network programming over the Internet? Would limiting or prohibiting these provisions harm localism?

Other MVPD Obligations. Closed Captioning. Section 79.1 of the Commission's rules (the ''television closed captioning rules'') requires MVPDs to provide closed captioning, defined as the ''visual display of the audio portion of video programming pursuant to the technical specifications set forth in this part.'' Internet video services are not subject to these requirements. Internet-based distributors of video programming, however, are subject to the Commission's Internet protocol (''IP'') closed captioning requirements set forth in § 79.4 of the Commission's rules (the ''IP closed captioning rules'') to the extent that they make video programming available directly to end users through a distribution method that uses IP. The IP closed captioning rules are narrower than the television closed captioning rules, insofar as the IP closed-captioning rules require closed captioning of IP-delivered video programming only if the programming is published or exhibited on television with captions, whereas the television closed captioning rules require closed captioning for all new nonexempt English- and Spanish-language video programming. The Commission has explained that the ''IP closed captioning rules do not apply to traditional managed video services that MVPDs provide to their MVPD customers within their service footprint, regardless of the transmission protocol used; rather, such services are already subject to § 79.1 of the Commission's rules.'' To the extent that some Internet-based distributors of video programming qualify as MVPDs, how will this impact their obligations with respect to closed captioning? Will they be subject to § 79.1 or § 79.4 of the Commission's rules, or will the Commission need to develop another set of requirements tailored to these services? Will we need to amend our closed captioning rules if we adopt the Linear Programming Interpretation, and if so, how?

Video Description. As required by the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission's rules require MVPD systems that serve 50,000 or more subscribers to provide 50 hours per quarter of video description, which makes video programming accessible to people who are blind or visually impaired, on each of the five most popular nonbroadcast networks. In general, MVPDs of any size must pass through any video description provided with programming they carry, including broadcast channels, as long as they have the technical capability to do so. Section 79.105 of the Commission's rules requires apparatus designed to receive or play back video programming to decode and make available the secondary audio stream, if technically feasible, to facilitate the transmission and delivery of video description. We seek comment on the costs as well as the practical impact these obligations will have on an Internet-based distributor of video programming that qualifies as an MVPD. Are there attributes of Internet-based distributors of video programming that make compliance with these requirements more burdensome than for traditional MVPDs? We also seek comment on our authority to extend our video description regulations to Internet-delivered MVPDs under the Linear Programming Interpretation. Will we need to amend our video description rules if we adopt the Linear Programming Interpretation, and if so, how?

Accessibility of Emergency Information. Section 79.2 of the Commission's rules requires MVPDs to comply with certain requirements pertaining to the accessibility of emergency information by persons with disabilities. And to make emergency information accessible to individuals who are blind or visually impaired, § 79.105 of the Commission's rules requires apparatus designed to receive or play back video programming to decode and make available the secondary audio stream, if technically feasible. We seek comment on the costs as well as the practical impact these obligations will have on Internet-based distributors of video programming that qualify as MVPDs. Will we need to amend our emergency information accessibility rules if we adopt the Linear Programming Interpretation, and if so, how?

Accessible User Interfaces, Guides, and Menus. Section 79.108 of the Commission's rules requires MVPDs to ''ensure that the on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming are audibly accessible in real time upon request by individuals who are blind or visually impaired.'' We seek comment on the costs and the practical impact these obligations will have on Internet-based distributors of video programming that qualify as MVPDs, particularly in light of the fact that digital apparatus (aside from navigation devices) that are designed to receive digital video (including IP video) must be accessible to and useable by individuals who are blind or visually impaired. Will we need to amend our user interface accessibility rules if we adopt the Linear Programming Interpretation, and if so, how?

Equal Employment Opportunities (''EEO''). The Commission's EEO rules apply to MVPDs. In general terms, these rules (i) require MVPDs to provide equal opportunity in employment to all qualified persons and prohibit MVPDs

from discriminating in employment based on race, color, religion, national origin, age, or sex; (ii) require MVPDs to engage in certain outreach and recruitment activities; and (iii) require MVPDs to comply with certain reporting and recordkeeping requirements. We seek comment on the practical impact these obligations will have on Internet-based distributors of video programming that qualify as MVPDs. Do Internet-based distributors of video programming currently meet some or all of these requirements? Will we need to amend our EEO rules if we adopt the Linear Programming Interpretation, and if so, how?

Navigation Devices. Section 629 of the Act directs the Commission to adopt regulations to assure the commercial availability of navigation devices used by consumers to access services from MVPDs. The Commission has adopted several regulations that allow consumers to attach non-harmful devices to MVPD networks, require MVPDs to offer separate conditional access elements if they use navigation devices to perform conditional access functions, and prohibit MVPDs from using integrated conditional access in the devices that they lease or sell to their consumers. We seek comment on the practical impact as well as the costs these obligations will have on Internet-based distributors of video programming that qualify as MVPDs. To what extent do Internet-based distributors of video programming use navigation devices in the provision of their video programming service? If they do use such devices, do they currently meet these requirements? What devices do they use to provide programming to subscribers? Sky Angel, for example, states that its service cannot be viewed without its ''proprietary set-top box, which Sky Angel directly and remotely controls at all times for purposes ranging from periodic service and software updates to service activation or termination.'' Do Internet-based distributors meet the requirements for an exemption from the integration ban? Are there aspects of Internet-based video services that make compliance with these requirements more burdensome than for traditional MVPDs? Will we need to amend our navigation device rules if we adopt the Linear Programming Interpretation, and if so, how?

Signal Leakage. The Commission's rules require specified MVPDs to comply with certain technical rules pertaining to signal leakage, as well as reporting and notification requirements related thereto. We expect that in general MVPDs that use Internet protocol to deliver video will not use aeronautical frequencies and thus will not be subject to these requirements. We seek comment on this expectation, and any practical impact these obligations will have on Internet-based distributors of video programming that qualify as MVPDs. Will we need to amend our signal leakage rules if we adopt the Linear Programming Interpretation, and if so, how?

Inside Wiring. The Commission's cable inside wiring rules apply to all MVPDs. In general terms, these rules govern the disposition of home wiring and home run wiring after a subscriber terminates service. To what extent, if any, would these obligations affect Internet-based distributors of video programming that qualify as MVPDs, especially if they do not control the ''last mile'' of the transmission path used to deliver video programming to consumers but are affiliated with an entity that controls the transmission path? We expect that if we adopt the Linear Programming Interpretation that these inside wiring rules would not apply to Internet-based distributors of video programming.

Commercial Loudness. As required by the CALM Act, the Commission's rules require MVPDs to ensure that commercials are transmitted to consumers at an appropriate loudness level in accordance with a specified industry standard. Depending on the size of the MVPD and the type of the commercial at issue (*i.e.*, inserted by the MVPD or embedded in the programing by a third-party), the Commission's rules may require an MVPD to install equipment and associated software or perform spot checks or both. Do these requirements need to be modified to apply to Internet-based distributors of video programming that qualify as MVPDs, and if so, how? If the requirements do need to be modified, are there ways to make the rules less burdensome for Internet-based distributors of video programming while meeting our statutory mandates?

MDU Access. The Commission's rules prohibit cable operators, common carriers (or their affiliates) that provide video programming, and OVS operators from enforcing or executing any provision in a contract that grants to it the exclusive right to provide any video programming service to a Multiple Dwelling Unit. The Commission has sought comment on whether to extend this prohibition to other MVPDs. To the extent the Commission were to do so, what impact, if any, would this prohibition have on Internet-based distributors of video programming that qualify as MVPDs? Is there any way a landlord could restrict a tenant's ability to access certain content over the Internet to prevent a tenant from accessing an Internet-based linear video service? Will we need to amend our MDU access rules if we adopt the Linear Programming Interpretation, and if so, how?

Other Regulatory Issues. We also seek comment on how other regulations should account for Internet-based distributors of video programming that qualify as MVPDs. For example, should we extend any cable or satellite-specific regulations to MVPDs more generally? If so, what would be our statutory basis for doing so?

Impact on Content Owners. As discussed in this section, our interpretation of the definition of an MVPD may impact content owners in their negotiations with broadcasters, cable networks, and MVPDs. We seek comment on these issues below.

Broadcast Content. Section 111 of the Copyright Act provides ''cable systems'' (as defined by the Copyright Act) a statutory license to retransmit copyrighted broadcast performances if the ''cable system'' pays a statutory fee for those performances. Some content creators and owners contend that the Commission, in interpreting the definition of MVPD in the Communications Act, should be cognizant of the interplay between Section 111 of the Copyright Act and the Communications Act and even suggest that a Commission decision interpreting the definition of MVPD to include Internet-based distributors would conflict with copyright law. But the market and legal landscape has changed significantly since content creators and owners made those claims. Therefore, we ask commenters to update the record with respect to how expanding the definition of MVPD in the Communications Act to include some Internet-based distributors interrelates with copyright law.

Cable-Affiliated Content. Through application of the program access rules, Internet-based distributors that qualify as MVPDs will be entitled to non-discriminatory access to cable-affiliated networks. Generally speaking, a programmer licenses content from various content creators, aggregates the content into a network, and then licenses the network to MVPDs for distribution. Discovery claims, however, that cable-affiliated networks cannot license all of the content displayed on their networks for distribution on the Internet because they frequently do not possess the right to authorize Internet distribution of that content. Rather, Discovery argues that (i) content

creators frequently retain for themselves the rights to Internet distribution in order to generate a separate revenue stream by displaying the content on their own Web sites or by selling the content to other video providers; and (ii) obtaining Internet distribution rights is simply too expensive for some networks. What effect should the Copyright Office's decisions have on our statutory and policy analysis?

To what extent do cable-affiliated networks possess—or have the ability to negotiate for—the right to authorize distribution of content displayed on their network over the Internet? If we adopt the Linear Video Interpretation, what impact does that have on existing rights for content distribution? We note that some cable-affiliated networks are made available over the Internet to authenticated MVPD subscribers. Does this reflect that cable-affiliated programmers possess the right to authorize distribution of content displayed on their network over the Internet? Does the concern about lack of rights to authorize Internet distribution of content apply only with respect to content not owned by the network? To what extent do cable-affiliated networks own the content displayed on their networks (or are affiliated with the content creators or otherwise possesses all of the rights with respect to distribution of that content)? To what extent is the content displayed on cable-affiliated networks owned by entities unaffiliated with the network?

Would or should the adoption of the proposed definition of an MVPD have any effect on a cable-affiliated network that does not possess the right to authorize Internet distribution of content displayed on its network? In other words, would or should the network be required to obtain such rights to comply with the program access rules if certain Internet-based distributors qualify as MVPDs? We seek comment on how the resolution of this question would impact content creators, cable-affiliated programmers, and MVPDs, either traditional or Internet-based. We also seek comment on our authority to require entities to enter into contracts for these distribution rights.

Non-Broadcast, Non-Cable-Affiliated Content. If we were to require cable-affiliated networks to obtain Internet distribution rights from content creators to comply with the program access rules, what impact, if any, would or should this have on non-cable-affiliated networks? For example, Ovation claims that, if cable-affiliated networks are required to obtain Internet distribution rights, ''marketplace pressures would foreseeably require other networks to do the same.'' We seek comment on this concern.

Regulatory Treatment of Cable Operators and DBS Providers that Provide Linear Video Services via IP. It seems evident that merely using IP to deliver cable service does not alter the classification of a facility as a cable system or of an entity as a cable operator. That is, to the extent an operator may provide video programming services over its own facilities using IP delivery within its footprint it remains subject to regulation as a cable operator. At the same time, we understand that some cable operators and DBS providers are exploring new business models that might be indistinguishable from other over-the-top (''OTT'') services—that is, linear video services that travel over the public Internet and that cable operators do not treat as managed video services on any cable system. As mentioned above, cable operators and DBS providers are obtaining rights for online distribution of content, and some have launched or may soon launch Internet-based video programming services. Below, we seek comment on the regulatory treatment of national OTT video services that a cable operator or DBS provider may provide nationally–as contrasted to the traditional services it offers.

Cable Service Provided via IP Over the Operator's Facilities. The Act defines a cable operator as, essentially, an entity that provides cable service over a cable system. Thus, we must interpret the three terms—cable service, cable system, and cable operator—together to determine the proper regulatory treatment of IP-based services provided by cable operators. The Act defines cable service as ''(A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.'' The Commission and other authorities have previously concluded that the statute's definition of ''cable service'' includes linear IP video service.

Second, to the extent a cable operator uses ''a set of closed transmission paths'' to provide cable service, as one providing IP video programming over its copper wire (including coaxial cable) or fiber optic cable does, its facility meets Section 602(7) of the Act's definition of cable system: ''a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves subscribers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of subchapter II of this chapter, except that such facility shall be considered a cable system (other than for purposes of section 541(c) of this title) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with section 573 of this title; or (E) any facilities of any electric utility used solely for operating its electric utility system.''

Finally, an entity that delivers cable services via IP is a cable operator to the extent it delivers those services as managed video services over its own facilities and within its footprint. This is compelled by the Act's definition of a cable operator as a ''person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.''

IP-based service provided by a cable operator over its facilities and within its footprint must be regulated as a cable service not only because it is compelled by the statutory definitions; it is also good policy, as it ensures that cable operators will continue to be subject to the pro-competitive, consumer-focused regulations that apply to cable even if they provide their services via IP.

Congress and the Commission advanced several pro-competitive, consumer-focused values when they adopted the cable-specific provisions of the Act and the rules implementing these important provisions. The Act and our rules include many cable-specific requirements, including the following: Annual regulatory fees; Emergency Alert System (''EAS'') requirements; the V-Chip; commercial limits in children's programs; network non-duplication; syndicated program exclusivity; notice to broadcasters regarding: (i) Deletion or repositioning of a broadcast signal, (ii) a change in designation of principal headend, (iii) change in technical configuration, (iv) the provision of service to 1,000 subscribers, thereby entitling broadcast stations to exercise non-duplication protection or

syndicated exclusivity protection; political programming and candidate access rules; sponsorship identification; lotteries; public inspection file; public, educational, or governmental channels (''PEG''); program access; leased access; various reporting requirements; cross-ownership restrictions; prohibition on buy outs; national subscriber limits (horizontal ownership restriction); limits on carriage of vertically integrated programming; various franchising requirements; rate regulation, including a requirement to offer a basic service tier, a prohibition on negative option billing, an obligation to offer a tier buy-through option, and requirements pertaining to information on subscriber bills; regulation of services, facilities, and equipment, including minimum technical standards and notification to customers of changes in rates, programming services, or channel positions; consumer protection and customer service; consumer electronics equipment compatibility, including prohibition on scrambling or encrypting the basic service tier; support for unidirectional digital cable products (Plug and Play); protection of subscriber privacy; transmission of obscene programming; and scrambling of cable channels for non-subscribers.

In particular, these obligations on cable operators are critical for noncommercial, local, and independent broadcasters. Sections 614 and 615 of the Communications Act and implementing rules adopted by the Commission entitle commercial and noncommercial television broadcasters to carriage on local cable television systems. When the Commission proposed implementing regulations, it noted that Congress emphasized strongly that the public interest demands that cable subscribers be able to access their local commercial and noncommercial broadcast stations. That congressional policy directive persists today; and the continued application of these requirements to cable operators that provide video programming over IP will ensure that local broadcasters will be carried, and that other cable-centric regulations will apply, regardless of the method that the cable operator uses to deliver the cable service.

Cable Operators Offering OTT Services. We tentatively conclude that video programming services that a cable operator may offer over the Internet should not be regulated as cable services. Some cable operators have announced plans to offer video programming services via the Internet. If a cable operator delivers video programming service over the Internet, rather than as a managed video service over its own facilities, we tentatively conclude that this entity would be (i) a cable operator with respect to its managed video service, and (ii) a non-cable MVPD under our proposed Linear Programming Interpretation with respect to its OTT service. To the extent a consumer located within a cable operator's footprint may access the cable operator's OTT service using that cable operator's broadband facilities for Internet access, how should this arrangement be classified? We tentatively conclude that such an OTT service, if provided to consumers without regard to whether they subscribe to the cable operator's managed video service, would be a non-cable MVPD service inside and outside of the operator's footprint, even if it is accessible over that cable operator's broadband facilities. We seek comment on whether there is any reason that our tentative conclusion should change if a cable operator provides an OTT service within its footprint only, rather than nationally. Would our analysis change if the OTT service were bundled with the cable service? Finally, we seek comment on the likely forms that new OTT services will take, and on both the application of the statutory definitions discussed above to such services and the policy implications of classifying these services.

DBS Providers Offering OTT Services. Some DBS providers offer linear OTT services (and have announced plans to expand those services) via the Internet. To the extent that DBS providers offer video programming services over the Internet, we tentatively conclude that those services should not be regulated as DBS service, and therefore should not be subject to the regulatory and statutory obligations and privileges of such services. If we adopt our proposed Linear Programming Interpretation, those services would be MVPD services subject to the regulatory and statutory obligations and privileges of such services. We reach this tentative conclusion because that service does not use the providers' satellite facilities, but rather relies on the Internet for delivery. We believe that this tentative conclusion is consistent with the Act and our rules. We seek comment on this tentative conclusion.

Authority. The Notice of Proposed Rulemaking is issued pursuant to authority contained in sections 4(i), 4(j), 303(r), 325, 403, 616, 628, 629, 634 and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 325, 403, 536, 548, 549, 554, and 613.

Ex Parte Rules. The proceeding initiated by the Notice of Proposed Rulemaking shall be treated as ''permit-but-disclose'' proceedings in accordance with the Commission's ex parte rules.[1] Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must: (1) List all persons attending or otherwise participating in the meeting at which the ex parte presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

Filing Requirements. Pursuant to §§ 1.415 and 1.419 of the Commission's rules,[2] interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (''ECFS''). *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/. Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or

[1] 47 CFR 1.1200–1.1216.

[2] *See id.* §§ 1.415, 1.419.

rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

Availability of Documents. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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

Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980, see 5 U.S.C. 604, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules addressed in this document. The IRFA is set forth in Appendix B. Written public comments are requested in the IRFA. These comments must be filed in accordance with the same filing deadlines as comments filed in response to this Notice of Proposed Rulemaking as set forth on the first page of this document, and have a separate and distinct heading designating them as responses to the IRFA.

Initial Paperwork Reduction Act Analysis. This Notice of Proposed Rulemaking seeks comment on a potential new or revised information collection requirement. If the Commission adopts any new or revised information collection requirement, the Commission will publish a separate notice in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

III. Ordering Clauses

Accordingly, *it is ordered*, pursuant to the authority contained in sections 4(i), 4(j), 303(r), 325, 403, 616, 628, 629, 634 and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 325, 403, 536, 548, 549, 554, and 613, that the Notice of Proposed Rulemaking *is adopted.*

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of the Notice of Proposed Rulemaking including the Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 76

Administrative practice and procedure, Cable television, Equal employment opportunity, Political candidates, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Section 76.5 is amended by revising paragraphs (rr) and (ss) to read as follows:

§ 76.5 Definitions.

* * * * *

(rr) *Linear Video.* A stream of video programming that is prescheduled by the programmer.

(ss) *Multichannel Video Programming Distributor.* A person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming. As used in this paragraph, channel means linear video without regard to the means by which the programming is distributed.

§ 76.64 [Amended].

■ 3. Section 76.64 is amended by removing and reserving paragraph (d).

■ 4. Section 76.71 is amended by revising paragraph (a) to read as follows:

§ 76.71 Scope of application.

(a) The provisions of this subpart shall apply to any corporation, partnership, association, joint-stock company, or trust engaged primarily in the management or operation of any cable system. Cable entities subject to these provisions include those systems defined in § 76.5(a), all satellite master antenna television systems serving 50 or more subscribers, and any multichannel video programming distributor. Multichannel video programming distributors do not include any entity which lacks control over the video programming distributed. For purposes of this subpart, an entity has control over the video programming it distributes, if it selects video programming channels or programs and determines how they are presented for sale to consumers. Notwithstanding the foregoing, the regulations in this subpart are not applicable to the owners or originators (of programs or channels of programming) that distribute six or fewer channels of commonly-owned video programming over a leased transport facility. For purposes of this subpart, programming services are ''commonly-owned'' if the same entity holds a majority of the stock (or is a general partner) of each program service.

* * * * *

§ 76.905 [Amended].

■ 5. Section 76.905 is amended by removing and reserving paragraph (d).

■ 6. Section 76.1000 is amended by revising paragraph (e) to read as follows:

§ 76.1000 Definitions.

* * * * *

(e) Multichannel video programming distributor. The term ''multichannel video programming distributor'' means an entity that falls under the definition provided in § 76.5(rr) as well as buying groups or agents of all such entities.

Note to paragraph (e): A video programming provider that provides more than one channel of video programming on an open video system is a multichannel video programming distributor for purposes of this subpart O and § 76.1507.

* * * * *

§ 76.1200 [Amended].

■ 7. Section 76.1200 is amended by removing and reserving paragraph (b).

■ 8. Section 76.1300 is amended by revising paragraph (d) to read as follows:

§ 76.1300 Definitions.

* * * * *

(d) Multichannel video programming distributor. The term ''multichannel video programming distributor'' means an entity that falls under the definition provided in § 76.5(rr) as well as buying groups or agents of all such entities.

* * * * *

[FR Doc. 2014–30777 Filed 1–14–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 80, No. 10
Thursday, January 15, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Renewal of Charter of the Advisory Committee on Voluntary Foreign Aid

AGENCY: United States Agency for International Development.

ACTION: Notice of charter renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of the renewal of the Charter of the Advisory Committee on Voluntary Foreign Aid.

Purpose of the Committee

The Advisory Committee on Voluntary Foreign Aid (ACVFA) brings together USAID and private voluntary organizations (PVO) officials, representatives from universities, international nongovernment organizations (NGOs), U.S. businesses, and government, multilateral, and private organizations to foster understanding, communication, and cooperation in the area of foreign aid.

The Charter is being renewed for two years effective from the date of filing on January 13, 2015.

FOR FURTHER INFORMATION CONTACT: Jayne Thomisee, 202–712–5506.

Dated: January 9, 2015.

Christa White,

Committee Management Officer.

[FR Doc. 2015–00443 Filed 1–13–15; 11:15 am]

BILLING CODE 6116–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2014–0032]

Establishment-Specific Data Release Strategic Plan

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: FSIS is announcing the availability of the Agency's draft Establishment-Specific Data Release Strategic Plan (the draft Plan) for sharing data on federally inspected meat and poultry establishments with the public. FSIS developed the Plan in response to memoranda released by President Obama and the Office of Management and Budget (OMB) that called for increased data sharing; an Executive Order for agencies to develop plans for making information available to the public; National Advisory Committee on Meat and Poultry Inspection (NACMPI) recommendations; and a National Research Council (NRC) review. FSIS is seeking public comments on the draft Plan.

DATES: Submit comments on or before March 16, 2015.

ADDRESSES: FSIS invites interested persons to submit comments on the draft data release Plan. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov/.* Follow the online instructions at that site for submitting comments.

Mail, CD–ROMs: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163B, Washington, DC 20250–3700.

Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2014–0032. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or to comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 164–A, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495.

SUPPLEMENTARY INFORMATION:

Background

The Food Safety and Inspection Service (FSIS) administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*) to protect the health and welfare of consumers. The Agency is responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, not adulterated, and correctly labeled and packaged.

FSIS inspects these products at official slaughtering and processing establishments, verifying that the establishments meet regulatory requirements and enforcing those requirements as necessary.

Additionally, FSIS employees (inspectors, veterinarians, laboratorians, and Enforcement, Investigations, and Analysis Officers (EIAOs)) perform a variety of activities, including conducting inspections, ensuring compliance with existing regulations, and collecting and testing microbiological and chemical residue samples to verify whether establishments maintain Hazard Analysis and Critical Control Point (HACCP) or other food safety systems that address these hazards. While conducting these activities and performing many other key functions, FSIS collects a large volume of establishment-specific data on pathogens and residues. For example, FSIS collects data on regulated, domestic slaughter and processing establishments and on product imported from foreign countries with inspection systems equivalent to that of the United States.

FSIS produces reports using this data for internal use, as well as reports and data shared publicly through the Agency's Web site [1] and other public communication venues. FSIS aggregates most of the data it shares with the

[1] For more information, please visit: *http://www.fsis.usda.gov.*

public or provides the data in summary format.

On January 21, 2009, President Obama issued a ''Memorandum on Transparency and Open Government'',[2] intended to promote increased public trust in the Government through ''a system of transparency, public participation, and collaboration.'' A month later, OMB sent a memorandum to Executive Departments and agencies on ''The President's Memorandum on Transparency and Open Government—Interagency Collaboration,'' [3] which enclosed a copy of the Presidential memorandum and announced plans for developing a directive on transparency, participation, and collaboration across Government and with groups outside the Government. On December 8, 2009, OMB issued the Open Government Directive, requiring the Departments and agencies to take various steps toward creating a more open Government, such as by publishing information online in an open format that is available to the public without restrictions.[4]

In 2010, in response to the memoranda and directive discussed in the preceding paragraph, and a desire to more publicly share data collected by the Agency, FSIS began exploring how best to share establishment-specific data with the public. As a first step, FSIS consulted NACMPI, which recommended that FSIS obtain guidance from the National Academies or other entities with recognized expertise in data management and analysis to improve data accessibility and usefulness for internal and external stakeholders.[5]

Acting on the NACMPI recommendation, FSIS asked the National Academies' NRC in late 2010 to study the potential food safety benefits and other consequences of making establishment-specific data publicly available on the Internet.[6] The NRC convened a committee that in 2011 issued a report laying out an approach for FSIS's release of establishment-specific data that considered the benefits and costs of data sharing. In exploring how other Government agencies share data with the public, the NRC selected for review a number of regulatory and non-regulatory agencies that share data on their activities. Information about data sharing within and from these agencies is available in the NRC report.

The NRC Committee concluded, on the basis of its review of the design and implementation of data release efforts by other regulatory and non-regulatory agencies, that FSIS could ''benefit from consultation with these agencies and could build on their effective practices when designing a public data release program.'' The NRC Committee found that, on the whole, there were ''strong arguments supporting public release of establishment-specific FSIS data, especially data that are subject to release under [the Freedom of Information Act].'' To maximize its effectiveness and minimize its potential adverse unintended consequences, FSIS's ''data disclosure *should* be guided by a carefully designed information-disclosure strategy.'' [7] The NRC Committee specifically recommended that FSIS develop a strategic plan to guide it in the release of establishment-specific data.

FSIS also conducted its own in-depth review of Federal data sharing procedures and resources. This review focused on both regulatory and non-regulatory agencies and identified model Web sites, data-sharing portals, and other public data-sharing resources. As a consequence of its review and the recommendations that it received, the Agency developed the draft *Establishment-Specific Data Release Strategic Plan* (the draft Plan). The draft Plan is accessible at: *http://www.fsis.usda.gov/wps/wcm/connect/98c33278-53dd-4228-a695-54f429cf4413/Establishment-Specific-Data-Release-Plan.pdf?MOD=AJPERES.*

In January 2014, as a follow-up to its 2010 meeting, FSIS shared the draft Plan with NACMPI to gather input and seek feedback before the public release and implementation of the Plan. NACMPI recommended that FSIS prioritize the release of establishment-level datasets that FSIS already publishes in a aggregated or summary form and datasets related to sampling programs for pathogens that are considered adulterants. NACMPI also recommended that FSIS consider releasing additional datasets and adding this information to the Plan. The Agency has incorporated this input in the version of the draft Plan that the present document announces.

Meanwhile, in the effort to identify and plan for the release of additional data to the public, FSIS and other regulatory agencies have been encouraged by President Obama's ''Memorandum on Regulatory Compliance'' [8] and the Executive Order, ''Making Open and Machine Readable the New Default for Government Information,'' [9] to develop plans for making information on regulatory compliance and enforcement activities available in machine-readable format and accessible, downloadable, and searchable online. Under the draft Plan, FSIS will use Data.gov as a repository and point-of-access for released data. Data.gov is a Federal, government-sponsored Web site designed to ''increase the ability of the public to easily find, download, and use datasets that are generated and held by the Federal Government.''[10] FSIS will provide a link to Data.gov on its Web site.

The draft Plan covers dataset selection criteria, data release procedures, a preliminary list of Agency datasets for public release, and performance measures for evaluating the effectiveness of data release. It also provides details on the specific sampling programs from which the establishment-specific data are drawn.

The draft Plan includes a preliminary list of Agency datasets for public release. The data to be released first will be demographic datasets for all regulated establishments (expanding the data currently available through the

[2] ''Transparency and Open Government: Memorandum for the Heads of Executive Departments and Agencies''. (74 FR 4685; Jan. 26, 2009), pp. 4685–4686. Available at:*http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment.*

[3] ''Memorandum for the Heads of Executive Departments and Agencies: President's Memorandum on Transparency and Open Government—Interagency Collaboration.'' Memorandum Number: M–09–12. 24 February, 2009. Available at: *http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_fy2009/m09-12.pdf.*

[4] ''Memorandum for the Heads of Executive Departments and Agencies: President's Memorandum on Transparency and Open Government—Interagency Collaboration.'' Memorandum Number: M–10–06. 8 December, 2009. Available at: *http://www.whitehouse.gov/open/documents/open-government-directive.*

[5] ''The National Advisory Committee on Meat and Poultry Inspection Data Collection, Analysis, and Transparency 'Subcommittee.'' 2010. Available at: *http://www.fsis.usda.gov/wps/wcm/connect/caa395aa-5f88-467e-b20f-a010e95cb4db/Data_Subcommittee_Final_Report.pdf?MOD=AJPERES.*

[6] National Research Council, Committee on a Study of Food Safety and Other Consequences of Publishing Establishment-Specific Data. The Potential Consequences of Public Release of Food Safety and Inspection Service Establishment-Specific Data. 2011. Available at: *http://www.nap.edu/catalog.php?record_id=13304.*

[7] National Research Council, Committee on a Study of Food Safety and Other Consequences of Publishing Establishment-Specific Data. ''The Potential Consequences of Public Release of Food Safety and Inspection Service Establishment-Specific Data.'' 2011. Available at: *http://www.nap.edu/catalog.php?record_id=13304.*

[8] ''Memorandum on Regulatory Compliance.'' 76 **Federal Register** 14 (21 January 2011), pp. 3825–3826.

[9] Making Open and Machine Readable the New Default for Government Information.'' Executive Order 13642. 78 **Federal Register** 93 (14 May 2013), pp. 28111–28113.

[10] About Data.gov.'' Data.gov. Available at: *http://www.data.gov/about.*

FSIS Meat, Poultry, and Egg Inspection Directory). ''Demographics'' here refers to identifying characteristics of meat and poultry establishments that are subject to FSIS inspection.[11] These include, but are not limited to, the following variables: Establishments' ''HACCP size''—large, small, or very small; products the establishments' produce; and their USDA official establishment number.

At a later date, FSIS will release Agency datasets on testing data on Shiga Toxin-producing *Escherichia coli* (STEC) in raw, non-intact beef products and on *Listeria monocytogenes* and *Salmonella* in RTE products. Additional Agency datasets FSIS intends to release include, but are not limited to, testing and serotype data on *Salmonella* and *Campylobacter* in young chickens and young turkeys; *Salmonella* and *Campylobacter* in comminuted poultry; *Salmonella* in raw ground beef; routine chemical residue testing data in meat and poultry products; advanced meat recovery (AMR) testing data. These preliminary Agency datasets will not all be released at the same time and before releasing the final datasets. FSIS will publish a Constituent Update with a link to a sample dataset for stakeholder review.

Besides the preliminary datasets that the Agency will be releasing, as stated in the draft Plan, FSIS is considering additional data sources for future release. These include: Inspection task data associated with verification of compliance with each regulation; humane handling task data; and import sampling task data relating to STEC, *Salmonella,* and residue testing.

The Agency is sharing the draft Plan with the larger public to benefit from any comments and suggestions that the public may provide. The Agency will consider all comments submitted before releasing and posting any datasets. The Agency will revise the draft Plan as necessary.

USDA Nondiscrimination 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.

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,* 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.

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).

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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

Alfred V. Almanza,

Acting Administrator.

[FR Doc. 2015–00434 Filed 1–14–15; 8:45 am]

BILLING CODE 3410–DM–P

[11] The preliminary demographics dataset will not include information on egg products establishments. FSIS will release this information at a later date.

DEPARTMENT OF AGRICULTURE

Forest Service

Ochoco National Forest, Paulina Ranger District; Oregon; Black Mountain Vegetation and Fuels Management Project EIS

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Ochoco National Forest is preparing an environmental impact statement (EIS) to analyze the effects of managing vegetation and fuels within the 34,011 acre Black Mountain project area, which is approximately 35 miles east of Prineville, Oregon. The project area includes National Forest system lands within the North Fork Crooked River watershed. The alternatives that will be analyzed include the proposed action, no action, and additional alternatives that will respond to issues generated through the scoping process. The Ochoco National Forest will give notice of the full environmental analysis and decision making process so interested and affected people may participate and contribute to the final decision.

DATES: Scoping comments must be received by March 2, 2015. The draft environmental impact statement is expected to be completed and available for public comment in October, 2015. The final environmental impact statement is expected to be completed in March, 2015.

ADDRESSES: Send written comments to Sandra Henning, District Ranger, Paulina Ranger District, Ochoco National Forest, 3160 NE Third Street, Prineville, Oregon 97754. Alternately, electronic comments may be sent to comments-pacificnorthwest *ochoco@fs.fed.us.* Electronic comments must be submitted as part of the actual email message, or as an attachment in plain text (.txt), Microsoft Word (.doc), rich text format(.rtf), or portable document format (.pdf).

FOR FURTHER INFORMATION CONTACT: Jeffrey Marszal, Project Leader at 3160 NE Third Street, Prineville, Oregon 97754, or at (541) 416–6500, or by email *at jmarszal@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The existing condition of the Black Mountain project area was evaluated in 2014 and documented in the Black Mountain project record. The evaluation determined that conditions in the planning area have departed from the historic conditions in several ways.

• Tree species compositions are outside the historic range of variability.
• A reduction in Late and Old Structured forest (LOS); especially single-strata LOS.
• A reduction in open-canopy stands accompanied by an increase in stand densities and multi-storied stands.
• An increased risk of large-scale loss of forest to wildfire.
• An increased risk of insect infestation and/or disease that can impact forested stands.
• A decline in riparian/aquatic conditions and hardwood communities.

Based upon direction from the Ochoco Forest Plan and an evaluation of the project area existing condition, the Paulina Ranger District has determined that within the Black Mountain project area:

1. There is a need to manage vegetation towards the historic range of variability and provide a range of forest conditions and habitats that would support historic disturbance processes, native wildlife, and plant species; this includes maintaining and increasing Late Old Structure (LOS), especially single-strata LOS.
2. There is a need to reduce forest density and fuel loadings in order to reduce the risk that disturbance events such as insect, disease, and wildfire will lead to a loss of desired forest conditions.
3. There is a need to maintain existing old trees, especially early-seral and fire tolerant species, *i.e.* ponderosa pine, and western larch.
4. There is a need to improve riparian and aquatics condition along with associated vegetation within Riparian Habitat Conservation Areas (RHCAs) and maintain and enhance hardwood communities.
5. There is a need to contribute to the local and regional economies through restoration activities including providing timber and other wood products now and in the future.

Proposed Action

The proposed action includes a variety of management strategies and activities, including commercial thinning with follow-up noncommercial thinning and/or slashes treatment (5,364 acres), noncommercial treatment with slash treatment (1,040 acres), underburning (3,234 acres) and hardwood enhancement (151 acres). Implementation of the proposed action would require some connected actions; these include use of temporary roads on existing disturbance (25.4 miles), use of new temporary roads (.86 mile), stream restoration (7 miles), and material source expansion (1 location, 5 acres). Implementation of the proposed action would require the following mitigation to reduce or eliminate unwanted effects; these include road closure (1 mile) and road decommission (1.86 miles).

Responsible Official

The responsible official will be Stacey Forson, Forest Supervisor, Ochoco National Forest, 3160 NE Third Street, Prineville, Oregon 97754

Nature of Decision To Be Made

Given the purpose and need, the deciding official will review the proposed action, the other alternatives, and the environmental consequences in order to determine whether and under what circumstances vegetation and fuels management will be implemented in the Black Mountain project area.

Preliminary Issues

The project's interdisciplinary team has developed a list of preliminary issues that will be used during the analysis of effects. Other issues may arise as a result of public comment and further analysis. Preliminary issues include:

• *Invasive Plant Species (Noxious Weeds).* Several populations of noxious weeds are known to exist within the project area. There is a risk that management activities may exacerbate the weed situation by spreading existing populations or introducing new ones.
• *Peck's Mariposa Lily.* Management activities can improve habitat for this sensitive species, but there is also risk of impacting individual plants and/or habitat where it occurs in the project area.
• *Soil Productivity.* Maintenance of soil productivity is an important objective for management of National Forest Lands. When mechanized equipment is used in the Forest, soil can become displaced and compacted, which can impact productivity.
• *Water Quality.* The main streams in the project area, Peterson, Porter and Allen Creeks, are listed on Oregon DEQ's 303(d) list due to high summer temperatures. Management activities can result in reduced shade on streams, as well as contribute sediment into the streams, which impacts water quality and decreases habitat quality for fish and other riparian fauna.
• *Wildlife Habitat.* Activities intended to improve forest health and resiliency may reduce habitat effectiveness for some wildlife species, including forest raptors and big game.

Scoping Process

The notice of intent initiates the scoping process, which guides the development of the environmental impact statement. It is important that reviewers provide their comments at such times and in such a manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comments period and should clearly articulate the reviewer's concerns and contentions. Comments received in response to this solicitation including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered.

Dated: January 9, 2015.

Sandra Henning,

District Ranger.

[FR Doc. 2015–00537 Filed 1–14–15; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forestry Research Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forestry Research Advisory Council (FRAC) will meet in Washington, DC. The Council is required by Section 1441 of the Agriculture and Food Act of 1981 to provide advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the Act of October 10, 1962 (16 U.S.C. 582a, *et seq.*), commonly known as the McIntire-Stennis Act of 1962. The Council also provides advice relative to the Forest Service research program, authorized by the Forest and Rangeland Renewable Resources Research Act of 1978 (Pub. L. 95–307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note)). The meeting is open to the public.

DATES: The meeting will be held February 18 and 19, 2015, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Forest Service International Programs office located at 1 Thomas Circle, Suite 400, Washington, DC. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the USDA Forest Service—Washington Office. Visitors are encouraged to call ahead at 202–205–

1665 to facilitate entry into the USDA Forest Service building.

FOR FURTHER INFORMATION CONTACT: Daina Dravnieks Apple, USDA Forest Service, Office of the Deputy Chief for Research and Development, by phone at 202–205–1665. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

(1) Discuss current and emerging forestry and natural resource research issues;

(2) provide a presentation and discussion on budget outlooks and program priorities of the US Forest Service Research and Development, and USDA National Institute of Food and Agriculture, including the McIntire-Stennis Cooperative Forestry Research Program, and

(3) discuss anticipated matters that may include USDA engagement in natural resource-related STEM research and education, partnerships with other agencies, interdisciplinary research, research in urban forestry, wood products development, and landscape-scale forest management.

The discussion is limited to the Forest Service, National Institute of Food and Agriculture staff and Council members; however, persons who wish to bring forestry research matters to the attention of the Council may file written statements with the Designated Federal Officer before or after the meeting. Written comments concerning this meeting should be addressed to Daina Dravnieks Apple, Designated Federal Officer, Forestry Research Advisory Council, USDA Forest Service, Office of Research and Development, Mail Stop 1120, 1400 Independence Ave. SW., Washington DC 20250–1120, or via fascimile to 202–401–1189 by February 1, 2015. Additional information concerning the Council, including the meeting summary/minutes, can be provided by contacting Ms. Apple by email at *dapple@fs.fed.us.*

Meeting Accommodations: If you require sign language interpreting, assistive listening devices or other reasonable accommodation, please request this in advance of the meeting by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodations requests are managed on a case-by-case basis.

Dated: January 9, 2015.

Carlos Rodriguez-Franco,

Associate Deputy Chief, Research and Development.

[FR Doc. 2015–00547 Filed 1–14–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Final Record of Decisions for Kootenai and Idaho Panhandle National Forest Land Management Plans

AGENCY: Forest Service, USDA.

ACTION: Notice of plan approval for the Kootenai and Idaho Panhandle National Forests.

SUMMARY: Regional Forester Faye Krueger signed the final Record of Decisions (RODs) for the Kootenai and Idaho Panhandle National Forests revised Land Management Plans (Plans) on January 5, 2015. The Final RODs document the Regional Forester's decision and rationale for approving the revised Plans.

DATES: The effective date of the Plans is February 17, 2015. To view the final RODs, FEIS and revised Plans please visit the Kootenai National Forest Web site at *http://www.fs.usda.gov/main/kootenai* or Idaho Panhandle National Forest Web site at: *http://www.fs.usda.gov/main/ipnf.*

FOR FURTHER INFORMATION CONTACT: Further information about the Kootenai National Forest's revised Plan can be obtained from Chris Savage during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m. Mountain Time) at the Kootenai National Forest Supervisor's Office (Address: Kootenai National Forest, 31374 US Highway 2, Libby, MT 59923–3022); Phone/voicemail: (406) 293–6211.

Further information about the Idaho Panhandle National Forests' revised Plan can be obtained from Mary Farnsworth during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m. Pacific Time) at the Idaho Panhandle National Forests Supervisor's Office (Address: Idaho Panhandle National Forests, 3815 Schreiber Way, Coeur D'Alene, ID 83815); Phone/voicemail: (208) 765–7369.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The revised Plans describe desired conditions, include objectives, standards and guidelines, and identify lands suitable for various uses. The Plans will guide project and activity decision making and all resource management activities on the Forests for the next 15 years. They are part of the long-range resource planning framework established by the Forest and Rangeland Renewable Resources Planning of 1974 (RPA), the Government Performance and Results Act of 1993 (GPRA), and the 2012 Revision of the USDA Forest Service Strategic Plan.

The development of the revised Forest Plans spanned more than 13 years and was shaped by the best available science, current laws, public input from numerous public meetings and open houses, and more than 100 community-based work group sessions. These open meetings identified the core values of local communities regarding natural resource management and highlighted the many points of agreement that exist among diverse participants. Our national forests face many new challenges including increasing demands for multiple uses, increasing population pressures and development of neighboring lands. The revised Plans lay the foundation to address and balance the economic, ecological and social needs of forest stakeholders, while continuing the legacy of protecting water and restoring forest health. The Plans are designed to facilitate management that will: Supply clean water, provide economic opportunities for local communities, restore and maintain ecosystems, improve the resistance and resiliency of the forest vegetation to undesirable disturbances and potential climate change effects, offer a diversity of recreation opportunities including remote settings, and utilize best available science.

Dated: January 8, 2015.

Faye Krueger,

Regional Forester.

[FR Doc. 2015–00538 Filed 1–14–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to request an extension of a currently approved information collection in support of the program for 7 CFR, part 1951, subpart R, ''Rural Development Loan Servicing.''

DATES: Comments on this notice must be received by March 16, 2015, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Lori Hood, Rural Business-Cooperative Service, USDA, STOP 3226, 1400 Independence Ave. SW., Washington, DC 20250–3226, Telephone: (202) 720–1400.

SUPPLEMENTARY INFORMATION:

Title: Rural Development Loan Servicing.

OMB Number: 0570–0015.

Expiration Date of Approval: March 31, 2015.

Type of Request: Extension of a currently approved information collection.

Abstract: The regulations contain various requirements for information from the intermediaries and some requirements may cause the intermediary to require information from ultimate recipients. The information requested is vital to RBS for prudent loan servicing, credit decisions, and reasonable program monitoring.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Respondents: Non-profit corporations, public agencies, and cooperatives.

Estimated number of Respondents: 459.

Estimated number of responses: 4,632.

Estimated total annual burden on respondents: 12,421 hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, at (202) 692–0010

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of RBS estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Stop 0742, 1400 Independence Ave. SW., Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: January 9, 2015.

Lillian E. Salerno,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2015–00514 Filed 1–14–15; 8:45 am]

BILLING CODE 3410–XY–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: International Trade Administration, Commerce.

Title: Surveys for User Satisfaction, Impact, and Needs.

OMB Control Number: 0625–XXXX.

Form Number(s): ITA–XXXXP.

Type of Request: Regular submission; new information collection; generic clearance.

Number of Respondents: 30,000.

Average Hours per Response: 10 minutes.

Burden Hours: 5,000 (annual).

Needs and Uses: The International Trade Administration provides a multitude of international trade related programs to help U.S. businesses. These programs include information products, services, and trade events. To accomplish its mission effectively, ITA needs ongoing feedback on its programs. This information collection instrument allows ITA to solicit clients' opinions about the use of ITA products, services, and trade events. To promote optimal use and provide focused and effective improvements to ITA programs, we are requesting approval for this clearance package; including: Use of Comment Cards (*i.e.* transactional-based surveys) to collect feedback immediately after ITA assistance is provided to clients; use of annual surveys (*i.e.* relationship-based surveys) to gauge overall satisfaction, impact and needs for clients with ITA assistance provided over a period of time; use of multiple data collection methods (*i.e.* web-enabled surveys sent via email, telephone interviews, automated telephone surveys, and in-person surveys via mobile devices/laptops/tablets at trade events/shows) to enable clients to conveniently respond to requests for feedback; and a forecast of burden hours. Without this information, ITA is unable to systematically determine the actual and relative levels of performance for its programs and products/services and to provide clear, actionable insights for managerial intervention. This information will be used for program evaluation and improvement, strategic planning, allocation of resources and stakeholder reporting.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

Frequency: Once a year.

Respondent's Obligation: None.

This information collection request may be viewed at *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. 2015–00501 Filed 1–14–15; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD698

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a joint webinar meeting of its Coastal Pelagic Species Management Team (CPSMT) and Coastal Pelagic Species Advisory Subpanel (CPSAS).

Information on how to participate will be posted to the Pacific Council's Web site (*www.pcouncil.org*) in advance of the webinar.

DATES: The webinar meeting will be held Thursday, January 29, from 3 p.m. to 5 p.m. Pacific Time, or until business for the meeting is concluded.

ADDRESSES: A listening station will be available at the Pacific Council office: 7700 NE. Ambassador Place, Suite 101, Portland, Oregon 97220.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to develop supplemental reports, if needed, relevant to the March 2015 Council meeting in Vancouver, Washington. Topics may include the Unmanaged Forage Fish Initiative final action, Fishery Ecosystem Plan initiatives, California Current Ecosystem and Integrated Ecosystem Assessment report, legislative matters, NMFS West Coast Strategic Plan, and U.S. Coast Guard Enforcement Report. The 2015 meeting schedule and pending activities may also be discussed, on an informational basis. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the CPSMT's and CPSAS's intent to take final action to address the emergency.

Special Accommodations

This listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (503–820–2280) at least five days prior to the meeting date.

Dated: January 9, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–00510 Filed 1–14–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD706

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold a weeklong work session that is open to the public.

DATES: The GMT meeting will be held Monday, February 2, 2015 from 1 p.m. until business for the day is completed. The GMT meeting will reconvene Tuesday, February 3 through Friday, February 6 from 8:30 a.m. until business for each day has been completed.

ADDRESSES: The meetings will be held at the Hotel Deca, College Room, 4507 Brooklyn Avenue NE., Seattle, WA; telephone: (206) 634–2000.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Ames, Pacific Council; telephone: (503) 820–2426.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT working meeting is to prepare for the 2015 Council meetings, including the upcoming harvest specifications and management measures cycle for 2017–18. Specific agenda topics include a review of the latest West Coast Groundfish Observer Program data; methodologies for estimating groundfish mortality and economic impacts for the 2017–18 analysis; ecosystem management initiatives; analysis of rebuilding revision rules; and further consideration for flexible management of annual catch limit set-asides. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT. The GMT's task will be to develop recommendations for consideration by the Pacific Council at its meetings in 2015.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: January 9, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–00511 Filed 1–14–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of Draft Environmental Impact Statement for the Dallas Floodway Project, in the City of Dallas, Dallas County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice; extension of comment period.

SUMMARY: The comment period for the Availability of Draft Environmental Impact Statement for the Dallas Floodway Project, in the City of Dallas, Dallas County, TX published in the **Federal Register** on Friday, December 19, 2014 (79 FR 75794), required comments be postmarked on or before January 18, 2015. The comment period has been extended to February 2, 2015.

FOR FURTHER INFORMATION CONTACT: Marcia Hackett at (817) 886–1373 or via email at *marcia.r.hackett@usace.army.mil.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–00424 Filed 1–14–15; 8:45 am]

BILLING CODE 3720–58–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: EG15–38–000.
Applicants: Joliet Battery Storage LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Joliet Battery Storage LLC.
Filed Date: 1/8/15.
Accession Number: 20150108–5156.
Comments Due: 5 p.m. ET 1/29/15.
Docket Numbers: EG15–39–000.
Applicants: West Chicago Battery Storage LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of West Chicago Battery Storage LLC.
Filed Date: 1/8/15.
Accession Number: 20150108–5155.
Comments Due: 5 p.m. ET 1/29/15.
Docket Numbers: EG15–40–000.
Applicants: Baffin Wind LLC..
Description: Self-Certification of EWG of Baffin Wind LLC.
Filed Date: 1/8/15.
Accession Number: 20150108–5215.
Comments Due: 5 p.m. ET 1/29/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1139–009; *ER14–2630–002.*
Applicants: Imperial Valley Solar 1, LLC, Regulus Solar, LLC.
Description: Notification of Non-Material Change in Status of Imperial Valley Solar 1, LLC and Regulus Solar, LLC.
Filed Date: 1/8/15.
Accession Number: 20150108–5086.
Comments Due: 5 p.m. ET 1/29/15.
Docket Numbers: ER14–1969–005.
Applicants: Public Service Company of Colorado.
Description: Compliance filing per 35: 2014–1–8 PSCo Wind Int Comp ER14–1969–004 Errata.pdf to be effective 1/1/2015.
Filed Date: 1/8/15.
Accession Number: 20150108–5085.
Comments Due: 5 p.m. ET 1/29/15.
Docket Numbers: ER15–486–001.
Applicants: Peninsula Power, LLC.
Description: Tariff Amendment per 35.17(b): Peninsula Power, LLC (FERC Electric Tariff) to be effective 1/1/2015.
Filed Date: 1/8/15.
Accession Number: 20150108–5068.
Comments Due: 5 p.m. ET 1/29/15.
Docket Numbers: ER15–830–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2987 Associated Electric/PSC of OK/KAMO Electric Inter. Agreement to be effective 12/31/9998.
Filed Date: 1/8/15.
Accession Number: 20150108–5040.
Comments Due: 5 p.m. ET 1/29/15.
Docket Numbers: ER15–831–000.
Applicants: Consolidated Edison Company of New York.
Description: § 205(d) rate filing per 35.13(a)(1): PASNY BQDM to be effective 1/9/2015.
Filed Date: 1/8/15.
Accession Number: 20150108–5043.
Comments Due: 5 p.m. ET 1/29/15.
Docket Numbers: ER15–832–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 1727; Queue No. Z1–097 to be effective 12/9/2014.
Filed Date: 1/8/15.
Accession Number: 20150108–5050.
Comments Due: 5 p.m. ET 1/29/15.

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 8, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–00521 Filed 1–14–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OEI–2006–0037; FRL–9921–68–OEI]

Proposed Information Collection Request; Comment Request; Exchange Network Grants Progress Reports (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Exchange Network Grants Progress Reports (Renewal)'' (EPA ICR No. 2207.06, OMB Control No. 2025–0006) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2015. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before March 16, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OEI–2006–0037 referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Michael Kaufman, Information Exchange and Services Division, Office of Information Collection, (2823T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–4499; fax number: 202–566–1684; email address: *kaufman.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This notice announces the collection of information related to the U.S. EPA National Environmental Information Exchange Network (NEIEN) Grant Program. EPA proposes to collect information from the NEIEN grantees on assistance agreements EPA has awarded. Specifically, for each project, EPA proposes to have grantees submit semi-annual reports on the progress and current status of each goal and output, completion dates for outputs, and any problems encountered. This information will help EPA ensure projects are on schedule to meet their goals and produce high quality environmental outputs. The Quality Assurance Reporting Form provides a simple means for grant recipients to describe how quality will be addressed throughout their projects. Additionally, the Quality Assurance Reporting Form is derived from guidelines provided in the NEIEN 2011 Grant Solicitation Notice.

Form numbers: EPA Form 5300–26 (Semi-Annual Progress Report Form) and EPA Form 5300–27 (Quality Assurance Reporting Form).

Respondents/affected entities: State, tribal, and territorial environmental government offices.

Respondent's obligation to respond: Mandatory (40 CFR part 31).

Estimated number of respondents: 200 (total).

Frequency of response: Twice per year for the Semi-Annual Progress Report Form; one time per grant for the Quality Assurance Reporting Form.

Total estimated burden: 340 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $17,979 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in estimates: There is a decrease of 5 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to a decrease in the number of grants that are awarded annually.

Dated: January 8, 2015.

Charles Freeman,

Associate Director, Information Exchange and Services Division.

[FR Doc. 2015–00545 Filed 1–14–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9921–28–ORD]

Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing the availability of the final report titled, ''Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence'' (EPA/600/R–14/475F). The purpose of this report is to summarize the current understanding about the connectivity and mechanisms by which streams and wetlands affect the physical, chemical, and biological integrity of downstream waters.

The report is available via the Internet on the EPA Office of Research and Development (ORD), National Center for Environmental Assessment's Web site (*www.epa.gov/ncea*) under the Recent Additions and Publications menu.

DATES: The Agency is releasing the report publicly on January 15, 2015.

ADDRESSES: The report is available primarily via the Internet on the EPA Office of Research and Development (ORD), National Center for Environmental Assessment's Web site (*www.epa.gov/ncea*) under the Recent Additions and Publications menu. A limited number of paper copies will be available from the Information Management Team, National Center for Environmental Assessment; telephone 703–347–8561; facsimile: 703–347–8691. If you are requesting a paper copy, please provide your name, your mailing address, and the document title.

FOR FURTHER INFORMATION CONTACT: For additional information concerning the assessment, contact EPA National Center for Environmental Assessment, Dr. Laurie Alexander, telephone 703–347–8630 or email *Alexander.Laurie@epa.gov.*

SUPPLEMENTARY INFORMATION:

Information About the Project/ Document

The U.S. Environmental Protection Agency (EPA) Office of Research and Development (ORD) developed this report to review and synthesize the peer-reviewed scientific literature on the connectivity or isolation of streams and wetlands relative to large water bodies such as rivers, lakes, estuaries, and oceans. The purpose of the report, ''Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence,'' is to summarize the current understanding about the connectivity and mechanisms by which streams and wetlands, singly or in aggregate, affect the physical, chemical, and biological integrity of downstream waters. The report addresses three main questions related to connectivity:

(1) What are the physical, chemical, and biological connections to, and effects of, ephemeral, intermittent, and perennial stream on downstream waters?

(2) What are the physical, chemical, and biological connections to, and effects of, riparian or floodplain wetlands and open-waters on downstream waters?

(3) What are the physical, chemical, and biological connections to, and effects of, wetlands and open-waters in non-floodplain settings on downstream waters?

This report informs development of a rule proposed by EPA and the U.S. Army Corps of Engineers to clarify the definition of waters of the United States under the Clean Water Act (*http://www2.epa.gov/uswaters*).

Dated: December 30, 2014.

Lynn Flowers,

Acting Deputy Director, National Center for Environmental Assessment.

[FR Doc. 2015–00339 Filed 1–14–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9921–14–OW]

Notice of a Public Meeting: The National Drinking Water Advisory Council's (NDWAC) Lead and Copper Rule Working Group Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a public meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces a public meeting of the National Drinking Water Advisory Council's Lead and Copper Rule Working Group (LCRWG). The meeting is scheduled for February 5 and 6, 2015, in Arlington, Virginia. During this meeting, the LCRWG will focus discussions on the Lead and Copper Rule revisions and developing the first draft of the working group's report to the Council.

DATES: The meeting on February 5, 2015, will be held from 9:00 a.m. to 5:00 p.m., eastern time, and on February 6, 2015, from 9:00 a.m. to 3:00 p.m., eastern time.

ADDRESSES: The meeting will be held at the Cadmus Group, Inc., 1555 Wilson Blvd., Suite 300, Arlington, Virginia, and will be open to the public. All attendees must sign in with the security desk and show photo identification to enter the building.

FOR FURTHER INFORMATION CONTACT: For more information about this meeting or to request written materials contact Lameka Smith, Standards and Risk Management Division, Office of Ground Water and Drinking Water, by phone at (202) 564–1629 or by email at *LCRWorkingGroup@epa.gov*. For additional information about the Lead and Copper Rule, please visit EPA's Web site at *http://water.epa.gov/lawsregs/rulesregs/sdwa/lcr/index.cfm.*

SUPPLEMENTARY INFORMATION:

Details about Participating in the Meeting: Members of the public who would like to register for this meeting should contact Lameka Smith by February 3, 2015, by email at *LCRWorkingGroup@epa.gov* or by phone at (202) 564–1629. The LCRWG will allocate 15 minutes for the public's input at the meeting on February 5th and 15 minutes on February 6th. Each oral statement will be limited to five minutes at the meeting. The LCRWG prefers that only one person present a statement on behalf of a group or an organization. To ensure adequate time for public involvement, individuals or organizations interested in presenting an oral statement should notify Lameka Smith no later than February 3, 2015. Any person who wishes to file a written statement can do so before or after the LCRWG meeting. Written statements intended for the meeting must be received before February 2, 2015, to be distributed to all members of the working group before the meeting. Any statements received on or after the date specified will become part of the permanent file for the meeting and will be forwarded to the LCRWG members for their information.

Special Accommodations: For information on access or to request special accommodations for individuals with disabilities contact Lameka Smith at (202) 564–1629 or by email at *LCRWorkingGroup@epa.gov* at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: December 22, 2014.

Rebecca M. Clark,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 2014–30495 Filed 1–14–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–0387]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 16, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0387.

Title: Sections 15.201(d), 15.209, 15.211, 15.213 and 15.221(c), On-Site Verification of Field Disturbance Sensors.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 150 respondents; 150 responses.

Estimated Time per Response: 18 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 4(i), 301, 302, 303(e), 303(f), 303(r) and 303(s), and 304 and 307 of the Communications Act of 1934, as amended.

Total Annual Burden: 2,700 hours.

Total Annual Cost: $37,500.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Applicants may request that information be withheld from public inspection pursuant to 47 CFR 0.457(d) for trade secrets which may be submitted to the Commission as part of the documentation of test results. No other assurances of confidentiality are provided to respondents.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) during this comment period to obtain the full three-year-clearance from them. However, we are reporting an adjustment in the reporting/recordkeeping burdens to reflect a decrease in the number of equipments authorized for this type of equipment, which reduces the burden hours and annual costs.

Section 15.201(d) of the Commission rules permit the operation of field disturbance sensors in the low VHF region of the spectrum. In order to monitor non-licensed field disturbance sensors operating in the low VHF television bands, a unique procedure for on-site equipment testing of the systems is required to ensure suitable safeguards for the operation of these devices. Data are retained by the holder of the equipment authorized/issued by the Commission and made available only at the request of the Commission.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–00479 Filed 1–14–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–00690 and 3060–0027]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before February 17, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the ''Supplementary Information'' section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0690.

Title: Section 101.17, Performance Requirements for the 38.6–40.0 GHz Frequency Band.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; and State, local, or tribal government.

Number of Respondents: 5 respondents; 44 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: Reporting requirement at the end of the10-year license term.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these information collections are contained in 47 U.S.C. 4(i), 303(c), 303(g), 303(r), and 309(j) of the Communications Act of 1934, as amended.

Total Annual Burden: 30 hours.

Total Annual Cost: $17,400.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There may be a need for confidentiality. Applicants may request confidentiality and request confidential treatment in connection with their substantial service showings pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission is submitting this expiring information collection to the Office of Management and Budget (OMB) as an extension to obtain the full three year clearance from them.

The information collection requirements that are contained in Section 101.17 of the Commission's rules require that all 38.6–40.0 GHz band licensees demonstrate substantial service at the time of license renewal (at the end of the ten year license term). A licensee's substantial service showing should include, but not be limited to, the following information for each channel for which they hold a license, in each Economic Area (EA) or a portion of the EA covered by their license, in order to qualify for renewal of that license. The information is used by the Commission staff to satisfy requirements for licensees to demonstrate substantial service at the time of license renewal. Also, the information is used by the Commission to determine whether the licensee is providing service which rises to the level of ''substantial'' requiring the following information:

(1) A description of the 38.6–40.0 GHz band licensee's current service in terms of geographic coverage;

(2) A description of the 38.6–40.0 GHz band licensee's current service in terms of population served, as well as any additional service provided during the license term; and

(3) A description of the 38.6–40.0 GHz band licensee's investments in its system(s) (type of facilities constructed and their operational status is required).

Any licensees adjudged not to be providing substantial service will not have their license renewed.

Without this information, the Commission would not be able to carry out its statutory responsibilities.

OMB Control Number: 3060–0027.

Title: Application for Construction Permit for Commercial Broadcast Station, FCC Form 301; FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule A.

Form Number: FCC Form 301.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; Not for profit entities; State, local or Tribal governments.

Number of Respondents and Responses: 3,775 respondents and 7,211 responses.

Estimated Time per Response: 1–6.25 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 17,372 hours.

Total Annual Costs: $68,901,963.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: FCC Form 301 is used to apply for authority to construct a new commercial AM, FM, or TV broadcast station and to make changes to existing facilities of such a station. It may be used to request a change of a station's community of license by AM and non-reserved band FM permittees and licensees. In addition, FM licensees or permittees may request, by filing though an application on FCC Form 301, upgrades on adjacent and co-channels, modifications to adjacent channels of the same class, and downgrades to adjacent channels. All applicants using this one-step process must demonstrate that a suitable site exists that would comply with allotment standards with respect to minimum distance separation and principal community coverage and that would be suitable for tower construction. For applicants to seek a community of license change through this one-step process, the proposed facility must be mutually exclusive with the applicant's existing facility, and the new facility must comply with the Commission's standards with respect to minimum distance separation and principal community coverage. Applicants availing themselves of this procedure must also attach an exhibit demonstrating that the proposed community of license change comports with the fair, efficient, and equitable distribution of radio service, pursuant to Section 307(b) of the Communications Act of 1934, as amended (the ''Act'').

FCC Form 301 also accommodates commercial FM applicants applying in a Threshold Qualifications Window (''TQ Window'') for a Tribal Allotment. A commercial FM applicant applying in the TQ Window, who was not the original proponent of the Tribal Allotment at the rulemaking stage, must demonstrate that it would have qualified in all respects to add the particular Tribal Allotment for which it is applying. Additionally, a petitioner seeking to add a Tribal Allotment to the FM Table of Allotments must file Form 301 when submitting its Petition for Rulemaking. The collection also accommodates applicants applying in a TQ Window for a Tribal Allotment that had been added to the FM Table of Allotments using the Tribal Priority under the new ''threshold qualifications'' procedures adopted in the Third R&O, FCC 11–190.

To receive authorization for commencement of Digital Television (''DTV'') operations, commercial broadcast licensees must file FCC Form 2100, Schedule A for a construction permit. The application may be filed anytime after receiving the initial DTV allotment and before mid-point in the applicant's construction period. The Commission will consider the application as a minor change in facilities. Applicants will not have to provide full legal or financial qualification information.

This collection also includes the third party disclosure requirement of 47 CFR 73.3580. This rule requires applicants to provide local public notice, in a newspaper of general circulation published in a community in which a station is located, of requests for new or major changes in facilities and for changes of a station's community of license by AM and non-reserved band FM permittees and licensees. The notice must be completed within 30 days of tendering the application and must be published at least twice a week for two consecutive weeks in a three-week period. A copy of the notice and the application must be placed in the station's public inspection file, pursuant to Section 73.3527.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–00478 Filed 1–14–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–0636]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 16, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Benish Shah, Federal

Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0636.

Title: Sections 2.906, 2.909, 2.1071, 2.1075, 2.1077 and 15.37, Equipment Authorizations—Declaration of Conformity.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 6,000 respondents; 12,000 responses.

Estimated Time per Response: 9.5 hours (average).

Frequency of Response: One-time reporting requirement, recordkeeping requirement and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C.s 154(i), 301, 302, 303(e), 303(r), 304 and 307.

Total Annual Burden: 114,000 hours.

Total Annual Cost: $24,000,000.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: No assurances of confidentiality are provided to respondents.

Needs and Uses: The Commission will submit this information collection to Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension, there is no change in the reporting, recordkeeping and/or third party disclosure requirements. The Commission is reporting an adjustment to reflect an increase to the total number of respondents/responses, the total annual hourly burden, and the total annual cost to respondents from the previous estimates, in order to reflect an increase in the number of devices authorized under the DOC program.

In 1996, the Declaration of Conformity (DoC) procedure was established in a Report and Order, FCC 96–208, *In the Matter of Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices.*

(a) The Declaration of Conformity equipment authorization procedure, 47 CFR 2.1071, requires that a manufacturers or equipment supplier test a product to ensure compliance with technical standards that limit radio frequency emissions.

(b) Additionally, the manufacturer or supplier must also include a DoC (with the standards) in the literature furnished with the equipment, and the equipment manufacturer or supplier must also make this statement of conformity and supporting technical data available to the FCC, at the Commission's request.

(c) The DoC procedure represents a simplified filing and reporting procedure for authorizing equipment for marketing.

(d) Finally, testing and documentation of compliance are needed to control potential interference to radio communications. The data gathering are necessary for investigating complaints of harmful interference or for verifying the manufacturer's compliance with the Commission's rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–00480 Filed 1–14–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012008–007.

Title: The 360 Quality Association Agreement.

Parties: Ambassador Services, Inc.; Cool Carriers, AB; Diamond State Port Corporation; Gloucester Terminals LLC; and Seatrade Group NV.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006–4007.

Synopsis: The amendment changes the name of NYKCool AB to Cool Carriers, AB.

Agreement No.: 012202–001.

Title: The G6/ELJSA Slot Exchange Agreement.

Parties: American President Lines, Ltd. and APL Co. Pte, Ltd. (Operating as one Party); Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line, Limited; and Evergreen Line Joint Service Agreement.

Filing Party: David F. Smith, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The amendment changes the corporate addresses of American President Lines, Ltd. and APL Co. PTE Ltd. (collectively APL) and Hyundai Merchant Marine Co., Ltd.

Agreement No.: 012262–001.

Title: The G6/Hanjin Vessel Sharing Agreement.

Parties: American President Lines, Ltd. and APL Co. Pte, Ltd. (operating as one party); Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line, Limited; and Hanjin Shipping Co., Ltd.

Filing Party: David F. Smith, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The amendment changes the corporate addresses of American President Lines, Ltd. and APL Co. PTE Ltd. (collectively APL) and Hyundai Merchant Marine Co. Ltd.

Agreement No.: 012313.

Title: NYK/EUKOR North America/Carib and Central America Space Charter Agreement.

Parties: Nippon Yusen Kaisha and EUKOR Car Carrier Inc.

Filing Party: Robert Shababb, Corporate Counsel, NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The agreement authorizes NYK and EUKOR to charter space to each other in the trade from North America to all Caribbean Sea countries and ports in Central and South America.

By Order of the Federal Maritime Commission.

Dated: January 9, 2015.

Karen V. Gregory,

Secretary.

[FR Doc. 2015–00457 Filed 1–14–15; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-ScottRodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney

General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED

[December 1, 2014 thru December 31, 2014]

12/01/2014		
20150149	G	Pilot Corporation; Clifton L. Thomas; Pilot Corporation.
20150159	G	Scott Ferguson; CDK Global, Inc.; Scott Ferguson.
12/02/2014		
20140759	Y	Eastman Chemical Company; 2010 Acquisition Vehicle, LLC; Eastman Chemical Company.
20150198	G	IHS Inc.; Electra Private Equity PLC; IHS Inc.
20150203	G	Pershing Square Holdings, Ltd.; Zoetis, Inc.; Pershing Square Holdings, Ltd.
20150204	G	Pershing Square, L.P.; Zoetis Inc.; Pershing Square, L.P.
20150205	Y	Pershing Square International, Ltd.; Zoetis Inc.; Pershing Square International, Ltd.
20150213	G	Mobile Mini, Inc.; Odyssey Investment Partners Fund III, LP; Mobile Mini, Inc.
20150218	G	Birch Partners, LP; Engility Holdings, Inc.; Birch Partners, LP.
20150224	G	Jose Luis Cutrale; Chiquita Brands International, Inc.; Jose Luis Cutrale.
20150225	G	Joseph Safra; Chiquita Brands International, Inc.; Joseph Safra.
20150229	G	Rajiv Batra; Palo Alto Networks, Inc.; Rajiv Batra.
20150232	G	HoldCo, LLC; Thoma Cressey Fund VIII, L.P.; HoldCo, LLC.
20150243	G	James Ratcliffe: Carlyle Partners IV, L.P.; James Ratcliffe.
20150248	G	New Media Investment Group Inc.; SCP Halifax Media LLC; New Media Investment Group Inc.
12/03/2014		
20150163	G	Tenet Healthcare Corporation; Ascension Health Alliance; Tenet Healthcare Corporation.
12/04/2014		
20141001	G	Alliant Techsystems Inc.; Orbital Sciences Corporation; Alliant Techsystems Inc.
12/05/2014		
20130836	G	Nexstar Broadcasting Group, Inc.; Silver Point Capital Fund, L.P.; Nexstar Broadcasting Group, Inc.
20150169	G	Sins Partners II, L.P.; Digital River, Inc.; Sins Partners II, L.P.
20150191	G	Invesco Ltd.; Deutsche Bank AG; Invesco Ltd.
20150219	G	Vonage Holdings Corporation; William H. Gates III; Vonage Holdings Corporation.
20150241	G	Warburg Pincus Private Equity XI, L.P.; Avalara, Inc.; Warburg Pincus Private Equity XI, L.P.
20150242	G	Catterton Partners VII, L.P.; Mr. Dario Gianandrea Ferrari; Catterton Partners VII, L.P.
20150250	G	Koch Industries, Inc.; Oplink Communications, Inc.; Koch Industries, Inc.
20150260	G	Delos Investment Fund, L.P.; FCA Packaging Investments, LLC; Delos Investment Fund, L.P.
20150261	G	Trident VI, L.P.; Oasis Outsourcing Holdings, LLC; Trident VI, L.P.
20150263	G	HealthSouth Corporation; Thoma Cressey Fund VIII, L.P., HealthSouth Corporation.
20150265	G	White Deer Energy L.P. II; Natural Gas Partners IX, L.P.; White Deer Energy L.P. II.
12/09/2014		
20150228	G	Ship Investor & Cy S.C.A.; SecureNet. LLC; Ship Investor & Cy S.C.A.
20150235	G	Abbott Laboratories; Topera, Inc.; Abbott Laboratories.
20150259	G	Yahoo! Inc.; BrightRoll, Inc.; Yahoo! Inc.
20150266	G	Golden Gate Capital Opportunity Fund, L.P.; The Dow Chemical Company; Golden Gate Capital Opportunity Fund, L.P.
20150269	G	Madison Dearborn Capital Partners VI–B, L.P.; Kaufman, Hall & Associates, Inc.; Madison Dearborn Capital Partners VI–B, L.P.
20150277	G	Apax VIII–B L.P.; Exact Holding N.V.; Apax VIII–B L.P.
20150278	G	Berkshire Hathaway Inc.; Charter Brokerage Holdings Corp.; Berkshire Hathaway Inc.
20150279	G	GSO Capital Solutions Fund II AIV–2 LP; Apache Corporation; GSO Capital Solutions Fund II AIV–2 LP.
20150280	G	FS Equity Partners VII, L.P.; RFE Investment Partners VII, L.P.; FS Equity Partners VII, L.P.
20150283	G	Mercury Pharmaceuticals Holdings Inc.; UCB S.A.; Mercury Pharmaceuticals Holdings Inc.
20150284	G	Smith & Wesson Holding Corporation; Clearview Capital Fund II L.P.; Smith & Wesson Holding Corporation.
20150291	G	Douglas Dynamics, Inc.; Lynn E. Gorguze; Douglas Dynamics, Inc.
20150292	G	LG DT Holdings LP; Dealer Tire Holdings, LLC; LG DT Holdings LP.
20150295	G	Enbridge Inc.; EON SE; Enbridge Inc.
20150297	G	John L. and Susan M. Ocampo; BinOptics Corporation; John L. and Susan M. Ocampo.
20150300	G	Newell Rubbermaid Inc.; Riverside Capital Appreciation Fund V, L.P.; Newell Rubbermaid Inc.
20150301	G	Industrial Growth Partners IV, L.P.; BBH Capital Partners III, L.P.; Industrial Growth Partners IV, L.P.
20150319	G	The Home Depot, Inc.; HD Supply Holdings, Inc.; The Home Depot, Inc.

EARLY TERMINATIONS GRANTED—Continued

[December 1, 2014 thru December 31, 2014]

20150324	G	Nexstar Broadcasting Group, Inc.; Landmark Media Enterprises, LLC; Nexstar Broadcasting Group, Inc.
		12/10/2014
20150268	G	Miraca Holdings Inc.; Baylor College of Medicine; Miraca Holdings Inc.
20150302	G	2264891 Ontario Limited; InterWest Insurance Services, Inc.; 2264891 Ontario Limited.
20150303	G	Century Focused Fund III, L.P.; InterWest Insurance Services, Inc.; Century Focused Fund III, L.P.
20150309	G	Essentra plc; WP FlexPack Holdings S.a r.l.; Essentra plc.
20150315	G	Recology Inc. Employee Stock Ownership Plan; The T and R Fry Family Trust; Recology Inc. Employee Stock Ownership Plan.
20150318	G	John R. Charman; Endurance Specialty Holdings Ltd.; John R. Charman.
		12/12/2014
20150247	G	Johnson & Johnson; Geron Corporation; Johnson & Johnson.
20150329	G	QUALCOMM Incoporated; CSR plc; QUALCOMM Incoporated.
		12/15/2014
20150322	G	Wendel SA; Robert S. Abrams; Wendel SA.
20150328	G	Legend Pictures, LLC; Ivy Funds, a Delaware Statutory Trust; Legend Pictures, LLC.
20150330	G	Tech Mahindra Limited; Lightbridge Communications Corporation; Tech Mahindra Limited.
20150332	G	Roche Holding Ltd; Ariosa Diagnostics, Inc.; Roche Holding Ltd.
20150335	G	KKR North America Fund XI, L.P.; Arbor Pharmaceuticals, Inc.; KKR North America Fund XI, L.P.
		12/16/2014
20150316	G	SunEdison, Inc.; First Wind Holdings, LLC; SunEdison, Inc.
20150317	G	Apollo Investment Fund VIII, L.P.; American Securities Partners V, L.P.; Apollo Investment Fund VIII, L P.
20150327	G	Vector Capital IV International, L.P.; ChyronHego Corporation; Vector Capital IV International, L.P.
		12/18/2014
20150237	G	Reed Elsevier PLC; Market Science, Inc.; Reed Elsevier PLC.
20150240	G	ICV Partners III, L.P.; Vista Equity Fund II, L.P.; ICV Partners III, L.P.
20150244	G	Excellere Capital Fund II, LP; TrialCard Incorporated; Excellere Capital Fund II, LP.
20150258	G	Reed Elsevier NV; Market Science, Inc.; Reed Elsevier NV.
20150298	Y	The Blackstone Group L.P.; Paul J. Taubman; The Blackstone Group L.P.
20150320	G	Petco Holdings, Inc.; Foster and Smith, Inc.; Petco Holdings, Inc.
		12/19/2014
20140956	G	Eli Lilly and Company; Novartis AG; Eli Lilly and Company.
20150336	G	Artiman Ventures, L.P.; Prysm, Inc.; Artiman Ventures, L.P.
20150341	G	Centerbridge Capital Partners II, L.P.; Silver Lake Partners II, L.P.; Centerbridge Capital Partners II, L.P.
20150349	G	BTG plc; PneumRx, Inc.; BTG plc.
20150350	G	Starwood Energy Infrastructure Fund II Investor, LLC; ASP IV Alternative Investments, L.P.; Starwood Energy Infrastructure Fund II Investor, LLC.
20150351	G	Carlyle U.S. Equity Opportunity Fund, L.P.; Clearlake Capital Partners III, LP; Carlyle U.S. Equity Opportunity Fund, L.P.
20150354	G	Corning Incorporated; Dom Thien Tran; Corning Incorporated.
20150355	G	The Advisory Board Company; Royall Holdings, LLC; The Advisory Board Company.
20150356	G	Kelso Investment Associates VIII, L.P.; Lighthouse Holdings Parent, Inc.; Kelso Investment Associates VIII, L.P.
20150362	G	Open Text Corporation; Actuate Corporation; Open Text Corporation.
		12/22/2014
20150264	G	Providence Equity Partners VII–A L.P.; LLR Equity Partners III, L.P.; Providence Equity Partners VII–A L.P.
20150343	G	Richard Balot; Atlantic Street Capital II, L.P.; Richard Balot.
20150344	G	Atlantic Street Capital II, L.P.; Richard Balot; Atlantic Street Capital II, L.P.
		12/23/2014
20150346	G	40 North Investment LP; Mattress Firm Holding Corp.; 40 North Investment LP.
20150364	G	Renee C–I Holding L.P.; Anadarko Petroleum Corporation; Renee C–I Holding L.P.
		12/24/2014
20150238	G	Kindred Healthcare, Inc.; Centerre Healthcare Corporation; Kindred Healthcare. Inc.
20150365	G	ISQ Global Infrastructure Fund, L.P.; LS Power Equity Partners II, L.P.; ISQ Global Infrastructure Fund, L.P.
		12/29/2014
20150345	G	Church & Dwight Co., Inc.; Mark G. Holt; Church & Dwight Co., Inc.

EARLY TERMINATIONS GRANTED—Continued

[December 1, 2014 thru December 31, 2014]

12/30/2014		
20150118	G	Siemens Aktiengesellschaft; Dresser-Rand Group Inc.; Siemens Aktiengesellschaft.
12/31/2014		
20150360	G	Aviation Industry Corporation of China; Greenbriar Equity Fund II, L.P.; Aviation Industry Corporation of China.
20150368	G	Deutsche Telekom AG; Paul G. Allen; Deutsche Telekom AG.
20150369	G	BlackRock, Inc.; BlackRock Kelso Capital Advisors LLC; BlackRock, Inc.
20150374	G	RenaissanceRe Holdings Ltd.; Platinum Underwriters Holdings, Ltd.; RenaissanceRe Holdings Ltd.
20150375	G	Gilles Martin; Bain Capital Venture Fund 2009, L.P.; Gilles Martin.
20150379	G	AMN Healthcare Services, Inc.; Welsh, Carson Anderson & Stowe IX, L.P.; AMN Healthcare Services, Inc.
20150381	G	Wind Point Partners VI, L.P.; The Dow Chemical Company; Wind Point Partners VI, L.P.
20150385	G	Dominion Resources, Inc; SCANA Corporation; Dominion Resources, Inc.

FOR FURTHER INFORMATION CONTACT: Renee Chapman, Contact Representative, or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

Donald Clark,

Secretary.

[FR Doc. 2015–00515 Filed 1–14–15; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Minority Health

AGENCY: Office of the Secretary, Office of Minority Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Advisory Committee on Minority Health (ACMH) will hold a meeting. This meeting will be open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meetings and/or participate in the public comment session should email *OMH-ACMH@hhs.gov.*

DATES: The meeting will be held on Thursday, February 12, 2015, from 9:00 a.m. to 5:00 p.m. and on Friday, February 13, 2015, from 9:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, Room 505A.

FOR FURTHER INFORMATION CONTACT: Dr. Rashida Dorsey, Designated Federal Officer, ACMH; *OMH-ACMH@hhs.gov,* Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–8222, Fax: 240–453–8223.

SUPPLEMENTARY INFORMATION: In accordance with Public Law 105–392, the ACMH was established to provide advice to the Deputy Assistant Secretary for Minority Health in improving the health of each racial and ethnic minority group and on the development of goals and specific program activities of the Office of Minority Health.

Topics to be discussed during these meetings will include strategies to improve the health of racial and ethnic minority populations through the development of health policies and programs that will help eliminate health disparities, as well as other related issues.

Public attendance at this meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person at least fourteen (14) business days prior to the meeting. Members of the public will have an opportunity to provide comments at the meeting. Public comments will be limited to three minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least seven (7) business days prior to the meeting. Any members of the public who wish to have printed material distributed to ACMH committee members should submit their materials to the Designated Federal Officer, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852, prior to close of business Thursday, February 5, 2015.

Dated: January 6, 2015.

Rashida Dorsey,

Designated Federal Officer, ACMH, Office of Minority Health, U.S. Department of Health and Human Services.

[FR Doc. 2015–00520 Filed 1–14–15; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Vaccine Advisory Committee

AGENCY: National Vaccine Program Office, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Vaccine Advisory Committee (NVAC) will hold a meeting February 10–11, 2015. The meeting is open to the public. However, pre-registration is required for both public attendance and public comment. Individuals who wish to attend the meeting and/or participate in the public comment session should register at *http://www.hhs.gov/nvpo/nvac.* Participants may also register by emailing *nvpo@hhs.gov* or by calling 202–690–5566 to provide your name, organization, and email address.

DATES: The meeting will be held on February 10–11, 2015. The meeting times and agenda will be posted on the NVAC Web site at *http://www.hhs.gov/nvpo/nvac* as soon they become available.

ADDRESSES: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, Great Hall, 200 Independence Avenue SW., Washington, DC 20201.

The meeting can also be accessed through a live webcast the day of the meeting. For more information, visit *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/index.html.*

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, U.S. Department of Health and Human Services, Room 715–H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Phone: (202) 690–5566; email: *nvpo@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 2101 of the Public Health Service Act (42 U.S.C. 300aa–1), the Secretary of Health and Human Services was mandated to establish the National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The NVAC was established to provide advice and make recommendations to the Director of the National Vaccine Program on matters related to the Program's responsibilities. The Assistant Secretary for Health serves as Director of the National Vaccine Program.

The topics planned for the February NVAC meeting will include a number of sessions addressing vaccine innovation. The NVAC will hear about current U.S. government-wide strategies to combat antimicrobial resistance followed by a panel discussion on the role vaccines (both existing and new) could play in those strategies. The Institute of Medicine will present their recently released report on the Strategic Multi-Attribute Ranking Tool for Vaccines (SMART-Vaccines) software developed to support prioritization of new vaccine research and development. NVAC will then hear from beta-testers of the SMART-Vaccine software about their experience and possible uses for the tool going forward. NVAC will also discuss the on-going efforts to better understand and overcome the barriers to sharing immunization registry data between states.

NVAC will preview both the National Vaccine Annual Report and the National Adult Immunization Plan. In addition, the Vaccine Confidence/Acceptance and the NVAC HPV working groups will present their draft report and draft recommendations for NVAC consideration and discussion. Finally, the NVAC Maternal Immunization and the NVAC Mid-Course Review Working Groups will provide an update on their progress. The meeting agenda will be posted on the NVAC Web site: *http://www.hhs.gov/nvpo/nvac* prior to the meeting.

Public attendance at the meeting is limited to the available space. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the National Vaccine Program Office at the address/phone listed above at least one week prior to the meeting. For those unable to attend in person, a live webcast will be available. More information on registration and accessing the webcast can be found at *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/index.html.*

Members of the public will have the opportunity to provide comments at the NVAC meeting during the public comment periods designated on the agenda. Individuals who would like to submit written statements should email their comments to the National Vaccine Program Office (*nvpo@hhs.gov*) at least five business days prior to the meeting.

Dated: 12 January 2015.

Bruce Gellin,

Executive Secretary, National Vaccine Advisory Committee, Deputy Assistant Secretary for Health, Director, National Vaccine Program Office.

[FR Doc. 2015–00519 Filed 1–14–15; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Appointment to the Advisory Committee on Minority Health

AGENCY: Office of Minority Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice for solicitation of Advisory Committee on Minority Health members.

Authority: 42 U.S.C. 300u–6, Section 1707 of the Public Health Service Act, as amended. The Advisory Committee is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The Department of Health and Human Services (HHS), Office of Minority Health (OMH), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Minority Health (hereafter referred to as the ''Committee or ACMH''). In accordance with Public Law 105–392, the Committee provides advice to the Deputy Assistant Secretary for Minority Health on improving the health of racial and ethnic minority groups, and on the development of goals and specific program activities of OMH designed to improve the health status and outcomes of racial and ethnic minorities. Nominations of qualified candidates are being sought to fill vacancies on the Committee.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on April 15, 2015, at the address listed below.

ADDRESSES: All nominations should be mailed to Dr. Rashida Dorsey, Designated Federal Officer, Advisory Committee on Minority Health, Office of Minority Health, Department of Health and Human Services, 1101 Wootton Parkway, Suite 600, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Dr. Rashida Dorsey, Designated Federal Officer, Advisory Committee on Minority Health, Office of Minority Health, Department of Health and Human Services, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–8222; fax: 240–453–8223.

A copy of the ACMH charter and list of the current membership can be obtained by contacting Dr. Dorsey or by accessing the Web site managed by OMH at *www.minorityhealth.hhs.gov.* Information about ACMH activities can be found on the OMH Web site under the heading About OMH.

SUPPLEMENTARY INFORMATION: Pursuant to Public Law 105–392, the Secretary of Health and Human Services established the ACMH. The Committee provides advice to the Deputy Assistant Secretary for Minority Health in carrying out the duties stipulated under Public Law 105–392. This includes providing advice on improving the health of racial and ethnic minority populations and in the development of goals and specific program activities of OMH, which are to:

(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research impacting racial and ethnic minority populations;

(2) enter into interagency agreements with other agencies of the Public Health Service;

(3) support research, demonstrations, and evaluations to test new and innovative models;

(4) increase knowledge and understanding of health risk factors;

(5) develop mechanisms that support better information dissemination,

education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups;

(6) ensure that the National Center for Health Statistics collects data on the health status of each minority group;

(7) enter into contracts with public and non-profit private providers of primary health services for the purpose of increasing the access of individuals who lack proficiency in speaking the English language by developing and carrying out programs to provide bilingual or interpretive services;

(8) support a national minority health resource center which provides resources to the public such as information services and assistance in capacity building;

(9) carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language; and

(10) advise in matters related to the development, implementation, and evaluation of health professions education in decreasing disparities in health care outcomes, including cultural competency as a method of eliminating health disparities.

Management and support services for the ACMH are provided by OMH.

Nominations: The Committee is composed of 12 voting members, in addition to non-voting *ex officio* members. Voting members of the Committee are appointed by the Secretary from individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. To quality for consideration of appointment to the Committee, an individual must possess demonstrated experience and expertise working on issues impacting the health of racial and ethnic minority populations. The Committee charter stipulates that the racial and ethnic minority groups shall be equally represented on the Committee membership. ACMH is comprised of members who represent the health interests of Hispanics/Latinos; Blacks/African Americans; American Indians and Alaska Natives; and/or Asian Americans, Native Hawaiians, and other Pacific Islanders.

The current and impending vacancies on the ACMH impact the representation for the health interests of American Indians and Alaska Natives and Asian Americans, Native Hawaiians, and other Pacific Islanders. OMH is particularly seeking nominations for individuals who can represent the health interests of these racial and ethnic minority groups. Nominations that are received for individuals to represent other racial and ethnic minority groups will be accepted. These applications will be retained in files that are maintained by OMH on potential candidates to be considered for the ACMH.

Mandatory Professional/Technical Qualifications: Nominees must meet all of the following mandatory qualifications to be eligible for consideration:

(1) Expertise in minority health and racial and ethnic health disparities;

(2) Expertise in developing or contributing to the development of science-based or evidence- based health policies and/or programs. This expertise may include experience in the analysis, evaluation, and interpretation of federal/state health or regulatory policy;

(3) Involvement in national, state, regional, tribal, and/or local efforts to improve the health status or outcomes among racial and ethnic minority populations;

(4) Educational achievement, professional certification(s) in health-related fields (*e.g.,* health professions, allied health, behavioral health, public health, health policy, health administration/management, etc.), and professional experience that will support ability to give expert advice on issues related to improving minority health and eliminating racial and ethnic health disparities; and

(5) Expertise in population level health data for racial and ethnic minority groups. This expertise may include survey, administrative, and/or clinical data.

Desirable Qualifications:

(1) Knowledge and experience in health care systems, cultural and linguistic competency, social determinants of health, evidence-based research, data collection (*e.g.,* federal, state, tribal, or local data collection), or health promotion and disease prevention.

(2) Nationally recognized via peer-reviewed publications, professional awards, advanced credentials, or involvement in national professional organizations.

Requirements for Nomination Submission: Nominations should be typewritten (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.,* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone number, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualification relative to the mandatory professional and technical criteria listed above. Federal employees should not be nominated for consideration of appointment to this Committee.

Individuals selected for appointment to the Committee shall be invited to serve a four-year term. Committee members will receive a stipend for attending Committee meetings and conducting other business in the interest of the Committee, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of a HHS federal advisory committee is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, gender, racial and ethnic and minority groups, and the disabled are given consideration for membership on HHS federal advisory committees. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of ACMH and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee; therefore, individuals selected for nomination will be required to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Individuals selected to serve on the ACMH through the nomination process will be posted on the OMH Web site once selections have been made.

Dated: January 8, 2015.

Rashida Dorsey,

Designated Federal Officer, Advisory Committee on Minority Health.

[FR Doc. 2015–00522 Filed 1–14–15; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; The NIH/NCATS GRDR℠ Program: Global Rare Diseases Patient Registry Data Repository (GRDR)

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 17, 2014, page 44185 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 Center for Advancing Translational Sciences (NCATS), 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* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project contact: Dr. Yaffa Rubinstein, Director of Patient Resources for Clinical and Translational Research at the Office of Rare Diseases Research (ORDR), NCATS, NIH, Suite 1004, 6701 Democracy Boulevard, Bethesda, MD 20892–4874, or call non-toll-free number (301) 402–4338 or Email your request, including your address to: *yaffa.rubinstein@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: NIH/NCATS GRDR℠ Program: Global Rare Diseases Patient Registry Data (GRDR), The National Center for Advancing Translational Sciences (NCATS), National Institutes of Health (NIH).

Need and Use of Information Collection: The NIH created the GRDR program *https://grdr.ncats.nih.gov* an informatics system and central data repository, housed at the NCATS/NIH Center to support and accelerate research in the cause, diagnosis, and treatment of rare diseases. The GRDR program collects a wide range of data types, including phenotypic and clinical information, as well as medical images, derived from individuals who participate in rare disease patient registries, regardless of the source of funding. The GRDR program provides the infrastructure to store, search across, retrieve, and analyze these varied types of data. This valuable information will help NIH understand and evaluate the use of repositories/datasets in the research community. The GRDR program will support: (1) Mapping data to standards; (2) increased visibility for participating registries; (3) opportunity for cross-disease research; (4) better and faster rare disease clinical research.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 334.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Request for Open access	Individuals	2000	1	2/60	67
Request for Controlled access	Individuals	1000	1	15/60	250
Request to Submit	Individuals	100	1	10/60	17

Dated: January 9, 2015.

Pamela McInnes,

Deputy Director, NCATS, NIH.

[FR Doc. 2015–00554 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Highly Sensitive Tethered-Bead Immune Sandwich Assay

Description of Technology: This technology is a highly sensitive tethered-bead immune sandwich assay. Analyte molecules are captured between two antibodies, a capture antibody and a detection antibody. The capture antibody on a micron-size bead binds analyte from a sample fluid. The bead-captured analyte is then exposed to a ''detection'' antibody that binds to the bead-captured analyte, forming a ''sandwich''. The sandwiched analyte-bead complex then connects to a flexible polymer (such as DNA)

anchored on a solid surface to form tethered particles. Binding the analyte-bead complex to a flexible polymer forms tethered particles and may be done, for example, by streptavidin biotin. Motion of the tethered beads easily identifies bound analyte. The tethered beads are quantified using low-magnification light microscopy. Prior enhanced sensitivity tethered bead technologies require expensive and cumbersome detection equipment. This assay is inherently single molecule, low background, and works with simple inexpensive imaging formats, but is automatable and potentially adaptable to portable technologies. A prototype design using prostate specific antigen (PSA) shows detection sensitivity of ~.03ng/ml, compared with normal PSA sensitivity of ~< 4ng/ml. Design refinements further improve sensitivities.

Potential Commercial Applications: Diagnostics and research.

Competitive Advantages: Highly sensitive single molecule adaptable format, specific, low background, inexpensive, simple to use, automatable for image analysis.

Development Stage:

- Early-stage
- Prototype

Inventors: Jonathan Silver (NHLBI), Zhenyu Li (George Washington Univ.), Keir Neuman (NHLBI).

Publication: Silver J, et al. Tethered-bead, immune sandwich assay. Biosens Bioelectron. 2015 Jan 15;63:117–23. [PMID 25064819].

Intellectual Property: HHS Reference No. E–188–2014/0—U.S. Provisional Application No. 62/015,122 filed June 20, 2014.

Licensing Contact: Edward (Tedd) Fenn; 424–297–0336; *Tedd.fenn@nih.gov.*

Polyketal Nanoparticle Delivery of CpG Oligodeoxynucleotide for Treatment of Lung Cancer

Description of Technology: This technology delivers oligodexoynucleotide locally to lung tumors using polyketal nanoparticles. CpG ODNs (oligonucleotides with CpG motifs) stimulate anti-tumor immune cells via Toll-like receptor 9 and show promise as cancer therapeutics in preclinical and clinical trials. However, previous systemic CpG ODN treatments of lung tumors progressed only to Phase 3 trials. Local CpG ODN delivery appears to have superior antitumor effect compared to earlier systemic treatments. Adsorbing CpG ODNs onto biodegradable polyketal (CpG–NP) creates 1–3 micron nanoparticles that can reach distal alveoli by inhalation. This localized treatment improves uptake and persistence in the tumor microenvironment, resulting in decreased immunosuppressive T-Cells and increased macrophages. *In vivo* data indicate this therapy reduces tumor growth and enhances survival rate in lung cancer. Mice treated with CpG–NP had fewer and smaller tumor nodules (reduced by >90%). In Lewis lung carcinoma model, CpG–NP therapy significantly improved the survival; 80% of CpG–NP-treated mice survived (some for >1 yr). CpG–NP represents a promising potential lung cancer therapy.

Potential Commercial Applications: Therapeutic or combination therapy for lung cancer treatment.

Competitive Advantages:

- Superior therapeutic effect versus systemic administration.
- CpG ODN treatments have well studied safety profile in phase 1–3 clinical trials.

Development Stage: In vivo data available (animal).

Inventors: Dennis Klinman and Takashi Sato (NCI).

Publication: Klinman D, et al. Synthetic oligonucleotides as modulators of inflammation. J Leukoc Biol. Oct 2008; 84(4): 958–64. [PMID 18430787].

Intellectual Property: HHS Reference No. E–159–2014/0—U.S. Provisional Application No. 62/024,657 filed July 15, 2014.

Licensing Contact: Edward (Tedd) Fenn; 424–297–0336; *Tedd.fenn@nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize optimizing delivery of immunostimulatory CpG oligonucleotides to patients with lung cancer. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *john.hewes@nih.gov.*

Aza-Englerin Analogues—Novel Natural Product-Based Nitrogen-Containing Anti-Cancer Agents

Description of Technology: Available for licensing are synthetic compounds developed as novel cancer therapeutics. Scientists at the National Institutes of Health and University of Hawaii have designed and synthesized novel aza-englerin analogues that have shown great inhibitory effects on cancer cell growth. Englerin A is a natural compound from the African plant *Phyllanthus engleri* that displays potent and selective anti-cancer properties in several cancer types and has been found to be active in several mouse xenograft experiments with human tumor cells when injected intraperitoneally. The invention provides compositions, methods of synthesis and methods of using the aza-derivatives of englerin for cancer treatment. These englerin analogues show significant bioavailability after oral administration in mice, making them attractive as cancer therapeutics.

Potential Commercial Applications: Potential therapeutics for cancer, particularly kidney cancer, Ewing's sarcoma, and other cancers with a glycolytic phenotype. Potential in diabetes and HIV infection.

Competitive Advantages:

- Novel compounds with great inhibitory effect on select cancer cells, designed/synthesized as analogues to natural products that show striking anti-cancer properties.
- Parent compounds are effective in in vivo cancer models.
- Novel syntheses of the compounds of the invention are provided.
- Bioavailability after oral administration in mouse model demonstrated, making it suitable for clinical usage.

Development Stage:

- Early-stage
- In vitro data available
- In vivo data available (animal)

Inventors: John A Beutler (NCI), Douglas Figg (NCI), William Chain (Univ. of Hawaii-Manoa).

Publications:

1. Ratnayake R, et al. Englerin A, a selective inhibitor of renal cancer cell growth, from Phyllanthus engleri. Org Lett. 2009 Jan 1;11(1):57–60. [PMID 19061394].
2. Li Z, et al. A brief synthesis of (-)-englerin A. J Am Chem Soc. 2011 May 4;133(17):6553–6. [PMID 21476574].
3. Akee R, et al. Chlorinated englerins with selective inhibition of renal cancer cell growth. J Nat Prod. 2012 Mar 23;75(3):459–63. [PMID 22280462].
4. Sourbier C, et al. Englerin A stimulates PKC theta to inhibit insulin signaling while simultaneously activating HSF1: A case of pharmacologically induced synthetic lethality. Cancer Cell 23 (2):228–237, 2013. [PMID 23352416].

Intellectual Property:

- HHS Reference No. E–090–2014/0—U.S. Provisional Patent Application No. 61/936,285 filed February 5, 2014.
- HHS Reference No. E–090–2014/1—U.S. Provisional Patent Application No. 62/018,381 filed June 27, 2014.

Related Technologies:

- HHS Reference No. E–064–2008/2–US–06—U.S. Patent No. 8,410,292 issued April 2, 2013.

• HHS Reference No. E–042–2012/0–US–06—U.S. Patent Application No. 14/370,140 filed July 1, 2014.

• HHS Reference No. E–201–2012/0–PCT–02—PCT Application No. PCT/US2013/069796 filed November 13, 2013, which published as WO 2014/078350 on May 22, 2014.

Licensing Contact: Surekha Vathyam, Ph.D.; 301–435–4076; *vathyams@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute, Molecular Targets Development Program, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize aza-englerin analogues as cancer inhibitors. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *john.hewes@nih.gov.*

Nicotine Conjugate Treatment for Parkinson's Disease

Description of Technology: It has been known since 1959 that tobacco use has protective effects against Parkinson's disease. However, efforts to turn that knowledge into a safe and effective treatment, divorced from tobacco use, have had little success. An inventor at FDA now has *in vitro* evidence that nicotine promotes a protein clearance system, thereby halting Parkinson's disease progression. In addition to using nicotine as the treatment, the inventor has created a coated conjugate of nicotine and nanoceria. This conjugate not only harnesses the power of nicotine but also takes advantage of the anti-oxidant effect of the nanoceria to reduce the oxidant environment, which is also a major mechanism of neuronal damage in Parkinson's disease.

Potential Commercial Applications: Treatment for Parkinson's disease.

Competitive Advantages: Improved mechanism to use nicotine as a treatment.

Development Stage:

• Early-stage

• In vitro data available

Inventor: Syed Z. Imam (FDA).

Intellectual Property: HHS Reference No. E–016–2014/0—U.S. Provisional Application No. 62/010,033 filed June 10, 2014.

Licensing Contact: Jaime M. Greene, M.S.; 301–435–5559; *greenejaime@mail.nih.gov.*

Collaborative Research Opportunity: The FDA National Center for Toxicological Research, Division of Neurotoxicology, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize A Nicotine-NanoCeria Conjugate named NIC–NANO for treatment of Parkinson's disease. For collaboration opportunities, please contact Syed Z Imam at *syed.imam@fda.hhs.gov.*

cGAP–PNA Multivalent Ligand Display at the Nanoscale

Description of Technology: Scientists at the NIH are developing new types of peptide nucleic acids (PNAs) that maintain aqueous solubility at longer lengths. This new type of PNA is called ''cGAP–PNA'' because it contains a sequence complementary to the L–PNA sequence, which is a PNA with one or more gamma-sidechains that displays a ligand. The investigators have synthesized cGAP–PNAs that are 60 nucleobases long that can support the assembly of 5 complementary L–PNAs (each with 12 nucleobases) that bear specific ligands. This platform can replace more traditional multivalent scaffolds, such as dendrimers and gold nanoparticles.

Potential Commercial Applications: Multivalent ligand display.

Competitive Advantages:

• Decreased hydrophobicity

• Increased water solubility

• Can be used at very long lengths

• More stable and resistant to degradation than existing PNAs

Development Stage:

• Early-stage

• In vitro data available

Inventors: Daniel H. Appella, Andrew V. Dix, Ethan A. Englund, Kara M. George Rosenker (all of NIDDK).

Publication: Dix A, et al. Programmable nanoscaffolds that control ligand display to a G-protein-coupled receptor in membranes to allow dissection of multivalent effects. J Am Chem Soc. 2014 Sep 3;136(35):12296–303. [PMID 25116377].

Intellectual Property: HHS Reference No. E–761–2013/0—U.S. Provisional Application No. 61/929,893 filed January 21, 2014.

Related Technologies:

• HHS Reference No. E–308–2006/3—U.S. Application No. 13/592,490 filed August 23, 2012.

• HHS Reference No. E–129–2010/0—EP Application No. 11721899.0 filed May 11, 2011; U.S. Application No. 13/697,123 filed November 9, 2012.

Licensing Contact: Charlene S. Maddox, Ph.D.; 301–435–4689; *charlene.maddox@nih.gov.*

Collaborative Research Opportunity: The National Institute of Diabetes and Digestive and Kidney Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Marguerite Miller at *Marguerite.Miller@nih.gov* or 301–496–9003.

Dated: January 9, 2015.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2015–00535 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Closure Devices for Transcaval Access to the Abdominal Aorta.

Date: February 6, 2015.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–435–0725, *kristen.page@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 8, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00497 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the National Advisory Council for Human Genome Research.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: February 9–10, 2015.

Closed: February 9, 2015, 8:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Open: February 9, 2015, 10:00 a.m. to 4:00 p.m.

Agenda: To discuss matters of program relevance.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: February 9, 2015, 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: February 10, 2015, 8:00 a.m. to Adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Name of Committee: National Advisory Council for Human Genome Research.

Date: May 18–19, 2015.

Closed: May 18, 2015, 8:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Open: May 18, 2015, 10:00 a.m. to 4:00 p.m.

Agenda: To discuss matters of program relevance.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: May 18, 2015, 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: May 19, 2015, 8:00 a.m. to Adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Name of Committee: National Advisory Council for Human Genome Research.

Date: September 21–22, 2015.

Closed: September 21, 2015, 8:00 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Open: September 21, 2015, 10:00 a.m. to 4:00 p.m.

Agenda: To discuss matters of program relevance.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: September 21, 2015, 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Closed: September 22, 2015, 8:00 a.m. to Adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Terrace Level Conference Room, 5635 Fishers Lane, Rockville, MD 20852.

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://www.genome.gov/11509849,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 9, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00488 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Program Project Application (P01).

Date: February 9, 2015.

Time: 1:00 p.m. to 3:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3F100, 5601 Fishers Lane, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Brenda L. Frederickson, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane Room 3G22A, Rockville, MD 20582, 240–669–5052, *brenda.fredericksen@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Grant (R01) and Implementation Grants and Cooperative Agreements (U01).

Date: February 12, 2015.

Time: 9:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Brenda Lange-Gustafson, Ph.D., Scientific Review Officer, Scientific

Review Program, NIAID/NIH/DHHS, 5601 Fishers Lane, Room 3G13, Rockville, MD 20852, 240–669–5047, *bgustafson@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 9, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00490 Filed 1–14–15; 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: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Nutrition and Metabolic Processes Study Section.

Date: February 11–12, 2015.

Time: 8:00 a.m. to 12:00 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: Gregory S Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, RKL2 BG RM 6156, 6701 Rockledge Dr, Bethesda, MD 20892–7892, (301) 435–0492, *shelnessgs@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Daniel F McDonald, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Risk, Prevention and Intervention for Addictions Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites DC Convention Center, 900 10th Street, Washington, DC 20001.

Contact Person: Miriam Mintzer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3108, Bethesda, MD 20892, (301) 523–0646, *mintzermz@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Long Beach and Executive Center, 701 West Ocean Boulevard, Long Beach, CA 90831.

Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Fouad A El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Intercellular Interactions Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Wallace Ip, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, 301–435–1191, *ipws@mail.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Inflammation of the Cardiovascular System Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Membrane Biology and Protein Processing Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

Contact Person: Janet M Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Somatosensory and Chemosensory Systems Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Long Beach and Executive Center, 701 West Ocean Boulevard, Long Beach, CA 90831.

Contact Person: M Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Nanotechnology Study Section.

Date: February 12–13, 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: James J Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review

Group; Respiratory Integrative Biology and Translational Research Study Section.

Date: February 12–13, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Pathogenic Eukaryotes Study Section.

Date: February 12–13, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Best Western Tuscan Inn, 425 North Point Street, San Francisco, CA 94133.

Contact Person: Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, 301 435–2306, *boundst@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Clinical Research and Field Studies of Infectious Diseases Study Section.

Date: February 12–13, 2015.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Duke Street, 1456 Duke Street, Alexandria, VA 22314.

Contact Person: Soheyla Saadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301–435–0903, *saadisoh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Enabling Bioanalytical and Imaging Technologies.

Date: February 13, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View Hotel, Arlington, VA 22202.

Contact Person: Maria DeBernardi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7892, Bethesda, MD 20892, 301–435–1355, *debernardima@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 9, 2015.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00495 Filed 1–14–15; 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 Sensorimotor Integration Study Section, February 06, 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 08, 2015, 80 FR 1031.

The meeting will be held at 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.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00496 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: February 3, 2015.

Closed: 8:30 a.m. to 10:00 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Rooms C & D, Rockville, MD 20852.

Open: 10:15 a.m. to 4:00 p.m.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative, and program developments in the drug abuse field.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Conference Rooms C & D, Rockville, MD 20852.

Contact Person: Susan R.B. Weiss, Ph.D., Director, Division of Extramural Research, Office of the Director, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, NSC, Room 5274, MSC 9591, Rockville, MD 20892, 301–443–6487, *sweiss@nida.nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.drugabuse.gov/NACDA/NACDAHome.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 9, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00487 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel; Training and Career Development.

Date: February 17, 2015.

Time: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Nursing Research, National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 703, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yujing Liu, Ph.D., MD Chief, Office of Review, Division of Extramural Activities, National Institute of Nursing Research, National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 710, Bethesda, MD 20892 (301) 451–5152, *yujing_liu@nih.gov*.

Name of Committee: National Institute of Nursing Research Initial Review Group.

Date: February 19–20, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Weiqun Li, MD, Scientific Review Officer, Office of Review, Division of Extramural Activities, National Institute of Nursing Research, National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 710, Bethesda, MD 20892, (301) 594–5966, *wli@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: January 9, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00486 Filed 1–14–15; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR13–259 Program Project: Behavioral and Neurobiological Effects of Drug Use.

Date: January 21, 2015.

Time: 12:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: 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*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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 9, 2015.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00494 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed 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 Dental and Craniofacial Research Special Emphasis Panel NIDCR Establishing Outcome Measures for Clinical Studies of Oral and Craniofacial Diseases and Conditions Review SEP.

Date: February 18, 2015.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Jayalakshmi Raman, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670, Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov*.

Name of Committee:

Date: NIDCR Special Grants Review Committee February 19–20, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

Contact Person: Marilyn Moore-Hoon, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, 6701 Democracy Blvd., Rm. 676, Bethesda, MD 20892–4878, 301–594–4861, *mooremar@nidcr.nih.gov*.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel NIDCR Secondary Data R03 Review Panel.

Date: February 27, 2015.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Jayalakshmi Raman, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670 Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov*.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel HIV and Oral Opportunistic Pathogens.

Date: March 3, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Raj K. Krishnaraju, Ph.D., MS, Scientific Review Branch, National Institute of Dental & Craniofacial Research, National Institutes of Health, 6701 Democracy Blvd., Room: 674 (Courier MD 20817), BETHESDA, MD 20892, 301–594–4864, *kkrishna@nidcr.nih.gov*.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel RFA Next-Gen Rapid Testing and Point-of-Care Diagnosis for Oral Pathogens SBIR/STTR Application Review.

Date: March 4, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 602, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Jayalakshmi Raman, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670, Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov*.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Clinical Trial Planning and Implementation.

Date: March 17, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: SAVVAS C MAKRIDES, Ph.D. Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research , National Institutes of Health, 6701 Democracy Boulevard, Suite 672, BETHESDA, MD 20892, 301–594–4859, *makridessc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 8, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00498 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD VSL Fellowship Review.

Date: February 5, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer Division of Extramural Activities NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; HB Fellowship Review.

Date: February 12, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer Scientific Review Branch Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; CS Fellowships Review.

Date: February 17, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health Rockville, MD 20850, 301–402–3587, *rayk@nidcd.nih.gov.*

Name of Committee: Communication Disorders Review Committee.

Date: February 19–20, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Eliane Lazar-Wesley, Scientific Review Officer Division of Extramural Activities, National Institute on Deafness and other Communication Disorders/NIH, 6001 Executive Blvd., MSC 9670, Bethesda, MD 20892–8401, 301–496–8683, *el6r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 9, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00485 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Peer Review Meeting.

Date: January 27–28, 2015.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Room 3E61, 5601 Fisher Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Raymond R. Schleef, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5109, *schleefr@niaid.nih.gov.*

Late notification due to delayed response from panel members.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 9, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00489 Filed 1–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2015–N003; FXES11130200000–156–FF02ENEH00]

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications; request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered or threatened species. The Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Both the Act and the National Environmental Policy Act require that we invite public comment before issuing these permits.

DATES: To ensure consideration, written comments must be received on or before February 17, 2015.

ADDRESSES: Susan Jacobsen, Chief, Division of Classification and Restoration, by U.S. mail at Division of Classification and Recovery, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103; or by telephone at 505–248–6920. Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Susan Jacobsen, Chief, Division of Classification and Restoration, by U.S. mail at P.O. Box 1306, Albuquerque, NM 87103; or by telephone at 505–248–6920.

SUPPLEMENTARY INFORMATION: The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for permits, and requires that we invite public comment before issuing these permits.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes applicants to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of survival or propagation, or interstate commerce. Our regulations regarding implementation of section 10(a)(1)(A) permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the appropriate permit number (*e.g.,* Permit No. TE–123456) when requesting application documents and when submitting comments.

Documents and other information the applicants have submitted with these applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit TE–819477

Applicant: Parametrix, Inc., Albuquerque, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within New Mexico:

- Interior least tern (*Sterna antillarum*)
- Jemez Mountain salamander (*Plethodon neomexicanus*)
- Loach minnow (*Tiaroga cobitis*)
- Northern aplomado falcon (*Falco femoralis*)
- Piping plover (*Charadrius melodus*)
- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Spikedace (*Meda fulgida*)

Permit TE–829761

Applicant: U.S. Bureau of Land Management—Las Cruces District Office, Las Cruces, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within Arizona and New Mexico:

- Lesser long-nosed bat (*Leptonycteris yerbabuenae*)
- Loach minnow (*Tiaroga cobitis*)
- Mexican long-nosed bat (*Leptonycteris nivalis*)
- Northern aplomado falcon (*Falco femoralis*)
- Southwestern willow flycatcher (*Empidonax traillii extimus*)
- Spikedace (*Meda fulgida*)

Permit TE–819528

Applicant: Natural Heritage New Mexico, Albuquerque, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys for northern aplomado falcon (*Falco femoralis*) and presence/absence surveys and nest monitoring of southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

Permit TE–66055A

Applicant: Navajo Nation Zoological and Botanical Park, Window Rock, Arizona.

Applicant requests a new permit for research and recovery purposes to conduct husbandry and holding of black footed ferrets (*Mustela nigripes*) at the zoo within Arizona.

Permit TE–833866

Applicant: Texas Forest Service, Lufkin, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys, cavity searchers, capture and band, and install restrictor plates for red-cockaded woodpecker (*Picoides borealis*) within Texas.

Permit TE–094365

Applicant: Oklahoma Water Resources Board, Oklahoma City, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys, seining, and capture and release of leopard darter (*Percina pantherina*) and Neosho madtom (*Noturus placidus*) within Oklahoma.

Permit TE–54802B

Applicant: Megan Phillips-Schaap, Tulsa, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of American burying beetle (*Nicrophorus americanus*) within Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

Permit TE–091551

Applicant: U.S. Fish and Wildlife Service—Mexican Wolf Recovery Program, Albuquerque, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct the following activities for Mexican gray wolf (*Canis lupis baileyi*) within Arizona and New Mexico: Capture, including, but not limited to, leg-hold traps, helicopter or ground darting and net-gunning, and captive capture methods; handle; possession; administration of health care; propagation; radio collar or other

marking techniques; release; obtain and preserve blood, tissue, semen, ova, and other samples that are considered parts of wolves (scat is not considered a part of a wolf and can be collected without a permit); translocate; transport between approved Mexican wolf captive management facilities in the United States and Mexico, to approved release sites, and to and from the Vermejo Park Ranch; purposeful lethal take (lethal control is limited to Mexican wolves within the MWEPA in Arizona and New Mexico); hazing via less-than-lethal projectiles; injurious harassment; research; and any other USFWS-approved husbandry practice or management action for Mexican wolves.

National Environmental Policy Act (NEPA)

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*)

Dated: January 8, 2015.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2015–00551 Filed 1–14–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2014–N231; FXRS12650900000–145–FF09R20000]

RIN 1018–AZ89

Final Strategic Growth Policy for the National Wildlife Refuge System

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has finalized a policy to implement a strategic approach to the growth of the National Wildlife Refuge System (Refuge System, System). The National Wildlife Refuge System Administration Act (Administration Act), as amended by the National Wildlife Refuge System Improvement Act, requires that we ''plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System.'' This policy directs Refuge System employees to focus their protection measures on priority conservation features to ensure that our limited resources are used to make the greatest contribution to the conservation of species in a cost-effective and transparent manner. It ensures that the growth of the System reflects our vision toward managing functional landscapes, enhancing our scientific rigor, improving our effectiveness, and involving our partners and the American people. The Strategic Growth policy is found in ''Refuge Planning,'' chapter 5, part 602 in the Fish and Wildlife Service Manual.

DATES: The policy was effective September 4, 2014.

ADDRESSES: You may read the final policy online at *http://www.fws.gov/policy/602fw5.html.* You may obtain a summary of how we addressed comments we received on the draft policy at *http://www.fws.gov/refuges/planning/StrategicGrowth.html.* You may also request a copy of the policy by U.S. mail from USFWS, Division of Natural Resources and Conservation Planning, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (see **FOR FURTHER INFORMATION CONTACT**). The policy is also available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Brian Salem, at the address above, or by telephone: (703) 358–2397.

SUPPLEMENTARY INFORMATION:

Introduction

The Service has established a final Strategic Growth policy, which is available at *http://www.fws.gov/policy/602fw5.html.* The policy is chapter 5, part 602, ''Refuge Planning,'' in the Fish and Wildlife Service Manual. The purpose of the policy is to implement a strategic approach to the growth of the National Wildlife Refuge System.

Background

The National Wildlife Refuge System Improvement Act of 1997 (Improvement Act), which amended the Administration Act (16 U.S.C. 668dd–ee), states that the Refuge System mission is to ''administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans.'' The Improvement Act requires us to ''plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System,'' ''to fulfill the mission of the System, as well as the specific purposes for which [the] refuge was established,'' and to ''ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges.'' Because we are facing unparalleled challenges related to climate and non-climate stressors, we must provide consistent direction for adding lands and waters to the System in a science-based, cost-effective, and transparent manner. The Strategic Growth policy is a result of this need for strategic and consistent planning.

Final Policy

The policy prioritizes acquisitions within existing refuge boundaries, expansion of existing refuges, and establishment of new refuges. It focuses protection measures on priority conservation features so that we can make the most of our limited resources.

The policy is consistent with the biological planning and conservation design components of *Strategic Habitat Conservation,* the Service's science-based adaptive management framework for determining where and how to deliver conservation efficiently to achieve specific biological outcomes. The policy identifies threatened and endangered species, migratory birds of conservation concern, and waterfowl, or the surrogate species that represent them, as priority conservation features.

The policy requires application of the best available science to incorporate

elements of conservation design to help us identify priority conservation areas that will contribute to achieving measurable conservation targets such as population objectives. The policy ensures that when employees propose new refuges or expansions to existing refuges, they analyze and describe: (1) The project's vulnerability to climate change and other non-climate stressors (*e.g.,* habitat fragmentation, invasive species), (2) how we will mitigate stressors to ensure the project's resiliency, (3) how the project is arranged in a geographically efficient manner to safeguard ecological processes across the landscape, and (4) how the project complements the resilience of other conservation areas.

The policy establishes the process for sending project proposals to the Service Director and the potential outcomes of the Director's review. It also describes how designated representatives at the local level—Refuge Managers—must interact, coordinate, cooperate, and collaborate with State fish and wildlife agencies in the acquisition and management of refuges.

Summary of Comments and Changes to the Final Policy

On January 30, 2014, we announced the draft policy and requested public comment via a **Federal Register** notice (79 FR 4952). The comment period was open from January 30, 2014, through March 3, 2014. We received 35 detailed comment letters and many individual comments on the draft policy. In total, we received 236 individual comments, which were grouped into 71 comment categories. The comments were from nongovernmental organizations, individuals, States, and industry. Most of the comments expressed general support, and many addressed specific elements in the draft policy.

We considered all of the recommendations for improvement and clarification included in the comments and made appropriate changes to the draft policy. Many of the comments we received were outside the scope of this policy. We drafted this policy in a way that gives us flexibility as funding levels and resources change. The policy does not supersede any piece of legislation, regulation, or other policy.

Dated: December 11, 2014.

Dan Ashe,

Director, Fish and Wildlife Service.

[FR Doc. 2015–00381 Filed 1–14–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK6006201 156A2100DD AOR3030.999900]

Intent To Prepare an Environmental Impact Statement for the Proposed Coquille Indian Tribe Fee-to-Trust and Casino Project, City of Medford, Jackson County, Oregon

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as lead agency intends to gather information necessary for preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) in connection with the Coquille Indian Tribe's (Tribe) application for a proposed 2.4-acre fee-to-trust transfer and casino project to be located in the City of Medford, Jackson County, Oregon. This notice also announces the beginning of the public scoping process to solicit public comments and identify issues.

DATES: Written comments on the scope of the EIS must arrive by February 17, 2015. The date of a public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper, the Mail Tribune, and posted at *www.coquilleeis.com.*

ADDRESSES: You may mail or hand-deliver written comments to Mr. Stanley Speaks, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, 911 Northeast 11th Avenue, Portland, Oregon 97232–4165. Please include your name, return address, and ''DEIS Scoping Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project'' on the first page of your written comments. The location of a public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper, the Mail Tribune, and posted at *www.coquilleeis.com.*

FOR FURTHER INFORMATION CONTACT: Dr. BJ Howerton, Bureau of Indian Affairs, Northwest Regional Office, 911 Northeast 11th Avenue, Portland, Oregon 97232; fax (503) 231–2275; phone (503) 231–6749.

SUPPLEMENTARY INFORMATION: The Tribe has submitted an application to the BIA requesting that approximately 2.4 acres of land be transferred from fee to trust status (Proposed Action), upon which the Tribe would renovate an existing bowling alley to convert it into a gaming facility. In order for the Department to fully consider and either grant or deny the Tribe's application, the Department must first comply with NEPA.

The proposed fee-to-trust property is located within the incorporated boundaries of the City of Medford, Oregon, adjacent to the northeastern boundary of Highway 99, between Charlotte Ann Lane and Lowry Lane. The Tribe's stated purpose of the Proposed Action is to improve the economic status of the Tribe so it can better provide housing, health care, education, cultural programs, and other services to its members. Adjacent fee land would be used for parking.

The Proposed Action encompasses the various federal approvals which may be required to implement the Tribe's proposed economic development project, including approval of the Tribe's fee-to-trust application. The EIS will identify and evaluate issues related to these approvals.

Areas of environmental concern identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural/historical/archaeological resources; resource use patterns; traffic and transportation; public health and safety; hazardous materials and hazardous wastes; public services and utilities; socioeconomics; environmental justice; visual resources/aesthetics; and cumulative, indirect, and growth-inducing effects. The range of issues and alternatives to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and at the public scoping meeting. Additional information, including a map of the project site, is available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. 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 in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority: This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4345 *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: January 8, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–00550 Filed 1–14–15; 8:45 am]

BILLING CODE 4337–2A–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD.AADD001000]

Advisory Board for Exceptional Children Meeting

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing that the Advisory Board for Exceptional Children (Advisory Board) will hold its next meeting in Albuquerque, New Mexico. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

DATES: The Advisory Board will meet on Thursday, March 26, 2015, from 8:30 a.m. to 4:30 p.m. and Friday, March 27, 2015, from 8:30 a.m. to 4:30 p.m. Mountain Time.

ADDRESSES: The meeting and orientation will be held at the Manuel Lujan, Jr. Indian Affairs Building, 1011 Indian School Road NW., Albuquerque, New Mexico 87104; telephone number (505) 563–5383.

FOR FURTHER INFORMATION CONTACT: Ms. Sue Bement, Designated Federal Official, Bureau of Indian Education, Albuquerque Service Center, Division of Performance and Accountability, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104; telephone number (505) 563–5274.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act (5 U.S.C. app.), the BIE is announcing that the Advisory Board will hold its next meeting in Albuquerque, New Mexico. The Advisory Board was established under the Individuals with Disabilities Education Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary-Indian Affairs, on the needs of Indian children with disabilities. The meetings are open to the public.

The following items will be on the agenda:

- Introduction of Advisory Board members;
- Appointment of Advisory Board Chair and Vice Chair;
- Report from Ms. Gloria Yepa, Supervisory Education Specialist, BIE, Division of Performance and Accountability;
- Report from BIE Director's Office;
- Report from Dr. Jeffrey Hamley, Associate Deputy Director of the Division of Performance and Accountability;
- Stakeholder input on BIE Annual Performance Report and State Systemic Improvement Plan;
- Public Comment (via conference call, March 26, 2015, meeting only *); and
- BIE Advisory Board-Advice and Recommendations.

* During the March 26, 2015 meeting, time has been set aside for public comment via conference call from 1:30–2:00 p.m. Mountain Time. The call-in information is: Conference Number 1–888–417–0376, Passcode 1509140.

Dated: January 6, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–00549 Filed 1–14–15; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–IMR–LAMR–16527; PP1LAMR00.PPMPSAS1Z.Y00000]

Off-Road Vehicle Management Plan, Final Environmental Impact Statement, Lake Meredith National Recreation Area, Texas

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) announces the availability of a Final Environmental Impact Statement (FEIS) for the Off-Road Vehicle Management Plan (Plan), Lake Meredith National Recreation Area, Texas. The Plan/FEIS evaluates the impacts of four alternatives that address off-road vehicle (ORV) management in the national recreation area.

DATES: The NPS will execute a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of its Notice of Availability of the Final Environmental Impact Statement.

ADDRESSES: The Plan/FEIS is available in electronic format online at: *http://parkplanning.nps.gov/LAMR.* Hard copies of the Plan/FEIS are available at Lake Meredith National Recreation Area, Alibates Flint Quarries National Monument Offices, 419 E. Broadway, Fritch, Texas 79036–1460, by phone at 806–857–3151.

FOR FURTHER INFORMATION CONTACT: Robert Maguire, Superintendent, Lake Meredith National Recreation Area, Alibates Flint Quarries National Monument, P.O. Box 1460, Fritch, Texas 79036–1460, by phone at 806–857–3151, or by email at *Robert_Maguire@nps.gov.*

SUPPLEMENTARY INFORMATION: The Plan/FEIS responds to, and incorporates agency and public comments received on the Draft Environment Impact Statement (DEIS) and Plan, which was available for public review from January 25, 2013, to March 26, 2013. Public meetings were held on March 19 and 20, 2013, to gather input on the EIS and Plan. Over 116 pieces of correspondence were received during the public review period. Agency and public comments and NPS responses are provided in Appendix B of the FEIS/Plan.

The purpose of this Plan/FEIS is to manage ORV use in the national recreation area for visitor enjoyment and recreation opportunities, while minimizing and correcting damage to resources. By special regulation (Title 36, Section 7.57 of the Code of Federal Regulations), the national recreation area allows the use of ORVs in two areas: Blue Creek and Rosita Flats. The Plan/FEIS evaluates four alternatives to manage ORV use in the national recreation area: a No Action Alternative (A) and three Action Alternatives (B, C, and D (preferred). When approved, the Plan will guide the management of ORV use for the next 15–20 years.

Alternative A: No Action—The national recreation area would continue to operate under the 2007 Interim ORV Management Plan where ORVs are allowed below the 3,000 foot elevation line in Rosita Flats and from cutbank to cutbank at Blue Creek. Limited facilities are supplied. No additional management tools such as zoning, permits, or use limits would be implemented.

Alternative B: Under this alternative, ORV use would be managed through a zone system. Uses would be separated into the following zones: camping, hunting, resource protection, low speed, and beginner. At Rosita Flats, two areas

would be established as ORV areas and a number of routes would be designated. At Blue Creek, ORVs would only be allowed on sandy bottom areas designated routes, with ORV use prohibited on vegetated areas. ORV users would be required to obtain a free permit for educational purposes.

Alternative C: This alternative would manage ORV use through a fee permit system and user limits. Permits would include a fee, and initially there would be no limit on the number of permits. However, additional studies would be required to determine the appropriate use limit, and limits could be set in the future. ORV routes and areas would be designated, including one ORV area and designated routes at Rosita Flats and the sandy bottom area of Blue Creek.

Alternative D: The Preferred Alternative would manage ORV use through a zone system. Uses would be separated into the following zones: camping, hunting, resource protection, low speed, and beginner. At Rosita Flats, two areas would be established as ORV areas and a number of routes would be designated. At Blue Creek, ORVs would only be allowed on sandy bottom areas designated routes, with ORV use prohibited on vegetated areas. ORV permits would be required and a fee would apply. Permit fees would be used to recover costs associated with ORV management. New and current education and outreach efforts would also continue under alternative D. Alternative D would fully meet the plan objectives and has more certainty of success than the other alternatives analyzed.

Dated: November 20, 2014.

Sue E. Masica,

Regional Director, Intermountain Region, National Park Service.

[FR Doc. 2015–00539 Filed 1–14–15; 8:45 am]

BILLING CODE 4312–CB–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–15–004]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: January 20, 2015 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–1020 (Second Review) (Barium Carbonate from China). The Commission is currently scheduled to complete and file its determination and views of the Commission on February 2, 2015.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: January 12, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–00583 Filed 1–13–15; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–15–005]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: January 21, 2015 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–511 and 731–TA–1246–1247 (Final) (Certain Crystalline Silicon Photovoltaic Products from China and Taiwan). The Commission is currently scheduled to complete and file its determinations and views of the Commission on February 5, 2015.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: January 12, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–00584 Filed 1–13–15; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Public Meetings With Members of the Research Community, Subject-Matter Experts and the Public To Discuss Topics Relating to Policing

AGENCY: Community Oriented Policing Services, Justice.

ACTION: Notice of meeting.

SUMMARY: On December 18, 2014, President Barack Obama signed Executive Order 13684 titled ''Establishment of the President's Task Force on 21st Century Policing'' establishing the President's Task Force on 21st Century Policing (''Task Force''). The Task Force seeks to identify best practices and make recommendations to the President on how policing practices can promote effective crime reduction while building public trust and examine, among other issues, how to foster strong, collaborative relationships between local law enforcement and the communities they protect. The Task Force will be holding a public meeting to address the topics of Technology & Social Media and Policy & Oversight. The meeting agenda is as follows:

Call to Order
Invited witness testimony on Technology & Social Media (January 30)
Invited witness testimony on Policy & Oversight (January 31)
Break
Discussion

DATES: The meeting dates are: January 30–31, 2015 9:00 a.m. to 3:00 p.m. Eastern Standard Time, Cincinnati, OH. This notice may be published fewer than 15 days in advance of the meeting because of unavoidable weather delays impacting federal government operations. Every effort has been made to ensure publication as close to the 15-day advance notice period as possible.

ADDRESSES: The meeting location is the University of Cincinnati, Tangeman University Center, Great Hall, 2766 UC Main Street, Cincinnati, OH 45221–0031. In the event of weather-related closings on January 30 or 31, contingency plans will be posted at *http://www.cops.usdoj.gov/policingtaskforce.* In order to be considered by the Task Force in advance of the meeting, comments relating to the topic areas of Technology & Social Media and Policy & Oversight should be emailed in Adobe Acrobat format to *Comment@taskforceonpolicing.us* by Friday, January 23, 2015. Written comments should be no more than five pages in length and no smaller than 12 point font. Citations should be put in an

''endnote'' format and do not count towards the page limit. Recommendations should be clearly identified in the text of the testimony. The public may also submit comments via U.S. Mail to: President's Task Force on Policing in the 21st Century, Office of Community Oriented Policing Services, U.S. Department of Justice, 145 N Street NE., 11th Floor, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: Director, Ronald L. Davis, 202–514–4229 or *PolicingTaskForce@usdoj.gov.*

Address all comments concerning this notice to *PolicingTaskForce@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public with limited seating. Time will be allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Accommodations Requests: To request accommodation of a disability, please contact Jessica Drake at 202–457–7771, at least 10 days prior to the meeting, to give DOJ as much time as possible to process your request.

Electronic Access and Filing Addresses

The Task Force is interested in receiving written comments including proposed recommendations from individuals, groups, advocacy organizations, and professional communities. Additional information on how to provide your comments will be posted to *www.cops.usdoj.gov.*

Availability of Meeting Materials: The agenda and other materials in support of the meeting will be available on the Task Force Web site at *www.cops.usdoj.gov* in advance of the meeting.

Ronald L. Davis,

Director, Office of Community Oriented Policing Services.

[FR Doc. 2015–00546 Filed 1–14–15; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On January 8, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Middle District of Florida in the lawsuit entitled *United States* v. *Atlanta Gas Light Company, et al.,* Civil Action No. 6:15–cv–00028–GAP–TBS.

The proposed Consent Decree resolves the United States' claims against: Atlanta Gas Light Company; Continental Holdings, Inc.; Duke Energy Florida, Inc.; Blaine Pierce; OrlaGroup, LLC; and the City of Orlando (collectively the ''Settling Defendants''), for cost recovery and injunctive relief under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9606 and 9607, relating to the release or threatened release of hazardous substances into the environment at or from Operable Unit 1 (OU1) (the contaminated soil and surficial aquifer beneath the Orlando Former Gasification Plant Superfund Site (Site)), located in Orlando, Orange County, Florida. The terms and conditions of this proposed Decree do not apply to Operable Unit 2 (OU2) (the contaminated deep aquifer beneath the Site), nor are any potentially responsible parties released from possible future claims of liability in regard to OU2.

Under the terms of the proposed Consent Decree, Settling Defendants will undertake the remedial action selected by the United States Environmental Protection Agency for OU1, and will reimburse the United States for all of the government's past costs and future oversight costs incurred or to be incurred, plus interest, in connection with the remedial action for OU1 of the Site. In return, the United States agrees not to sue or take administrative action against Settling Defendants under sections 106 and 107 of CERCLA regarding OU1 of the Site.

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. *Atlanta Gas Light Co., et al.,* D.J. Ref. No. 90–11–3–11075. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $92.25 (25 cents per page reproduction cost) payable to the United States Treasury for a copy of the Consent Decree with Appendices, or $26.25 (25 cents per page reproduction cost) for a copy of the Consent Decree without Appendices.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–00500 Filed 1–14–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On January 6, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the State of New Jersey in the lawsuit entitled *United States* v. *E.I. duPont de Nemours and Company, Inc.,* Civil Action No. 1:15–cv–00102–NLH–AMD.

The United States filed this lawsuit under the Clean Air Act, 42 U.S.C. 7401, *et seq.,* and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001, *et seq*. The United States' complaint seeks civil penalties and injunctive relief for violations of the regulations that govern equipment leak standards from organic chemical manufacturing facilities (specifically, the chlorofluorocarbon regulations, 40 CFR part 82, subpart F (''CFC Regulations''); the national emissions standards for miscellaneous organic chemical manufacturing, 40 CFR part 63, subpart FFFF; the equipment leak standards of 40 CFR part 63, subpart H; and the company's CAA Title V operating permit). The violations occurred at du Pont's Chambers Works manufacturing facility in Deepwater, New Jersey. The Decree requires du Pont to pay a civil penalty of $530,520, and treat any refrigeration units with secondary refrigeration loops at the facility as covered by the CFC regulations.

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. *E.I. duPont de Nemours and Company, Inc.,* D.J. Ref. No. 90–5–2–1–09872. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–00492 Filed 1–14–15; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–001)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Wednesday, February 11, 2015, 1:00 p.m. to 2:30 p.m., Local Time.

ADDRESSES: NASA Kennedy Space Center, Headquarters Building, Room 2201, Kennedy Space Center, FL 32899.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Aerospace Safety Advisory Panel Administrative Officer, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–4452 or *mnorris@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its First Quarterly Meeting for 2015. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the Exploration Systems Development

—Updates on the Commercial Crew Program

—Updates on the International Space Station Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may call the USA toll free conference call number (800) 857–7040; pass code 5524505. Attendees will be required to sign a visitor's register and to comply with NASA KSC security requirements, including the presentation of a valid picture ID and a secondary form of ID, before receiving an access badge. Due to the Real ID Act, Public Law 109–13, any attendees with drivers licenses issued from noncompliant states must present a second form of ID. Noncompliant states/territories are: American Samoa, Arizona, Louisiana, Maine, Minnesota, New York, Oklahoma, and Washington. All U.S. citizens desiring to attend the ASAP 2015 First Quarterly Meeting at the Kennedy Space Center must provide their full name, date of birth, place of birth, social security number, company affiliation and full address (if applicable), residential address, telephone number, driver's license number, email address, country of citizenship, and naturalization number (if applicable) to the Kennedy Space Center Protective Services Office no later than close of business on February 5, 2015.

All non-U.S. citizens must submit their name; current address; driver's license number and state (if applicable); citizenship; company affiliation (if applicable) to include address, telephone number, and title; place of birth; date of birth; U.S. visa information to include type, number, and expiration date; U.S. Social Security Number (if applicable); Permanent Resident (green card) number and expiration date (if applicable); place and date of entry into the U.S.; and passport information to include country of issue, number, and expiration date, to the Kennedy Space Center Protective Services Office no later than close of business on January 28, 2015. If the above information is not received by the noted dates, attendees should expect a minimum delay of two (2) hours. All visitors to this meeting will be required to process in through the KSC Badging Office, Building M6–0224, located just outside of KSC Gate 3, on SR 405, Kennedy Space Center, Florida. Please provide the appropriate data required above by email to Tina Hosch at *tina.hosch@nasa.gov* or fax 321–867–7206, noting at the top of the page ''Public Admission to the NASA Aerospace Safety Advisory Panel Meeting at KSC.'' For security questions, please email Tina Hosch at *tina.hosch@nasa.gov.*

At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Marian Norris at *mnorris@nasa.gov* or at (202) 358–4452 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2015–00536 Filed 1–14–15; 8:45 am]

BILLING CODE 7510–13–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Regulation G; OMB Control No. 3235–0576, SEC File No. 270–518.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information

summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Regulation G (17 CFR 244.100–244.102) under the Securities Exchange Act of 1934 (the ''Exchange Act'') (15 U.S.C. 78a *et seq.*) requires publicly reporting companies that disclose or releases financial information in a manner that is calculated or presented other than in accordance with generally accepted accounting principles (''GAAP'') to provide a reconciliation of the non-GAAP financial information to the most directly comparable GAAP financial measure. Regulation G implemented the requirements of Section 401 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7261). We estimate that approximately 14,000 public companies must comply with Regulation G approximately six times a year for a total of 84,000 responses annually. We estimated that it takes approximately 0.5 hours per response (84,000 x 0.5 hours) for a total reporting burden of 42,000 hours annually.

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collections of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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.

Please direct your written comments to Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 9, 2015.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2015–00534 Filed 1–14–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Regulation BTR;

OMB Control No. 3235–0579, SEC File No. 270–521.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Regulation Blackout Trade Restriction (''Regulation BTR'') (17 CFR 245.100–245.104) clarifies the scope and application of Section 306(a) of the Sarbanes-Oxley Act of 2002 (''Act'') (15 U.S.C. 7244(a)). Section 306(a)(6) [15 U.S.C.7244(a)(6)] of the Act requires an issuer to provide timely notice to its directors and executive officers and to the Commission of the imposition of a blackout period that would trigger the statutory trading prohibition of Section 306(a)(1) [15 U.S.C. 7244(a)(1)]. Section 306(a) of the Act prohibits any director or executive officer of an issuer of any equity security, directly or indirectly, from purchasing, selling or otherwise acquiring or transferring any equity security of that issuer during any blackout period with respect to such equity security, if the director or executive officer acquired the equity security in connection with his or her service or employment. Approximately 1,230 issuers file Regulation BTR notices approximately 5 times a year for a total of 6,150 responses. We estimate that it takes approximately 2 hours to prepare the blackout notice for a total annual burden of 2,460 hours. The issuer prepares 75% of the 2,460 annual burden hours for a total reporting burden of (1,230 × 2 × 0.75) 1,845 hours. In addition, we estimate that an issuer distributes a notice to five directors and executive officers at an estimated 5 minutes per notice (1,230 blackout period × 5 notices × 5 minutes) for a total reporting burden of 512 hours. The combined annual reporting burden is (1,845 hours + 512 hours) 2,357 hours.

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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.

Please direct your written comment to Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 9, 2015.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2015–00533 Filed 1–14–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74028; File No. SR–EDGA–2015–03]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain Rules To Adopt or Align System Functionality With That Currently Offered by BATS Exchange, Inc. and BATS Y-Exchange, Inc.

January 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on January 9, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend certain rules to adopt or align system functionality with that currently offered by BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'', collectively with BZX, ''BATS'') in order to provide a consistent technology offering amongst the Exchange and its affiliates. These changes are described in detail below and include amending: (i) Rule 11.1 regarding the Exchange's trading sessions and hours of operation; (ii) Rule 11.6, Definitions; (iii) Rule 11.7, Opening Process; (iv) Rule 11.8, Order Types; (v) Rule 11.9, Priority of Orders; (vi) Rule 11.10, Order Execution; and (vii) Rule 11.11, Routing to Away Trading Centers.

The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BATS. The Exchange notes that the proposed rule text is based on the rules and is different only to the extent necessary to conform to the Exchange's current rules.

The Exchange does not believe that the proposed rule change will have any direct or significant indirect effect on any other Exchange rule in effect at the time of this filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.directedge.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 the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate, EDGX Exchange, Inc. (''EDGX'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[5] In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to amend: (i) Rule 11.1 regarding the Exchange's trading sessions and hours of operation; (ii) Rule 11.6, Definitions; (iii) Rule 11.7, Opening Process; (iv) Rule 11.8, Order Types; (v) Rule 11.9, Priority of Orders; (vi) Rule 11.10, Order Execution; and (vii) Rule 11.11, Routing to Away Trading Centers.

The proposed amendments are intended to align certain system functionality with that currently offered by BATS in order to provide a consistent technology offering for Users [6] of the BGM Affiliated Exchanges. The Exchange notes that the proposed rule text is based on the BATS Rule and is different only to the extent necessary to conform to the Exchange's current rules.[7] The proposed amendments do not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BZX or BYX.

Rule 11.1, Hours of Trading and Trading Days

Current Functionality. Rule 11.1 sets forth when orders may be entered into the System [8] and outlines a User's ability to select the trading sessions for which an order may be eligible for execution. Proposed Rule 11.1(a)(1), Session Indicator, describes each of the Exchange's existing trading sessions. A User may select the particular trading sessions for which their order(s) may be eligible for execution. Specifically, orders designated as: ''Pre-Opening Session'' are eligible for execution between 8:00 a.m. Eastern Time and 4:00 p.m. Eastern Time; ''Regular Session'' are eligible for execution between the completion of the Opening Process or a Contingent Open as defined in proposed Rule 11.7 (described below), whichever occurs first, and 4:00 p.m. Eastern Time, unless otherwise noted; [9] ''Post-Closing Session'' are eligible for execution between the start of the Regular Session and 8:00 p.m. Eastern Time; and ''All Sessions'' are eligible for execution between 8:00 a.m. and 8:00 p.m. Eastern Time.

Under Rule 11.1(a)(1), orders may be entered into the System from 6:00 a.m. until 8:00 p.m. Eastern Time, but orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until the start of the session selected by the User. All orders are eligible for execution during the Regular Session. A User may designate that their order to be eligible for the Pre-Opening and/or Post-Closing Sessions. If the User does not select a particular session or sessions, the order will default to the Regular Session only.

Proposed Functionality. To align with BATS functionality, the Exchange proposes to amend Rule 11.1(a)(1) to allow Users to designate when their order is eligible for execution by selecting the desired Time-In-Force (''TIF'') instruction under Exchange Rule 11.6(q) [10] and not by selecting a particular trading session, as is currently required. Therefore, the Exchange proposes to delete references to the Pre-Opening Session, Regular Session, Post-Closing Session, and All Sessions indicators set forth under Rule 11.1(a)(1)(A)–(D). These session indicators will no longer be available upon completion of the technology integration and Users will designate the session(s) during which their order is eligible for execution by selecting the

[5] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[6] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[7] To the extent a proposed rule change is based on an existing BATS Rule, the language of the BATS and Exchange Rules may differ to extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BATS rules based on the current structure of such rules.

[8] Exchange Rule 1.5(cc) defines ''System'' as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

[9] Beginning at 9:30:00 a.m. Eastern Time, the System will accept: (i) Incoming orders designated as Intermarket Sweep Orders (''ISOs''), and (ii) orders with a time-in-force instruction other than Regular Hours Only. This is to assist Members' compliance with Rule 611 of Regulation NMS.

[10] The Exchange also proposes to and its TIF instructions under Rule 11.6(q) to align with BATS Rule 11.9(b). The changes are described in more detail below.

desired TIF instruction under Exchange Rule 11.6(q). The Exchange also proposes to no longer default orders to the Regular Session where another session indicator is not selected by the User. Thus, Users will be required to select a TIF instruction. Pre-Opening Session [11] and Post-Closing Session [12] will continue to be defined under Exchange Rule 1.5. The Exchange also proposes to retain but relocate the definition of Regular Session to Rule 1.5 as new paragraph (hh).

The Exchange also proposes to amend Rule 11.1(a)(1) to align with recent rule changes filed with the Commission by BATS.[13] As proposed, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until the start of the Pre-Opening Session or Regular Trading Hours, depending on the time-in-force selected by the User. The Exchange proposes to further amend Rule 11.1(a)(1) to state that the following orders will not be accepted prior to 8:00 a.m. Eastern Time: orders with a Post Only instruction, ISOs, Market Orders with a TIF instruction other than Regular Hours Only (''RHO''), orders with a Minimum Execution Quantity instruction that also include a TIF instruction of RHO, and all orders with a TIF instruction of Immediate or Cancel (''IOC'') or Fill Or Kill (''FOK''). At the commencement of the Pre-Opening Session, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time orders will be handled in time sequence, beginning with the order with the oldest time stamp, and will be placed on the EDGA Book, routed, cancelled, or executed in accordance with the terms of the order.

Rule 11.6, Definitions

Rule 11.6, Definitions, sets forth in one rule current defined terms and order instructions that are utilized in Chapter XI. Rule 11.6 also includes additional defined terms and instructions to aid in describing System functionality and the operation of the Exchange's order types. The Exchange proposes to amend Rule 11.6 to align certain sections with BATS functionality and rules as part of the technology integration. These changes are described below and include: (i) Amending subparagraph (a) regarding Attribution; (ii) amending paragraph (d) regarding Discretionary Range; (iii) amending paragraph (h) regarding Minimum Execution Quantity; (iv) amending subparagraph (j) regarding the Pegged order instruction; (v) amending subparagraph (k) regarding the definition of Permitted Price; (vi) amending subparagraph (l)(1)(A) regarding the Price Adjust Re-Pricing instruction to allow for multiple re-pricing; (vii) renaming the Hide Not Slide re-pricing instruction under Rule 11.8(l)(1)(B) as Displayed Price Sliding and amending the rule to allow for multiple re-pricing; (viii) deleting subparagraph (l)(1)(B)(i) to decommission the Routed and Returned Re-Pricing instruction; (ix) amending subparagraph (l)(2) to decommission Short Sale Price Adjust and Short Sale Price Sliding, and adopt the BATS short sale re-pricing process; (x) amending subparagraph (l)(3) regarding the re-pricing of Non-Displayed Orders; (xi) amending subparagraph (m)(1) regarding Replenishment Amounts; (xii) amending subparagraph (m)(2) regarding the Super Aggressive order instruction; and (xiii) amending subparagraph (q) regarding TIF instructions. As stated above, the proposed amendments to Rule 11.6 do not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BZX or BYX.[14] Each of these amendments are described in more detail below.

Attribution (Rule 11.6(a))

Pursuant to Rule 11.6(a), where a User includes an Attributable instruction with an order, the User's Market Participant Identifier (''MPID'') is visible via the Exchange's Book Feed.[15] Conversely, if an order is to be Non-Attributable,[16] the User's MPID is not visible via the Exchange's Book Feed. Under Exchange Rule 11.6(a)(1), unless the User elects otherwise, all orders are automatically defaulted by the System to Non-Attributable. Further, under Rule 11.6(a)(2), a User may elect an order to be Attributable on an order-by-order basis or instruct the Exchange to default all of its orders as Attributable on a port-by-port basis. However, pursuant to Rule 11.6(a), if a User instructs the Exchange to default all its orders as Attributable on a particular port, such User would not be able to designate any order from that port as Non-Attributable.

The Exchange proposes to amend Rule 11.6(a)(2) to provide Users with additional flexibility when designating all of its orders as Attributable on a particular port consistent with BATS functionality. As amended, Rule 11.6(a)(2) would provide a User that instructs the Exchange to default all of its orders as Attributable on a particular port the ability to override that setting and designate an individual order from that port as Non-Attributable. This proposed rule change is representative of additional detail with regard to the operation of orders with an Attributable instruction in the Exchange's rules. While the proposed rule change is not directly based on an existing BATS Rule, as BATS rules do not currently address port level settings with respect to attribution, the Exchange believes that amending its current rule text to accurately describe how a Member may designate their orders as Attributable or Non-Attributable will provide them with increased transparency regarding how the System operates.

Cancel Back (Rule 11.6(b))

Cancel Back is an instruction a User may attach to an order instructing the System to cancel an order, when, if displayed by the System on the EDGA Book [17] at the time of entry, the order would create a violation of Rule 610(d) of Regulation NMS, Rule 201 of Regulation SHO, or the order cannot otherwise be executed or posted by the System to the EDGA Book at its limit price.

The Exchange proposes to amend the definition of Cancel Back to remove the requirement that the order only be cancelled where it creates a violation of Rule 610(d) of Regulation NMS, Rule 201 of Regulation SHO, or cannot otherwise be executed or posted by the System to the EDGA Book at its limit price upon entry. Removal of the phrase ''upon entry'' from Rule 11.6(b) would enable an order with a Cancel Back instruction that is posted to the EDGA Book to be cancelled if it subsequently creates a violation of Rule 610(d) of Regulation NMS, Rule 201 of Regulation SHO, or the cannot otherwise be executed or continue to be posted by the System to the EDGA Book at its limit price. The proposed amendment would align the operation of the Exchange's

[11] Pre-Opening Session is defined as ''the time between 8:00 a.m. and 9:30 a.m. Eastern Time.'' *See* Exchange Rule 1.5(s).

[12] Post-Closing Session is defined as ''the time between 4:00 p.m. and 8:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(r).

[13] *See* Securities Exchange Act Release Nos. 73745 (December 4, 2014), 79 FR 73359 (December 10, 2014) (SR–BATS–2014–062); 73744 (December 4, 2014), 79 FR 73369 (December 10, 2014) (SR–BYX–2014–036).

[14] *See supra* note 7.

[15] *See* EDGA Rule 11.6(a). The EDGA Book Feed is a data feed that contains all displayed orders for listed securities trading on EDGA, order executions, order cancellations, order modifications, order identification numbers, and administrative messages. *See* Exchange Rule 13.8(a).

[16] *See* Exchange Rule 11.6(a)(1).

[17] The term ''EDGA Book'' is defined as ''the System's electronic file of orders.'' *See* EDGA Rule 1.5(d).

Cancel Back instruction with current BATS Rule 11.13.[18]

Discretionary Range (Rule 11.6(d))

Discretionary Range is an instruction the User may attach to an order to buy (sell) a stated amount of a security at a specified, displayed price with discretion to execute up (down) to a specified, non-displayed price. The Exchange proposes to remove the prohibition that the Discretionary Range of an order to buy (sell) cannot be more than $0.99 higher (lower) than the order's displayed price because, upon migration of the Exchange onto BATS technology, the Discretionary Range of an order will not be limited to $0.99. This proposed rule change is representative of additional detail with regard to the operation of orders with Discretionary Range in the Exchange's rules. In addition, no such limitation is included in BATS or BYX Rules 11.9(c)(10) regarding Discretionary Orders and the BATS systems effectively do not incorporate such a limitation.

Minimum Execution Quantity (Rule 11.6(h))

Minimum Execution Quantity is an instruction a User may attach to an order with a Non-Displayed [19] instruction requiring the System to execute the order only to the extent that a minimum quantity can be satisfied by execution against a single order or multiple aggregated orders simultaneously. Unless the User elects otherwise, any shares remaining after a partial execution will be executed at a size that is equal to or exceeds the Minimum Execution Quantity. Thus, under current Exchange Rules and functionality a User can elect that a Minimum Execution Quantity only apply to an initial execution but not any remaining shares after such execution. The Exchange proposes to amend Minimum Execution Quantity to reflect that, upon migration of the Exchange onto BATS technology, any shares remaining after a partial execution will continue to be executed at a size that is equal to or exceeds the Minimum Execution Quantity, regardless of the Users instructions. A User who wishes otherwise may cancel and resubmit their order without a Minimum Execution Quantity. In addition, currently the Minimum Execution Quantity instruction will not apply where the number of shares remaining after a partial execution are less than the quantity provided in the instruction. As amended, in such case, the Minimum Execution Quantity will equal the number of remaining shares, which is similar to current Exchange functionality. Like above, a User who wishes otherwise may cancel and resubmit their order with a new Minimum Execution Quantity. As amended, the Minimum Execution Quantity instruction will operate similarly to the BATS Minimum Quantity Order under BATS Rule 11.9(c)(5).[20]

Pegged (Rule 11.6(j))

Current Functionality. An order with a Pegged instruction enables a User to specify that the order's price will peg to a price a certain amount away from the NBB or NBO (offset). If an order with a Pegged instruction displayed on the Exchange would lock the market, the price of the order will be automatically adjusted by the System to one Minimum Price Variation below the current NBO (for bids) or to one Minimum Price Variation above the current NBB (for offers). A new time stamp is created for the order each time it is automatically adjusted and orders with a Pegged instruction are not eligible for routing pursuant to Rule 11.11. For purposes of the Pegged instruction, the System's calculation of the NBBO does not take into account any orders with Pegged instructions that are resting on the EDGA Book. An order with a Pegged instruction is cancelled if an NBB or NBO, as applicable, is no longer available.

An order with a Pegged instruction may be a Market Peg or Primary Peg. An order that includes a Primary Peg instruction will have its price pegged by the System to the NBB, for a buy order, or the NBO for a sell order. A User may, but is not required to, select an offset equal to or greater than one Minimum Price Variation [21] above or below the NBB or NBO that the order is pegged to. An order with a Primary Peg instruction is currently eligible to join the Exchange's Best Bid or Offer (''Exchange BBO'') when the EDGA Book has been locked or crossed by another market. If an order with a Primary Peg instruction creates a Locking Quotation [22] or Crossing Quotation,[23] the price of the order is automatically adjusted by the System to one Minimum Price Variation below the current NBO (for bids) or to one Minimum Price Variation above the current NBB (for offers).

An order that includes a Market Peg instruction will have its price pegged by the System to the NBB, for a sell order, or the NBO, for a buy order. An order with a Market Peg instruction that is to be displayed by the System on the EDGA Book must include an offset for an order to buy (sell) that is equal to or greater than one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to. If a User does not select an offset, the System will automatically include an offset on an order to buy (sell) that is equal to one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to. For an order with a Non-Displayed instruction, a User may, but is not required to, select an offset for an order to buy (sell) that is equal to or greater than one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to.

Proposed Functionality. The Exchange proposes to amend the Pegged instruction under Rule 11.6(j) to align

[18] Under BATS Rule 11.13, ''an order will be cancelled back to the User if, based on market conditions, User instructions, applicable Exchange Rules and/or the Act and the rules and regulations thereunder, such order is not executable, cannot be routed to another Trading Center pursuant to Rule 11.13(a)(2) below and cannot be posted to the BATS Book.'' The cancelling back of an order under Rule 11.13 is not limited to cancellation upon entry. *See also* BATS Rule 11.9(g)(1)(D).

[19] The term ''Non-Displayed'' is defined as ''[a]n instruction the User may attach to an order stating that the order is not to be displayed by the System on the EDGA Book.'' *See* Exchange Rule 1.5(e)(2).

[20] *See* Securities Exchange Act Release Nos. 72646 (July 21, 2014), 79 FR 43516 (July 25, 2014) (SR–BATS–2014–027) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 11.9, 11.12, 11.18, 21.1 and 21.7 of BATS Exchange, Inc.); 72647 (July 21, 2014), 79 FR 43522 (July 25, 2014) (SR–BYX–2014–010) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 11.9, 11.12, and 11.18 of BATS Y–Exchange, Inc.). As amended, Exchange Rule 11.6(h) only differs from BATS Rule 11.9(c)(5) to extent necessary to conform with existing rule text or to account for details or descriptions currently included in the Exchange's Rule that are not included in BATS Rule 11.9(c)(5).

[21] The term ''Minimum Price Variation'' is defined as ''[b]ids, offers, or orders in securities traded on the Exchange shall not be made in an increment smaller than: (i) $0.01 If those bids, offers, or orders are priced equal to or greater than $1.00 per share; or (ii) $0.0001 if those bids, offers, or orders are priced less than $1.00 per share; or (iii) any other increment established by the Commission for any security which has been granted an exemption from the minimum price increments requirements of SEC Rule 612(a) or 612(b) of Regulation NMS.'' *See* Exchange Rule 11.6(i).

[22] The term ''Locking Quotation'' is defined as ''[t]he display of a bid for an NMS stock at a price that equals the price of an offer for such NMS stock previously disseminated pursuant to an effective national market system plan, or the display of an offer for an NMS stock at a price that equals the price of a bid for such NMS stock previously disseminated pursuant to an effective national market system plan in violation of Rule 610(d) of Regulation NMS.'' *See* Exchange Rule 11.6(g).

[23] The term ''Crossing Quotation'' is defined as ''[t]he display of a bid (offer) for an NMS stock at a price that is higher (lower) than the price of an offer (bid) for such NMS stock previously disseminated pursuant to an effective national market system plan in violation of Rule 610(d) of Regulation NMS.'' *See* Exchange Rule 11.6(c).

with BATS Rule 11.9(c)(8).[24] First, the Exchange proposes to no longer cancel an order with a Pegged instruction where the NBB or NBO, as applicable, is no longer available. In such case, instead of being cancelled, the order will not be eligible for execution. The order will receive a new time stamp and be eligible for execution where the NBB or NBO it is pegged to becomes available.

Second, the Exchange proposes to amend the Market Peg instruction under Rule 11.6(j)(1) to state that such orders are not eligible for display on the EDGA Book. As a result, the Exchange also proposes to delete the requirement that an order with a Market Peg instruction that is to be displayed on the EDGA Book must include an offset for an order to buy (sell) that is equal to or greater than one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to.

Third, the Exchange proposes to amend the Primary Peg instruction under Rule 11.6(j)(2) to define an offset equal to or greater than one Minimum Price Variation above or below the NBB or NBO that the order is pegged to as the ''Primary Offset Amount''. The Exchange also proposes to specify that the Primary Offset Amount for an order with a Primary Peg instruction that is to be displayed on the EDGA Book must result in the price of such order being inferior to or equal to the inside quote on the same side of the market.

Fourth, the Exchange proposes to amend the provisions governing the operation of an order with a Primary Peg instruction during a locked or crossed market. As proposed, an order with a Primary Peg instruction will no longer be able to join the Exchange BBO when the EDGX Book [sic] is locked or crossed by another market. When the EDGX Book [sic] is crossed by another market, the Exchange proposes to automatically adjust an order with a Primary Peg instruction to the current NBO (for bids) or the current NBB (for offers). For example, assume the NBBO is $10.08 x $10.09. An order with a Primary Peg instruction to buy with a limit price of $10.10 is entered and displayed by the System at $10.08, the current NBB. Assume the NBO updates to $10.07, resulting in a crossed market. The order with a Primary Peg instruction to buy would then be pegged and displayed at $10.07, the updated NBO.

Rule 11.6(j)(2) will continue to require that an order with a Primary Peg instruction that would otherwise be a Locking Quotation or Crossing Quotation be automatically adjusted by the System to one Minimum Price Variation below the current NBO (for bids) or to one Minimum Price Variation above the current NBB (for offers). For example, assume the NBBO is $10.09 × $10.08, resulting in a crossed market. An order with a Primary Peg instruction to buy with a limit price of $10.10 is entered and displayed by the System at $10.07, one Minimum Price Variation below the current NBB. Assume the NBBO is updated to $10.08 × $10.09, the order with a Primary Peg instruction to buy would then be pegged and displayed at $10.08, the updated NBB now that the market is no longer crossed. This proposed rule change is representative of additional detail with regard to the operation of orders with a Pegged instruction during locked or crossed markets that is currently included in Rule 11.6(j) and is consistent with Exchange's current re-pricing options under Rule 11.6(l), as well as Exchange Rule 11.10(f) and BATS Rule 11.20(a)(3), which outline the prohibition against displaying locking and crossing quotations under Rule 610 of Regulation NMS.

Permitted Price (Rule 11.6(k))

Permitted Price is currently defined as the price at which a sell order will be priced, ranked and displayed at one Minimum Price Variation above the NBB. As amended, the definition of Permitted Price will only state that it is the price that the order is displayed at one Minimum Price Variation above the NBBO.[25] This is to update the definition of Permitted Price to reflect the decommissioning of the Short Sale Price Adjust and Short Sale Price Sliding instructions and the proposed amendment that an order with both a Short Sale instruction and Hide Not Slide instruction will be ranked at the mid-point of the NBBO, but displayed at the Permitted Price discussed below. While the amended definition of Permitted Price is not identical to the definition of Permitted Price under BATS Rules, any differences are necessary to conform the proposed rule text with the other proposed rule changes described above.

Re-Pricing (Rule 11.6(l))

The Exchange currently offers re-pricing instructions which, in all cases, result in the ranking and/or display of an order at a price other than the order's limit price in order to comply with applicable securities laws and Exchange Rules. Specifically, the Exchange's re-pricing instructions are designed to permit Users to comply with Rule 610(d) of Regulation NMS or Rule 201 of Regulation SHO. Rule 11.6(l) sets forth the re-pricing instructions currently available to Users with regard to Regulation NMS compliance—Price Adjust, Hide Not Slide, and Routed and Returned Re-Pricing, and with regard to Regulation SHO compliance—Short Sale Price Adjust and Short Sale Price Sliding. The Exchange now proposes to amend its re-pricing instructions to streamline the re-pricing options available to Users in order to align Exchange functionality with that of BATS.

Re-Pricing Instructions To Comply With Rule 610(d) of Regulation NMS

The Exchange proposes to amend its re-pricing instructions to comply with Rule 610(d) of Regulation NMS as follows: (i) Amend the Price Adjust instruction to enable Users to elect that their order be adjusted multiple times in response to changes in the NBBO; rename the Hide Not Slide instruction as Displayed Price Sliding and amend it to allow for multiple re-pricing; and (iii) delete Routed and Returned Re-Pricing.

Routed and Returned Re-Pricing (Rule 11.6(l)(1)(B)(i)). The Exchange proposes to delete the Routed and Returned Re-Pricing instruction under Rule 11.6(l)(1)(B)(i). Pursuant to current Exchange Rules and Functionality, under the Routed and Returned Re-Pricing instruction, a Limit Order that is returned to the EDGA Book after being routed to an away Trading Center with a limit price that would cause the order to be a Locking Quotation or Crossing Quotation will be displayed by the System on the EDGA Book at a price that is one Minimum Price Variation lower (higher) than the Locking Price[26] for orders to buy (sell), will be ranked at the Locking Price with the ability to execute at the Locking Price. Each time the NBBO is updated, a buy (sell) order

[24] *See* Securities Exchange Act Release Nos. 73188 (September 23, 2014), 79 FR 58004 (September 26, 2014) (SR–BATS–2014–041) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.9 of BATS Exchange, Inc.); 73190 (September 23, 2014), 79 FR 58019 (September 26, 2014) (SR–BYX–2014–022) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.9 of BATS Y-Exchange, Inc.). As amended, Exchange Rule 11.6(j) only differs from BATS Rule 11.9(c)(8) to extent necessary to conform with existing rule text or to account for details or descriptions currently included in the Exchange's Rule that are not included in BATS Rule 11.9(c)(8).

[25] The proposed definition of Permitted Price is also similar to that of other exchange. *See e.g.,* Nasdaq Rule 4763(e); NYSE MKT Rule 440B(e); Rule 7016(f)(v)(C).

[26] The term ''Locking Price'' is defined as ''the price at which an order to buy (sell), that if displayed by the System on the EDGA Book, either upon entry into the System, or upon return to the System after being routed away, would be a Locking Quotation.'' *See* Exchange Rule 11.6(i).

subject to the Routed and Returned Re-Pricing instruction will be further adjusted so that it continues to be displayed by the System on the EDGA Book at one Minimum Price Variation below (above) the NBO (NBB) and will be ranked at the Locking Price with the ability to execute at the Locking Price until the price of such order reaches its limit price, at which point it will remain displayed by the System on the EDGA Book at that price and cease to be further adjusted pursuant to the Routed and Returned Re-Pricing instruction. The order will receive a new time stamp when it is returned to the EDGA Book and each time it is subsequently re-ranked.

Upon completion of the migration of the Exchange to BATS technology, Limit Orders that are returned to the EDGA Book after being routed to an away Trading Center with a limit price that would cause the order to be a Locking Quotation or Crossing Quotation will be subject to the Exchange's standard re-pricing instructions; *i.e.,* automatically defaulted by the System to the Price Adjust Re-Pricing instruction, unless the User affirmatively elects the Cancel Back instruction or the Hide Not Slide instruction. The Exchange also proposes to remove a reference to the Routed and Returned Re-Pricing instruction from Rule 11.6(l)(1)(B).

Price Adjust Re-Pricing (Rule 11.6(l)(1)(A)). Under the Price Adjust instruction, where a buy (sell) order would be a Locking Quotation or Crossing Quotation if displayed by the System on the EDGA Book at the time of entry, the order will be displayed and ranked [27] at a price that is one Minimum Price Variation lower (higher) than the Locking Price. The order will be displayed and ranked by the System on the EDGA Book at the Locking Price if: (i) The NBBO changes such that the order, if displayed at the Locking Price, would not be a Locking Quotation or Crossing Quotation, including where an ISO with a TIF instruction of Day is entered into the System and displayed on the EDGA Book on the same side of the market as the order at a price that is equal to or more aggressive than the Locking Price.[28] An order re-priced as set forth above would not be subject to further re-ranking and will be displayed by the System on the EDGA Book at the Locking Price until executed or cancelled by the User. The order will receive a new time stamp at the time it is re-ranked.

The Exchange proposes to amend the Price Adjust instruction to provide Users with additional flexibility by enabling them to elect that their order be adjusted multiple times in response to changes in the NBBO. The ranked and displayed prices of an order subject to the Price Adjust instruction will only be adjusted once, unless the User elects that the order be adjusted multiple times in response to changes to the prevailing NBBO. Unless a User has elected the multiple re-pricing option, the order would not be subject to further re-ranking and will be displayed on the EDGA Book at the Locking Price until executed or cancelled by the User. An order subject to the multiple re-pricing option will be further re-ranked and re-displayed to the extent it can permissibly be ranked and displayed at a more aggressive price based on changes to the prevailing NBBO. Multiple re-pricing pursuant to Price Adjust would be optional and would have to be explicitly selected by a User before it will be applied. Orders subject to multiple re-pricing for Price Adjust will be permitted to move all the way back to their most aggressive price, whereas orders subject to Price Adjust may not be adjusted to their most aggressive price, depending upon market conditions and the limit price of the order upon entry. The Exchange notes that this functionality is identical to the operation of BATS Rule 11.9(g)(2).[29] The Exchange does not propose to amend any other aspect of the Price Adjust instruction.

As an example of multiple re-pricing for Price Adjust assume the Exchange has a posted and displayed bid to buy 100 shares of a security priced at $10.10 per share and a posted and displayed offer to sell 100 shares at $10.14 per share. Assume the NBBO is $10.10 by $10.12. If the Exchange receives a non-routable bid to buy 100 shares at $10.13 per share, the Exchange would rank and display the order to buy at $10.11 because displaying the bid at $10.13 would cross an external market's Protected Offer to sell for $10.12. If the NBO then moved to $10.13, the Exchange would un-slide the bid to buy and rank and display it at $10.12. Under existing Price Adjust functionality, the Exchange does not further adjust the ranked or displayed price following this un-slide. However, under multiple re-pricing for Price Adjust if the NBO then moved to $10.14, the Exchange would un-slide the bid to buy and rank and display it at its full limit price of $10.13.

Hide Not Slide Re-Pricing (Rule 11.6(l)(1)(B)). The Exchange proposes to rename the Hide Not Slide Re-Pricing instruction under Rule 11.6(l)(1)(B) as Displayed Price Sliding and to amend the rule to allow for multiple re-pricing.[30] Under the renamed Displayed Price Sliding instruction, where an order would be a Locking Quotation or Crossing Quotation if displayed by the System on the EDGA Book at the time of entry, the order will be displayed at a price that is one Minimum Price Variation lower (higher) than the Locking Price for orders to buy (sell), will be ranked at the Locking Price with the ability to execute at the Locking Price; provided, however, that if a contra-side order that equals the Locking Price is displayed by the System on the EDGA Book, the order's ability to execute at the Locking Price will be suspended unless and until there is no contra-side displayed order on the EDGA Book that equals the Locking Price. However, in such case, an order subject to the Displayed Price Sliding instruction may execute against other orders at its displayed price. Where the NBBO changes such that the order, if displayed by the System on the EDGA Book at the Locking Price, would not be a Locking Quotation or Crossing Quotation, the System will rank and display such orders at the Locking Price. The order will not be subject to further re-ranking and will be displayed on the EDGA Book at the Locking Price retaining its time stamp until executed or cancelled by the User. Currently, an order subject to the Displayed Price Sliding instruction will only receive a new time stamp when it is re-ranked by

[27] For purposes of the description of the re-pricing instructions under proposed Rule 11.6(l), the terms ''ranked'' and ''priced'' are synonymous and used interchangeably.

[28] *See* Division of Trading and Markets: Response to Frequently Asked Questions Concerning Rule 611 and Rule 610 of Regulation NMS, Question 5.02, *available at http://www.sec.gov/divisions/marketreg/nmsfaq610–11.htm* (last visited March 6, 2014).

[29] *See* Securities Exchange Act Release Nos. 73359 (October 15, 2014), 79 FR 63003 (October 21, 2014) (SR–BATS–2014–038) (Order Granting Approval of Proposed Rule Change to Rule 11.9 of the BATS Exchange, Inc. to Add Price Adjust Functionality); *and* 73366 (October 15, 2014), 79 FR 62993 (October 21, 2014) (SR–EDGA–2014–019) [sic] (Order Granting Approval of Proposed Rule Change to Rule 11.9 of the BATS Y-Exchange, Inc. to Add Price Adjust Functionality).

[30] The Exchange notes that it is proposing to re-name the Hide Not Slide Re-Pricing instruction to the Displayed Price Sliding instruction, which is the same name used to describe analogous functionality on BATS. The Exchange understands that, its affiliate, EDGX, will retain the current name with respect to the Hide Not Slide Re-Pricing instruction because such functionality is distinguishable from Displayed Price Sliding functionality. The primary difference between Hide Not Slide functionality and Displayed Price Sliding functionality is that an order with a Hide Not Slide re-pricing instruction will be ranked at the mid-point of the NBBO with discretion to execute at the Locking Price whereas an order with a Displayed Price Sliding instruction (including an analogous order on BZX or BYX) is ranked at the Locking Price.

the System upon clearance of a Locking Quotation due to the receipt of an ISO with a TIF instruction of Day that establishes a new NBBO at the Locked Price in accordance with Rule 11.9(a)(2)(B).

Like as proposed for the Price Adjust instruction described above, the Exchange proposes to amend the Displayed Price Sliding instruction to provide Users with additional flexibility by enabling them to elect that their order be adjusted multiple times in response to changes in the NBBO. The ranked and displayed prices of an order subject to the Displayed Price Sliding instruction will only be adjusted once, unless the User elects that the order be adjusted multiple times in response to changes to the prevailing NBBO. Unless a User has elected the multiple re-pricing option, the order would not be subject to further re-ranking and will be displayed on the EDGA Book at the Locking Price until executed or cancelled by the User. An order subject to the multiple re-pricing option will be further re-ranked and re-displayed to the extent it can permissibly be ranked and displayed at a more aggressive price based on changes to the prevailing NBBO. Multiple re-pricing pursuant to Displayed Price Sliding would be optional and would have to be explicitly selected by a User before it will be applied. Orders subject to multiple re-pricing for Displayed Price Sliding will be permitted to move all the way back to their most aggressive price, whereas orders subject to Price Adjust may not be adjusted to their most aggressive price, depending upon market conditions and the limit price of the order upon entry. The Exchange notes that this functionality is identical to the operation of BATS Rule 11.9(g)(1).[31] To account for option multiple price sliding, the Exchange proposes to state that an order subject to the Displayed Price Sliding instruction will receive a new time stamp each time is re-ranked, which will include when the order is re-ranked by the System upon clearance of a Locking Quotation due to the receipt of an ISO with a TIF instruction of Day that establishes a new NBBO at the Locked Price in accordance with Rule 11.9(a)(2)(B).The Exchange does not propose to amend any other aspect of the Displayed Price Sliding instruction.

As an example of multiple Displayed Price Sliding, assume the Exchange has a posted and displayed bid to buy 100 shares of a security priced at $10.10 per share and a posted and displayed offer to sell 100 shares at $10.13 per share. Assume the NBBO is $10.10 by $10.12. If the Exchange receives a non-routable bid to buy 100 shares at $10.12 per share the Exchange will rank the order to buy at $10.12 and display the order at $10.11 because displaying the bid at $10.12 would lock an external market's Protected Offer to sell for $10.12. If the NBO then moved to $10.13, the Exchange would un-slide the bid to buy and display it at its ranked price (and limit price) of $10.12.

Re-Pricing Instructions To Comply With Rule 201 of Regulation SHO

The Exchange proposes to amend its Re-Pricing instructions to comply with Rule 201 of Regulation SHO by deleting Short Sale Price Adjust and Short Sale Price Sliding and adopting a new, streamlined rule to align with BATS Rule 11.9(g)(5).

Current Functionality. The Exchange currently offers two re-pricing instructions to comply with Rule 201 of Regulation SHO—Short Sale Price Adjust and Short Sale Price Sliding. Under the Short Sale Price Adjust instruction, an order to sell with a Short Sale instruction will be ranked and displayed by the System on the EDGA Book at the Permitted Price. Following the initial ranking, the order will, to the extent the NBB declines, continue to be re-ranked and displayed by the System on the EDGA Book at the Permitted Price down to the order's limit price. The Short Sale Price Sliding instruction operates similarly to the Short Sale Price Adjust instruction; except that after its initial ranking, the order will, to the extent the NBB declines, be re-ranked and displayed by the System on the EDGA Book one additional time at a price that is equal to the NBB at the time the order was received by the System. In both cases, the order to sell with a Short Sale instruction will receive a new time stamp each time it is re-ranked.

Proposed Functionality. The Exchange proposes to delete the Short Sale Price Adjust and Short Sale Price Sliding and adopt a new, streamlined rule to align with BATS Rule 11.9(g)(5). Under the amended Rule 11.6(l)(2), an order to sell with a Short Sale instruction that, at the time of entry, could not be executed or displayed in compliance with Rule 201 of Regulation SHO will be re-priced by the System at the Permitted Price. Like BATS Rule 11.9(g)(5), proposed Exchange Rule 11.6(l)(2)(A) would state that the default short sale re-pricing process will only re-price an order upon entry.

As proposed, depending upon the instructions of a User, to reflect declines in the NBB the System will continue to re-price and re-display a short sale order at the Permitted Price down to the order's limit price. In the event the NBB changes such that the price of an order with a Non-Displayed instruction subject to Rule 201 of Regulation SHO would be a Locking Quotation or Crossing Quotation, the order will receive a new time stamp, and will be re-priced by the System to the Permitted Price. Like the Short Sale Price Adjust process that is to be decommissioned, an order to sell with a Short Sale instruction that is re-priced will be ranked at the Permitted Price.

Like BATS Rule 11.9(g)(5), amended Rule 11.6(l)(2) would state that: (i) When a Short Sale Circuit Breaker is in effect, the System will execute a sell order with a Displayed and Short Sale instruction at the price of the NBB if, at the time of initial display of the sell order with a Short Sale instruction, the order was at a price above the then current NBB; (ii) orders with a Short Exempt instruction will not be subject to re-pricing under amended Rule 11.6(l)(2); and (iii) the re-pricing instructions to comply with Rule 610(d) of Regulation NMS will be continue to be ignored for an order to sell with a Short Sale instruction when a Short Sale Circuit Breaker is in effect and the re-pricing instructions to comply with Rule 201 of Regulation SHO under this Rule will apply.

Re-Pricing of Orders With a Non-Displayed Instruction (Rule 11.6(l)(3))

Rule 11.6(l)(3) currently sets forth the re-pricing process for orders with a Non-Displayed instruction to avoid potentially trading through Protected Quotations of external markets. Currently, under Rule 11.6(l)(3), a non-routable order with a Non-Displayed instruction that would be a Crossing Quotation of an external market will be ranked at the Locking Price, unless the User affirmatively elects that the order Cancel Back. Rule 11.6(l)(3) states that to avoid potentially trading through Protected Quotations of external markets, a non-routable order with a Non-Displayed instruction that would be a Crossing Quotation of an external market will be ranked at the Locking Price, unless the User affirmatively elects that the order Cancel Back. Each time the NBBO is updated and the order continues to be a Locking Quotation or

[31] *See* Securities Exchange Act Release Nos. 67657 (August 14, 2012), 77 FR 50199 (August 20, 2012) (SR–BATS–2012–035) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the BATS Exchange, Inc. to Amend BATS Rules Related to Price Sliding Functionality); *and* 67656 (August 14, 2012), 77 FR 50193 (August 20, 2012) (SR–BYX–2012–018) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the BATS Y-Exchange, Inc. to Amend BYX Rules Related to Price Sliding Functionality).

Crossing Quotation of an external market, the order will be adjusted so that it continues to be ranked at the current Locking Price. Once an order with a Non-Displayed instruction has been ranked at its limit price it will only be adjusted in the event the NBBO is updated and the order would again be a Crossing Quotation of an external market. The order will receive a new time stamp each time it is subsequently re-ranked. For example, assume the NBBO is $24.00 × $26.00 and there are no orders resting on the EDGA Book. If an incoming order with a Non-Displayed instruction is entered into the System to buy at $27.00, it will be ranked by the System at $26.00, the Locking Price. Assume the NBBO changes to $24.00 × $25.00. The buy order with a Non-Displayed instruction will be re-ranked at $25.00, the new Locking Price, and be given a new time stamp.

The Exchange proposes to amend Rule 11.6(l)(3) to align with BATS Rule 11.9(g)(4).[32] As amended, an order with a Non-Displayed instruction that has been re-ranked by the System in accordance with Rule 11.6(l)(3) will not be re-ranked by the System each time the NBBO is adjusted. Rather, such order will only be re-ranked by the System should it is again be Crossing Quotation of an external market upon the NBBO being updated. Assume the same facts as the above example. Assume the NBBO again changes to $24.00 × $27.00. The buy order with a Non-Displayed instruction will be remain ranked at $25.00 because it is not a Crossing Quotation upon the NBBO changing. However, assume the NBBO changed to $23.00 × $24.00. The buy order with a Non-Displayed instruction will be remain ranked at $24.00, and be given a new time stamp, because it would be a Crossing Quotation if it remained ranked at $25.00.

Reserve Quantity and Replenishment Amounts (Rule 11.6(m))

Current Functionality. If the portion of the order with a Displayed instruction is reduced to less than a Round Lot, the System will, in accordance with the User's instruction, replenish the displayed quantity from the Reserve Quantity by at least a single Round-Lot using either the Random or Fixed Replenishment instructions. A new time stamp is created for the displayed quantity of the order each time it is replenished from the Reserve Quantity, while the Reserve Quantity retains the time stamp of its original entry. Where the combined amount of the displayed quantity and Reserve Quantity of an order are reduced to less than one Round Lot, the order converts to an order with a Displayed instruction and be treated as Displayed for purposes of execution priority under Rule 11.9.

Proposed Functionality. The Exchange proposes to amend Rule 11.6(m) to align with BATS Rule 11.9(c)(1).[33] First, the Exchange proposes to no longer require that the displayed quantity from the Reserve Quantity be replenished by at least a single Round-Lot. Instead, the displayed quantity will be replenished in accordance with the replenishment instruction the User selects. Specifically, like on BATS, Users will be required to designate the original display quantity of an order, which is also the amount to which an order is replenished (unless the remainder of an order is smaller than the original displayed quantity) under the current replenishment functionality. The Exchange refers to this quantity as ''max floor'' in its specifications. The Exchange proposes to add a defined term of ''Max Floor'' to Rule 11.6(m), which would be a mandatory value entered by a User that will determine the quantity of the order to be initially displayed by the System and will also be used to determine the replenishment amount under both replenishment options described below. If the remainder of an order is less than the replenishment amount, the Exchange will replenish and display the entire remainder of the order.

Second, the Exchange proposes to amend the time stamp functionality of an order with a Reserve Quantity. Currently, when an order is replenished from Reserve Quantity, the displayed quantity receives a new time stamp while the Reserve Quantity retains the time stamp of its original entry. As amended, a new time stamp will be created for the displayed quantity and Reserve Quantity of the order each time it is replenished from the Reserve Quantity. This functionality is identical to functionality set forth in BATS Rule 11.12(a)(5).[34]

Random Replenishment is an instruction that a User may attach to an order with Reserve Quantity where replenishment quantities for the order are randomly determined by the System within a replenishment range established by the User. The Exchange proposes to minor amendments to the operation of Random Replenishment to align with BATS Rule 11.9(c)(1).[35] Currently, both the actual quantity of the order that will be initially displayed by the System on the EDGA Book and subsequent displayed replenishment quantities are randomly determined by the System within a replenishment range established by the User. As amended, only the replenishment quantities for the order will be randomly determined by the System within a replenishment range established by the User. A User will be required to select a replenishment value and Max Floor. The Max Floor will be the initial quantity to be displayed. The displayed replenishment quantities will then be determined by the System by randomly selecting a number of shares within a replenishment range that is between: (i) The Max Floor minus the replenishment value; and (ii) the Max Floor plus the replenishment value. The displayed replenishment quantities randomly determined by the System will no longer be limited to Round Lots. Nor will the replenishment quantity be within a replenishment range that is between the quantity around which the replenishment range is established plus or minus the replenishment value. In addition, the Exchange will no longer prohibit the displayed replenishment quantity from: (i) Exceeding the remaining Reserve Quantity of the order; (ii) from being less than a single Round Lot or greater than the remaining unexecuted shares in the order.

In addition to the changes set forth above, the Exchange proposes to modify Rule 11.10(e)(3) to state that the Max Floor set for an order can be modified through the use of a replace message rather than requiring a User to cancel and re-enter an order. The Exchange also proposes to modify Rule 11.9(a)(4) to align with BATS Rule 11.12(a)(3)[36] to make clear that a modification to the Max Floor of an order with a Reserve Quantity will not cause such order to lose priority. When a replenishment occurs (based on the new Max Floor), the order will receive a new timestamp, and thus, will have a new priority.

Under Fixed Replenishment, the displayed quantity of an order is replenished for a Fixed Replenishment quantity designated by the User. The Fixed Replenishment quantity for the order equals the initial displayed quantity designated by the User. The Exchange proposes to amend Rule 11.6(m) to specify that the Fixed Replenishment quantity will be the Max Floor designated by the User. In addition, Rule 11.6(m) will also specify

[32] *Id.*

[33] *See supra* note 20.

[34] *Id.*

[35] *Id.*

[36] *Id.*

that Fixed Replenishment will apply to any order for which Random Replenishment has not been selected. Lastly, like proposed for Random Replenishment discussed above, the Exchange will no longer prohibit the displayed replenishment quantity from being less than a single Round Lot or greater than the remaining unexecuted shares in the order. As amended, Fixed Replenishment will be identical to BATS Rule 11.9(c)(1)(B).[37]

Super Aggressive (Rule 11.6(n)(2))

Super Aggressive is an order instruction that directs the System to route the order if an away Trading Center locks or crosses the limit price of the order resting on the EDGA Book. Like BATS Rule 11.13(a)(4)(B), the Exchange proposes to also permit a User to designate an order as Super Aggressive solely to routable orders posted to the EDGA Book with remaining size of an Odd Lot.[38] To the extent the amended text of Exchange Rule 11.6(n)(2) differs from BATS Rule 11.13(a)(4)(B), such differences are necessary to conform the rule with existing rule text, and in this case, to account for details or descriptions currently included in BATS Rule 11.9(d) [sic] that are not necessary under the structure of the Exchange's Rules.

Time-In-Force (Rule 11.6(q))

The Exchange proposes to amend its TIF instructions to align with BATS Rule 11.9(b). To the extent the amended text of Exchange Rule 11.6(q) differs from BATS Rule 11.9(b), such differences are necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's Rule but not included in BATS Rule 11.9(b). Where necessary, the Exchange has proposed rule changes consistent with the Exchange's operation on BATS technology, which the Exchange also believes are consistent with User expectations of how the System operates.

First, the Exchange proposes minor modifications to align the definition of IOC with BATS Rule 11.9(b)(1), the most notable of which is to specify that an order with a TIF instruction of IOC is eligible for routing. BATS rules do not restrict an order with an IOC instruction from being eligible for routing. In addition, permitting orders with an IOC instruction to be eligible for routing is consistent with BATS technology as well as with Users' expectations to use orders with an IOC instruction in combination with available routing functionality and strategies. As amended, an IOC would be an instruction the User may attach to an order stating the order is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange or another trading center is treated as cancelled and is not posted to the EDGA Book.

Second, the Exchange proposes to amend the definition of the Day TIF instruction to state that an order with a TIF instruction of Day, if not executed, expires at the end of Regular Trading Hours and not at the end of the specified trading session. In addition, orders with a Day TIF instruction will be eligible for execution as soon as received by the Exchange. Therefore, the Exchange proposes to no longer require that any order with a Day instruction entered into the System before the start of the specified trading session will be placed by the System in a pending state and activated for potential execution upon the start of that trading session. Lastly, any Day Order entered into the System before the opening for business on the Exchange as determined pursuant to Rule 11.1 (which is currently 6:00 a.m.), or after the closing of Regular Trading Hours, will be rejected.

Third, Good-'til Time will be renamed as Good-'til Day (''GTD''). GTD will continue to be defined as an instruction the User may attach to an order specifying the time of day at which the order expires. Any unexecuted portion of an order with a TIF instruction of GTD will be continue to be cancelled at the expiration of the User's specified time, which can be no later than the close of the Post-Market Session. A User will no longer be able to designate that an order with a GTD instruction be cancelled at the end of a specified trading session(s).

Lastly, the Exchange proposes to adopt two new TIF instructions which are currently available on BATS:[39] Good 'til Extended Day (''GTX'') and RHO. GTX will be defined as an instruction the User may attach to an order to buy or sell which, if not executed, will be cancelled by the close of the Post-Market Session. RHO will be defined as an instruction a User may attach to an order designating it for execution only during Regular Trading Hours, which includes the Opening Process and Re-Opening Process following a halt suspension or pause. The proposed definition of RHO under Exchange Rule 11.6(q)(6) is substantially similar to BYX Rule 11.9(b)(7) and any differences are necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's rules but not in BYX Rule 11.9(b)(7). The Exchange notes that the proposed definition of RHO is also similar to BZX Rule 11.9(b)(7) but such rule includes additional detail not necessary in the proposed rule because the Exchange does not have any listed securities or a separate process for handling such listed securities whereas BZX does.

Rule 11.7, Opening Process

The Exchange proposes to amend Rule 11.7 regarding the Opening Process to align with BATS Rule 11.24 and BYX Rule 11.23.[40] The Exchange proposes to modify paragraph (a) to specify that buy or sell orders that wish to participate in the Opening Process are to include a TIF instruction of RHO and that any order that does not include a TIF instruction of RHO will not be eligible for participation in the Opening Process. Paragraph (a)(1) would be amended to make clear that only orders without a TIF instruction of RHO and ISOs designated RHO may execute against eligible Pre-Opening Session contra-side interest resting in the EDGA Book in the time period between the start of 9:30 a.m. Eastern Time and the Exchange's Opening Process or a Contingent Open, as described in paragraph (b) and (d).[41] Orders with a TIF instruction of IOC or FOK will continue to be eligible for execution during this time period as they would be considered orders without a TIF instruction of RHO. Paragraph (a)(1) would also state that

[37] *See supra* note 20.

[38] *See* Securities Exchange Act Release Nos. 73295 (October 3, 2014), 79 FR 61117 (October 9, 2014) (SR–BATS–2014–044) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Rules 11.13 and 21.9 of the BATS Exchange, Inc.); *and* 73296 (October 3, 2014), 79 FR 61121 (October 9, 2014) (SR–BYX–2014–026) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Rule 11.13 of the BATS Y-Exchange, Inc.). As amended, Exchange Rule 11.6(n)(2) only differs from BATS Rule 11.13(a)(4)(B) to extent necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's Rule but not included in BATS Rule 11.13(a)(4)(B). An ''Odd Lot' is defined as ''any amount less than a Round Lot. *See* Exchange Rule 11.8(s)(2).

[39] *See supra* note 20.

[40] *See* Securities Exchange Act Release Nos. 73473 (October 30, 2014), 79 FR 65744 (November 5, 2014) (SR–BATS–2014–037) (Order Granting Approval of Proposed Rule Change to Establish an Opening Process for Non-BATS-Listed Securities); *and* 73472 (November 5, 2014), 79 FR 65735 (October 9, 2014) (SR–BYX–2014–018) (Order Granting Approval of Proposed Rule Change to Establish an Opening Process). As amended, Exchange Rule 11.7 only differs from BZX Rule 11.24 and BYX Rule 11.23 to extent necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's Rule but not contained in BZX or BYX rules.

[41] *See supra* note 9.

any unexecuted portion of an ISO that is designated RHO will be converted into a non-ISO and be queued for participation in the Opening Process.

Paragraph (a)(2) would be amended to state that all orders that include a TIF instruction of RHO may participate in the Opening Process except: Limit Orders with a Post Only instruction, the Discretionary Range of Limit Orders, and ISOs not modified by Rule 11.7(a)(1), and orders with a Minimum Execution Quantity instruction. Limit Orders with a Discretionary Range may participate up to their ranked limit price for buy orders or down to their ranked limit price for sell orders, rather than up or down to their discretionary price, as is currently allowed. Orders with a TIF instruction of IOC or FOK will continue to be ineligible for execution in the Opening Process as they would not be able to also include a TIF instruction of RHO. Orders with a Stop Price or Stop Limit Price instruction will be eligible to participate in the Opening Process where their stop prices have been trigged.

Paragraph (b) defines the process by which the System will attempt to match buy and sell orders that are executable at the midpoint of the NBBO. The Exchange does not propose to alter this process other than to define it as the Opening Match. In addition, the Exchange propose to include in paragraph (b) that all ERSTP modifiers, as defined in Rule 11.10(d), will be ignored as it relates to executions occurring during the Opening Match.

Paragraph (d) sets forth the Exchange's Contingent Open process that occurs when the conditions to establish the price of the Opening Process set forth under Rule 11.7(c) do not occur by 9:45:00 a.m. Eastern Time. In such case, orders will be placed on the EDGA Book, routed, cancelled, or executed in accordance with the terms of the order. The Exchange proposes to state under paragraph (d) that the orders will be handled in time sequence, beginning with the order with the oldest times [sic] stamp.

Paragraph (e) or Exchange Rule 11.7 states that re-openings after a halt, suspension or pause will occur at the midpoint of the: (i) First NBBO subsequent to the first reported trade on the listing exchange following the resumption of trading after a halt, suspension, or pause; or (ii) then prevailing NBBO when the first two-sided quotation published by the listing exchange following the resumption of trading after a halt, suspension, or pause if no first trade is reported by the listing exchange within one second of publication of the first two-sided quotation by the listing exchange. The Exchange proposes to add additional language to paragraph (e) to align with BATS Rule 11.24 and BYX Rule 11.23. First, the Exchange proposes to specify that while a security is subject to a halt, suspension, or pause in trading, the Exchange will accept orders eligible pursuant to paragraph (a)(2) described above for queuing prior to the resumption of trading in the security for participation in the Re-Opening Process. In addition, proposed paragraph (e)(2) would specify that the Re-Opening Process will occur in the same manner described in paragraphs (a)(2) and (b) of Rule 11.7, with the following exceptions: (1) Orders without a TIF instruction of RHO will be eligible for participation in the Re-Opening Process, but orders that include a TIF instruction of IOC or FOK, a Post Only instruction or Minimum Execution Quantity instruction will be cancelled or rejected, as applicable, and any ISO that does not include a TIF instruction of IOC or FOK will be converted into a non-ISO and be queued for participation in the Re-Opening Process. Proposed paragraph (e)(2) would state that where neither of the conditions required to establish the price of the Re-Opening Process in paragraph (1) above have occurred, the security may be opened for trading at the discretion of the Exchange. Where the security is opened by the Exchange subject to this discretion, orders will be handled in the same manner described in paragraph (d) regarding a Contingent Open. Proposed paragraphs (e)(1)–(2) would be substantially similar to the functionality set forth in BATS Rule 11.24(e)(1)–(2) and BYX Rule 11.23(e)(1)–(2).

Rule 11.8, Order Types

The Exchange proposes to amend the order types set forth under Rule 11.8 to align their operation with existing BATS Rule and functionality.

Market Orders (Rule 11.8(a)). The Exchange proposes to amend paragraph (a)(2) to state that Market Orders may also include a TIF instruction of RHO and any portion of a Market Order with a TIF instruction of RHO will be cancelled immediately following the Opening or Re-Opening Process in which it is not executed, unless it is eligible to be displayed on the EDGA Book pursuant to Rule 11.8(a)(4). A Market Order being canceled immediately following the Opening or Re-Opening Process if not executed is a natural extension of the Opening Process. Exchange Rule 11.7(b) states that upon conclusion of the Opening Process, any remaining orders will be placed on the EDGA Book, cancelled, executed, or routed to an away in accordance with Rule 11.11. As a result, the Market Order will be cancelled unless it is eligible to be displayed on the EDGA Book pursuant to Rule 11.8(a)(4).

Under current Rule 11.10(a)(3)(A), where a non-routable buy (sell) Market Order is entered into the System and the NBO (NBB) is greater (less) than the Upper (Lower) Price Band, such order will be posted by the System to the EDGA Book and priced at the Upper (Lower) Price Band, unless (i) the order includes a TIF instruction of IOC or FOK, in which case it will be cancelled if not executed, or (ii) the User entered a Cancel Back instruction. The Exchange proposes to specify, consistent with BATS Rule 11.9(a)(2),[42] that a Market Order to buy (sell) that is posted by the System to the EDGA Book and displayed at the Upper (Lower) Price Band will be re-priced and displayed at the Upper (Lower) Price Band if Price Bands move such that the price of the resting Market Order to buy (sell) would be above (below) the Upper (Lower) Price Band or if the Price Bands move such that the order is no longer posted and displayed at the most aggressive permissible price. The System shall re-price such displayed interest to the most aggressive permissible price until the order is executed in its entirety or cancelled. In addition, the amended rule would state that a Market Order that includes both a TIF instruction of RHO and a Short Sale instruction that cannot be executed because of the existence of a Short Sale Circuit Breaker will be posted and displayed by the System to the EDGA Book and priced in accordance with the Short Sale Re-Price instruction described in Rule 11.6(l)(2).

Currently, with the exception of a Market Order with a Destination-on-Open instruction, any portion of a Market Order that would execute at a price more than the greater of $0.50 or 5 percent worse than the consolidated last sale as published by the responsible single plan processor at the time the order is entered into the System will be cancelled. As amended, such order will be cancelled where they would execute at a price more than $0.50 or 5 percent worse than the NBBO at the time the order initially reaches the Exchange,

[42] *See* Securities Exchange Act Release Nos. 73875 (December 18, 2014) (SR–BATS–2014–068) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 11.0(a)(2) and 11.18(e) of the BATS Exchange, Inc.); and 73874 (December 18, 2014) (SR–BYX–2014–039) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 11.0(a)(2) and 11.18(e) of the BATS Y-Exchange, Inc.).

whichever is greater. This is identical to BATS Rule 11.9(a)(2).

Limit Orders (Rule 11.8(b)). The Exchange proposes to state that a Limit Order may also include a TIF instruction of RHO or GTX, in addition to IOC, FOK, Day or GTD. In addition, Limit Orders with a TIF instruction of IOC that do not include a Book Only [43] instruction and will be eligible for routing away pursuant to Rule 11.11, while Limit Orders with a TIF instruction of FOK will not. This is designed to provide additional detail regarding the operation of Limit Order and is consistent with BATS Rule 11.13(a)(2), which states, in sum, that ''[w]ith respect to an order that is eligible for routing, the System will designate orders as IOCs and will cause such orders to be routed to one or more Trading Centers.''

Rule 11.8(b)(11) describes the application of the re-pricing instruction to comply with Regulation SHO to Limit Orders. The Exchange proposes to amend this paragraph to reflect the decommissioning of Short Sale Price Adjust and Short Sale Price Sliding in order to align and streamline its short sale pricing functionality with BATS Rule 11.9(g)(5) with no substantive differences from existing BATS Rules or functionality. The Exchange proposes to replace the reference to the Hide Not Slide instruction in Rule 11.8(b)(11) with Displayed Price Sliding to reflect the name change discussed above. The Exchange also proposes to delete Rule 11.8(b)(12) regarding the re-pricing of Routed and Returned orders as this functionality will not be available upon the Exchange being migrated to BATS technology as discussed above. Lastly, the Exchange proposes to renumber Rule 11.8(b)(13) regarding the re-pricing of non-displayed orders as 11.8(b)(12).

ISOs (Rule 11.8(c)). The Exchange proposes to state that an ISO may also include a TIF instruction of RHO or GTX, in addition to IOC, Day or GTD. The Exchange also proposes to amend Rule 11.8(c) to reflect the ISO with a Post Only and TIF instruction of GTD, GTX, or Day will no longer be eligible for the Re-Pricing Instructions to Comply with Rule 610 of Regulation NMS or Rule 201 of Regulation SHO. Also, as amended, an ISO that includes a Post Only instruction and a TIF instruction of GTD, GTX, or Day will be cancelled if the System is displaying orders at the Locking Price at the time of entry unless such order removes liquidity pursuant to current Rule 11.6(n)(4), which governs the execution of orders with a Post Only instruction against resting liquidity on the EDGA Book. Such orders that also include a Short Sale instruction that cannot be executed or displayed at their limit price at the time of entry because of the existence of a Short Sale Circuit Breaker will also be cancelled. This proposed rule change is representative of additional detail with regard to the re-pricing of ISOs that, if displayed on the EDGA Book, would be a Locking or Crossing Quotation in the Exchange's rules. Cancelling ISOs in the above situations is reasonable because ISOs would no longer be eligible for the Re-Pricing Instructions to comply with Rule 610 of Regulation NMS or 201 of Regulation SHO, thereby ensuring the Exchange does not post an order that would lock or cross the market or violate Rule 201 of Regulation SHO consistent with BATS functionality. The Exchange notes, however, that absent a Short Sale Circuit Breaker being in effect, an ISO that includes a Post Only instruction and TIF instruction of GTD, GTX, or Day will remove liquidity when the System is displaying an order at the Locking price if the value of such execution equals or exceeds the value of such execution if the order instead posted to the EDGA Book and provided liquidity, including applicable fees and rebates, under current Rule 11.6(n)(4).

MidPoint Peg Orders (Rule 11.8(d)). The Exchange proposes amend Rule 11.8(d) to reflect the operation of MidPoint Peg Orders once the Exchange is migrated onto BATS technology. As amended, a MidPoint Peg Order maybe pegged to the less aggressive of the midpoint of the NBBO or one minimum price variation inside the same side of the NBBO as the order, in addition to the mid-point of the NBBO. This is identical to current BATS Rule 11.9(c)(9). In addition, the rule would specify that a MidPoint Peg Order will not be eligible for execution when an NBBO is not available. In such case, a MidPoint Peg Order would rest on the EDGA Book and would not be eligible for execution in the System until an NBBO is available. The Exchange believes MidPoint Peg Orders being ineligible for execution when no NBBO exists is reasonable and consistent with a User's intent and the purpose of the order type. A User entering an MidPoint Peg Order is doing so to receive an execution at the mid-point of the NBBO and a mid-point does not exist in the absence of an NBBO. The MidPoint Peg Order will receive a new time stamp when an NBBO becomes available and a new midpoint of the NBBO is established. In such case, all MidPoint Peg Orders that are ranked at the midpoint of the NBBO will retain their priority as compared to each other based upon the time such orders were initially received by the System.

The Exchange proposes to state that a MidPoint Peg Order may also include a TIF instruction of RHO or GTX, in addition to IOC, FOK, Day or GTD. In addition, Users will be able to enter MidPoint Peg Orders as an Odd Lot, in addition to a Round Lot or Mixed Lot. Currently, MidPoint Peg Orders may only be executed during Regular Trading Hours. Upon migration of the Exchange onto BATS technology, MidPoint Peg Orders will also be eligible for execution during the Pre-Opening Session, Regular Session and Post Closing Session. While MidPoint Peg Orders may be submitted to be executed during the Opening Process described in Rule 11.7(c), any Minimum Execution Quantity instruction on aMidPoint Peg Order will not be applied during the Opening Process. Lastly, the Exchange proposes to specify that MidPoint Peg Orders may include a Book Only or Post Only instruction.

MidPoint Discretionary Order (Rule 11.8(e)). In sum, a MidPoint Discretionary Order (''MDO'') is a limit order to buy that is displayed at and pegged to the NBB, with discretion to execute at prices up to and including the midpoint of the NBBO, and a limit order to sell that is displayed at and pegged to the NBO, with discretion to execute at prices down to and including the midpoint of the NBBO. The Exchange proposes to amend Rule 11.8(e)(1) to specify that an MDO may include a TIF instruction of RHO or GTX, in addition to GTD or Day. The Exchange also proposes to state that MDOs may be entered as Odd Lots, in addition to Round Lots and Mixed Lots. Currently, MDOs may only be executed during Regular Trading Hours. Upon migration of the Exchange onto BATS technology, MDOs will also be eligible for execution during the Pre-Opening Session and Post Closing Session. The Exchange does not proposes any other changes to MDO.

In addition, similar to the changes to orders with a Primary Peg instruction described above, the Exchange proposes to amend the provisions governing when an MDO is locked or crossed by another market and when an MDO would itself create a Locking or Crossing Quotation (*i.e.,* locking or crossing another market's quotation). As proposed, an MDO will no longer be able to join the Exchange BBO when the EDGA Book is locked by another

[43] Book Only is an order instruction stating that an order will be matched against an order on the EDGA Book or posted to the EDGA Book, but will not route to an away Trading Center. *See* EDGA Rule 11.6(n)(3).

market. When the EDGA Book is crossed by another market, the Exchange proposes to automatically adjust an MDO to the current NBO (for bids) or the current NBB (for offers). Rule 11.8(e)(7) will continue to require that an MDO that would otherwise be a Locking Quotation or Crossing Quotation be automatically adjusted by the System to one Minimum Price Variation below the current NBO (for bids) or to one Minimum Price Variation above the current NBB (for offers) with no discretion to execute to the midpoint of the NBBO. This proposed rule change is representative of additional detail with regard to the operation of MDOs during locked or crossed markets that is currently included in Rule 11.8(e)(7) and is consistent with Exchange's current re-pricing options under Rule 11.6(l), as well as Exchange Rule 11.10(f) and BATS Rule 11.20(a)(3) outlining the prohibition against locked and crossed markets under Rule 610 of Regulation NMS.

NBBO Offset Peg Order (Rule 11.8(f)). The Exchange proposes to change the name of the NBBO Offset Peg Order to the Market Maker Peg Order, which is the equivalent order type on BATS.[44] A Market Maker Peg Order is a Limit Order that, upon entry or at the beginning of Regular Trading Hours, as applicable, will be automatically priced by the System at the Designated Percentage[45] away from the last reported sale, rather than then current NBO (in the case of an order to buy) or NBB (in the case of an order to sell), as is currently the case. A Market Maker Peg order may also include a TIF instruction of RHO or GTD, in addition to Day. Market Maker Peg Orders may also be entered as Odd Lots, in addition to Round Lots and Mixed Lots.

The Exchange also proposes to add definitions for Designated Percentage and Defined Limit under Rule 11.8(f) to account for securities priced below $1. For purposes of Market Maker Peg Order pricing, the Designated Percentage shall be the same as set forth in Rules 11.20(d)(2)(D) and 11.20(d)(2)(E), except that the Designated Percentage for securities priced below $1 as set forth in Rule 11.20(d)(2)(E) shall be 28%. For purposes of Market Maker Peg Order pricing, the Defined Limit shall be the same as set forth in Rules 11.20(d)(2)(F) and 11.20(d)(2)(G), except that the Defined Limit for securities priced below $1 as set forth in Rule 11.20(d)(2)(G) shall be 29.5%. The proposed changes to Rule 11.8(f) are similar to the functionality set forth in BATS Rule 11.9(c)(16).

Route Peg Order (Rule 11.8(g)). The Exchange proposes to change the name of the Route Peg Order to the Supplemental Peg Order, which is the equivalent order type on BATS.[46] The Exchange also proposes to specify that a Supplemental Peg Order to buy (sell) will not be eligible for execution when an NBB (NBO) is not available. In such case, a Supplemental Peg Order to buy (sell) would rest on the EDGA Book and would not be eligible for execution in the System until an NBB (NBO) exists. This functionality is similar to that proposed for the MPM Order described above, and is based upon BATS Rule 11.9(c)(19). The Exchange believes Supplemental Peg Orders being ineligible for execution when an NBB or NBO is not available is reasonable and consistent with a User's intent and the purpose of the order type. A User entering a Supplemental Peg Order is doing so to receive an execution at the NBBO against an order that is in the process of being routed away. If no NBBO exists, there is no price at which to execute the Supplemental Peg Order.

A Supplemental Peg Order may include a TIF instruction of GTX or RHO, in addition to GTD or Day. Supplemental Peg Orders may also be entered as Odd Lots, in addition to Round Lots and Mixed Lots. As amended, a Supplemental Peg Order will be eligible for execution during the Pre-Opening Session, Regular Session, and Post-Closing Session. Therefore, the Exchange proposes to remove the restriction that Supplemental Peg Orders: (i) May only be entered, cancelled, and cancelled/replaced prior to and during the Regular Session; (ii) are only eligible for execution during the Regular Session, but not until such time that orders in that security during the Regular Session can be posted by the System to the EDGA Book. Any remaining unexecuted Supplemental Peg Orders are cancelled at the conclusion of the Regular Session. Supplemental Peg Orders will continue to be ineligible for execution in the Opening Process. The proposed changes to Rule 11.8(g) regarding Route Peg Orders are similar to BATS Rule 11.9(c)(19).

Rule 11.9, Priority of Orders

The Exchange proposes to amend Rule 11.9 to align with BATS functionality and BATS Rule 11.12 regarding how orders with certain instructions are to be ranked by the System: (i) At a price other than the midpoint of the NBBO; (ii) at the midpoint of the NBBO; and (iii) where buy (sell) orders utilize instructions that cause them to be ranked by the System upon clearance of a Locking Quotation.[47] The proposed amendment to Rules 11.9(a)(4) and (6) are described under the amendments to Reserve Quantity discussed above.

Rule 11.9(a)(2)(A) currently states that the System will execute equally priced trading interest within the System in time priority in the following order: (i) The portion of a Limit order with a Displayed instruction; (ii) Limit Orders with a Non-Displayed instruction and the Reserve Quantity of Limit Orders; (iii) MidPoint Discretionary Orders executed within their Discretionary Range and Limit Orders executed within their Discretionary Range; and (iv) Route Peg Orders. As amended, the System will rank equally priced trading interest in such circumstances in the following order: (i) The portion of a Limit Order with a Displayed instruction; (ii) Limit Orders with a Non-Displayed instruction; (iii) Orders with a Pegged and Non-Displayed instruction; (iv) MidPoint Peg Orders; (v) Reserve Quantity of Limit Orders; (vi) MidPoint Discretionary Orders executed within their Discretionary Range and Limit Orders executed within their Discretionary Range; and (vii) Supplemental Peg Orders. Orders will be substantially ranked in same order except that, as amended, orders with a Pegged and Non-Displayed instruction will be distinguished from and placed behind Limit Orders with a Non-Displayed Instruction. In turn, the Reserve Quantity of Limit Orders will be separated from and placed behind Limit Orders with a Non-Displayed instruction and orders with a Pegged and Non-Displayed instruction. The Exchange believes it is reasonable to rank orders with a Pegged and Non-Displayed instruction behind Limit Orders with a Displayed instruction and Limit Orders with a Non-Displayed instruction because this priority sequence incentivizes the use of displayed liquidity on the EDGA Book as well as orders that provide liquidity at a specific limit price. These proposed changes are substantially similar to BATS functionality and Rules 11.12(a)(2). The Exchange notes that BATS Rule 11.12(a)(2) does not currently specify that BATS Pegged Orders referenced in the priority rule are limited to Pegged Orders that are not

[44] *See* BATS Rule 11.9(c)(16).

[45] The term Designated Percentage is defined in Exchange Rule 11.20(d)(2)(D) and (E).

[46] *See* BATS Rule 11.9(c)(19).

[47] For purposes of priority under proposed Rule 11.9(a)(2)(A) and (B), the Exchange notes that orders of Odd Lot, Round Lot, or Mixed Lot size are treated equally.

displayed on BATS, however, the Exchange represents that BATS technology does treat Pegged Orders displayed on BATS as displayed orders and that only Pegged Orders that are not displayed on BATS are afforded later priority than displayed orders and other non-displayed orders. Thus, the Exchange's proposal (which would limit the later priority treatment to orders with a Pegged instruction and a Non-Displayed instruction) is consistent with BATS technology.

Lastly, the Exchange does not propose to make any changes to the ranking of orders that are re-ranked upon clearance of a Locking Quotation under Rule 11.9(a)(2)(B) other than to; (i) Remove a reference to the Routed and Returned Re-Pricing instruction because, as described above, it will be decommissioned upon migration of the Exchange onto BATS technology; and (ii) replace the term Hide Not Slide with Displayed Price Sliding to reflect the name change discussed above.

Rule 11.10, Order Execution

Rule 11.10(a)(2) summarizes the Exchange compliance with Regulation NMS. The rule states that for any execution to occur during Regular Trading Hours, the price must be equal to or better than the Protected NBBO, unless the order is marked ISO or unless the execution falls within another exception set forth in Rule 611(b) of Regulation NMS. For any execution to occur during the Pre-Opening Session or the Post-Closing Session, the price must be equal to or better than the highest bid or lowest offer in the EDGA Book or disseminated by the responsible single plan processor, unless the order is marked ISO. To align Rule 11.10(a)(2) with BATS Rule 11.13, the Exchange proposed to further state that such executions may occur during the Pre-Opening Session or the Post-Closing Session where a Protected Bid is crossing a Protected Offer. A User may, in such circumstance, instruct the Exchange to cancel any incoming order from such User in the event a Protected Bid is crossing a Protected Offer.

To further align Exchange Rule 11.10(a)(2) with BATS Rule 11.13, Rule 11.10(a)(2) will state that notwithstanding the above, in the event that a Protected Bid is crossing a Protected Offer, whether during or outside of Regular Trading Hours, unless an order is marked ISO, the Exchange will not execute any portion of a bid at a price more than the greater of 5 cents or 0.5 percent higher than the lowest Protected Offer or any portion of an offer that would execute at a price more than the greater of 5 cents or 0.5 percent lower than the highest Protected Bid.

The Exchange also proposes to amend Rule 11.12(e)(3) to mirror BATS Rule 11.9(e)(3). Rule 11.12 currently states that only the price and quantity terms of the order may be changed by a Replace Message (including changing a Limit Order to a Market Order). As amended, Rule 11.12 would also allow the Stop Price, the sell long indicator, Short Sale instruction, and Max Floor to be changed by a Replace Message.

Rule 11.11, Routing to Away Trading Centers

The Exchange proposes to amend Rule 11.11, which describe the Exchange's routing options align with BATS Rule 11.13.[48] In doing so, the Exchange proposes to eliminate obsolete routing options, modify certain routing options, and add to Rule 11.11 to offer many of the same routing options offered by BATS. The Exchange notes that the proposed rule text is based on the Rule 11.13 of BATS and is different only to the extent necessary to conform to the Exchange's current rules. The Exchange believes that it is appropriate to amend its routing options as described below to ensure consistency with BATS Rule upon migration of the Exchange onto BATS technology.

Deletions. The Exchange also proposes to delete from Rule 11.11 the following routing options that will be decommissioned upon migration of the Exchange onto BATS technology: ROBA, ROBX, ROBY, ROPA, IOCX, IOCT, and SWPC. Each of these routing options are described below.

- ROBA. The Exchange proposes to delete the ROBA routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to BATS. If shares remain unexecuted after routing, they are posted on the EDGA Book, unless otherwise instructed by the User.
- ROBX. The Exchange proposes to delete the ROBX routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to Nasdaq BX Exchange. If shares remain unexecuted after routing, they are posted on the EDGA Book, unless otherwise instructed by the User.
- ROBY. The Exchange proposes to delete the ROBY routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to BYX. If shares remain unexecuted after routing, they are posted on the EDGA Book, unless otherwise instructed by the User.
- ROPA. The Exchange proposes to delete the ROPA routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to NYSE Arca. If shares remain unexecuted after routing, they are posted on the EDGA Book, unless otherwise instructed by the User.
- IOCX. The Exchange proposes to delete the IOCX routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to EDGA. If shares remain unexecuted after routing, they are posted on the EDGA Book, unless otherwise instructed by the User.
- IOCT. The Exchange proposes to delete the IOCT routing option under which an order checks the System for available shares and then is sent to destinations on the System routing table. If shares remain unexecuted after routing, they are sent, with a Time-in-Force instruction of IOC, to EDGA. If shares remain unexecuted after routing, they are posted on the EDGA Book, unless otherwise instructed by the User.
- SWPC. The Exchange proposes to delete the SWPC routing option under which an order checks the System for available shares and then is sent to only Protected Quotations and only for displayed size. To the extent that any portion of the order is unexecuted, the remainder is posted on the EDGA Book at the order's limit price. The entire SWPC order will not be cancelled back to the User immediately if at the time of entry there is an insufficient share quantity in the SWPC order to fulfill the displayed size of all Protected Quotations. The Exchange also proposes to delete a reference to SWPC in Rule 11.11(d).

The Exchange believes that it is appropriate to eliminate the above routing options because they will be decommissioned upon migration of the Exchange onto BATS technology and are unlikely to be offered by the Exchange in the near future.

Additions. The Exchange proposes to add a Destination Specific routing option, which is currently offered by BATS.[49] Destination Specific is a routing option under which an order checks the System for available shares and then is sent to an away trading center or centers specified by the User. The Destination Specific routing option

[48] The Exchange notes that BATS recently amended its Rule 11.13 to harmonize certain of its routing options with the Exchange. *See supra* note 38.

[49] *See* BATS Rule 11.13(a)(3)(E).

is also similar to the Exchange's current Destination Specified order instruction in Rule 11.6(n)(5), in that both allow the User to select the destination the order shall be routed to. The only differences are that under the Destination Specific order instruction, the order is first exposed to the EDGA Book before routing and if the order is not executed in full after routing away will be processed by the Exchange as described in Exchange Rule 11.10(a)(4), unless the User has provided instructions that the order reside on the book of the relevant away Trading Center.

The Exchange also proposes to add a Post to Away routing option, which is currently offered by BATS.[50] Post to Away is a routing option under which the System will route the remainder of a routed order to and posts such order on the order book of a destination on the System routing table as specified by the User. The Post to Away routing option is an alternative to either cancelling a routed order back to a User or posting such order to the BATS Book to the extent an order is not completely filled through the routing process. The Post to Away routing option can be combined with the following routing options: ROUT, ROUX, ROUE, ROUD, ROUZ, ROUQ, RDOT, RDOX, ROBB, ROCO, ROLF, INET, IOCM and ICMT.[51] As a result of adding the Post to Away routing option, the Exchange proposes to amend Rule 11.11(g)(3) to remove now redundant language that a User may instruct that any remainder of the order may be posted to the EDGA Book or another destination on the System routing table.

Lastly, the Exchange also proposes to specify for ROOC, ROUE, ROUT and ROUX that the entering User may select either Route To Improve (''RTI'') or Route To Fill (''RTF''). RTI may route to multiple destinations at a single price level simultaneously while RTF may route to multiple destinations and at multiple price levels simultaneously. RTI is similar to the RTI routing option available under BYX Rule 11.13(a)(3)(G).

Modifications. First, the Exchange proposes to modify Rule 11.11(a) regarding Regulation SHO to reflect the elimination of Short Sale Price Adjust and Short Sale Price Sliding discussed above, as well as to replace the phrase replace the phrase ''the short sale price restriction'' with the defined term ''Short Sale Circuit Breaker.'' The later change does not change the meaning of Rule 11.11(a) and simply ensures a consistent use of defined terms throughout the Exchange's Rules.

Second, the Exchange proposes to modify the following routing options to ensure consistency with BATS Rule: ROUC, INET, ROLF, ROOC, SWPA, and SWPB. Each of these modifications are described below.

- ROUC. ROUC is a routing option under which an order checks the System for available shares and then is sent to destinations on the System routing table, Nasdaq OMX BX, and NYSE. If shares remain unexecuted after routing, they are posted on the EDGA Book. The ROUC routing option currently incorrectly states that any remaining shares will be post to EDGA. Therefore, the Exchange proposes to correct the ROUC routing option to state that any remaining shares will be posted to the EDGX Book, rather than EDGA. The Exchange also proposes to amend the ROUC routing option to state that any remaining shares will not be posted to EDGX Book where the User instructs the Exchange otherwise.
- INET. INET is a routing option under which an order will check the System for available shares and then will be sent to Nasdaq. If shares remain unexecuted after routing through the INET routing option, they will be posted on the Nasdaq book. The Exchange proposes to amend the INET routing option to state that any remaining shares will not be posted to Nasdaq where the User instructs the Exchange otherwise.
- ROLF. ROLF is a routing option under which an order will check the System for available shares and then will be sent to LavaFlow ECN. The Exchange proposes to amend the ROLF routing option to states that any remaining shares will be cancelled unless the User instructs otherwise.
- ROOC. ROOC is a routing option for orders that the entering firm wishes to designate for participation in the opening, re-opening (following a halt, suspension, or pause), or closing process of a primary listing market (BATS, NYSE, Nasdaq, NYSE MKT, or NYSE Arca) if received before the opening/re-opening/closing time of such market. The Exchange proposes to amend the ROOC routing option to add BATS to the list of primary listing markets and to specify that, due to current system limitations, orders in BATS listed securities designated for participation in the re-opening process on BATS following a halt, suspension, or pause will remain on the EDGA Book and be eligible for execution once the halt, suspension, or pause has been lifted. Lastly, to ensure consistency with the ROOC routing option available on BATS, the Exchange proposes to states that any remaining shares will either be posted to the EDGA Book, executed, or routed to destinations on the System routing table, rather than like a ROUT routing option under Rule 11.11(g)(3). The proposed modifications to the ROOC routing option is similar to the ROOC routing option available under BYX Rule 11.13(a)(3)(N).
- SWPA. SWPA is a routing option under which an order checks the System for available shares and then is sent to only Protected Quotations and only for displayed size. The entire SWPA order will not be cancelled back to the User immediately if at the time of entry there is an insufficient share quantity in the SWPA order to fulfill the displayed size of all Protected Quotations. The Exchange proposes to amend the SWPA routing option to state that, rather than cancelling any remaining unexecuted shares, those shares will be posted to the EDGA Book at the order's limit price, unless otherwise instructed by the User. This is consistent with BATS Rule 11.13(a)(2)(A), which states that any unfilled balance of a Limit Order will be posted to the BATS book.
- SWPB. SWPB is a routing option under which an order checks the System for available shares and then is sent to only Protected Quotations and only for displayed size. The entire SWPB order will be cancelled back to the User immediately if at the time of entry there is an insufficient share quantity in the SWPB order to fulfill the displayed size of all Protected Quotations. Like as proposes for SWPA above, the Exchange proposes to amend the SWPB routing option to state that, rather than cancelling any remaining unexecuted shares, those shares will be posted to the EDGA Book at the order's limit price, unless otherwise instructed by the User. This is consistent with BATS Rule 11.13(a)(2)(A), which states that any unfilled balance of a Limit Order will be posted to the BATS book.

Implementation Date

The Exchange intends to implement the proposed rule change on or about January 12, 2015, which is the anticipated date upon which the migration of the Exchange to the BATS technology platform will be complete.[52]

[50] *See* BATS Rule 11.13(a)(3)(H).

[51] The Exchange notes that Post to Away under BATS Rule 11.13(a)(3)(H) may be combined with less routing options than are proposed above. This is because, due to the Exchange's taker-maker pricing model, Members may wish to send an order to the Exchange in order to take liquidity and receive a rebate, before being routed to and posted on another Trading Center that incorporates a maker-taker pricing model that provides a rebate to orders that provide liquidity.

[52] Implementation of the proposed rule change on or about January 12, 2015 is contingent upon the

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act [53] and further the objectives of Section 6(b)(5) of the Act [54] because they are designed 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, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1) [55] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets.

The proposed rule changes are generally intended to add or align certain system functionality currently offered by BATS in order to provide a consistent technology offering for the BGM Affiliated Exchanges. A consistent technology offering, in turn, will simplify the technology implementation, changes and maintenance by Users of the Exchange that are also participants on BATS. The proposed rule changes would also provide Users with access to functionality that is generally available on markets other than the BGM Affiliated Exchanges and may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users. The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BATS. The Exchange notes that the proposed rule text is based on the BATS Rule and is different only to the extent necessary to conform to the Exchange's current rules. To the extent a proposed rule change is based on an existing BATS Rule, the language of the BATS and Exchange Rules may differ to extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange's Rules but not in the applicable BATS rule. Where possible, the Exchange has mirrored BATS rules, because consistent rules will simplify the regulatory requirements and increase the understanding of the Exchange's operations for Members of the Exchange that are also participants on BATS. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand. Where necessary, the Exchange has proposed language consistent with the Exchange's operations on BATS technology, even if there are specific details not contained in the current structure of BATS rules. The Exchange believes it is consistent with the Act to maintain its current structure and such detail, rather than removing such details simply to conform to the structure or format of BATS rules, again because the Exchange believes this will increase the understanding of the Exchange's operations for all Members of the Exchange.

Re-Pricing (Rule 11.6(l)). The Exchange believes that the proposed changes to Rule 11.6(l) are consistent with Section 6(b)(5) of the Act,[56] as well as Rule 610 of Regulation NMS [57] and Rule 201 of Regulation SHO.[58] Rule 610(d) requires exchanges to establish, maintain, and enforce rules that require members reasonably to avoid ''[d]isplaying quotations that lock or cross any protected quotation in an NMS stock.'' [59] Such rules must be ''reasonably designed to assure the reconciliation of locked or crossed quotations in an NMS stock,'' and must ''prohibit . . . members from engaging in a pattern or practice of displaying quotations that lock or cross any quotation in an NMS stock.'' [60] Thus, the amendments to the Price Adjust instruction proposed by the Exchange will assist Users by displaying orders at permissible prices. Similarly, Rule 201 of Regulation SHO [61] requires trading centers to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the execution or display of a short sale order at a price at or below the current NBB under certain circumstances.

The Exchange believes that the proposed optional multiple re-pricing for Price Adjust and Displayed Price Sliding are consistent with Section 6(b)(5) of the Act,[62] as well as Rule 610 of Regulation NMS.[63] The Exchange is not modifying the overall functionality of Price Adjust or Displayed Price Sliding, which, to avoid locking or crossing quotations of other market centers, displays orders at permissible prices while retaining a price at which the User is willing to buy or sell, in the event display at such price or an execution at such price becomes possible. Instead, the Exchange is making changes to adopt an optional multiple re-pricing under Price Adjust and Displayed Price Sliding as well as to align with other similar re-pricing instructions under BATS Rules 11.9(g)(1) and (2).[64] The Exchange also believes decommissioning the Routed and Returned Re-Pricing option is consistent with the Act because those Users who would wish to engage in multiple re-pricing upon return to the Exchange may select the option multiple re-pricing for Price Adjust or Displayed Price Sliding as discussed above. Lastly, the Exchange also believes renaming Hide Not Slide as Displayed Price Sliding is consistent with the Act because it would avoid investor confusion with a similarly named re-pricing instruction on EDGX.[65]

The Exchange also believes that cancelling ISOs with a TIF instruction of GTD, GTX, or Day and not subjecting them to the re-pricing instructions to comply with Rule 610 of Regulation NMS or Rule 201 of Regulation SHO is consistent with Section 6(b)(5) of the Act,[66] as well as Rule 610 of Regulation NMS [67] and Rule 201 of Regulation SHO.[68] As amended, an ISO that includes a TIF instruction of GTD, GTX, or Day will be cancelled if the System is displaying orders at the Locking Price at the time of entry. Such orders that also include a Short Sale instruction that cannot be executed or displayed at their limit price at the time of entry because of the existence of a Short Sale Circuit Breaker will also be cancelled. Such orders are cancelled in order to avoid a potential violation of Rule 610(d) of Regulation NMS or Rule 201

Commission granting a waiver of the 30-day operative delay. 17 CFR 240.19b–4(f)(6)(iii).

[53] 15 U.S.C. 78f(b).

[54] 15 U.S.C. 78f(b)(5).

[55] 15 U.S.C. 78k–1(a)(1).

[56] 15 U.S.C. 78f(b)(5).

[57] 17 CFR 242.610.

[58] 17 CFR 242.201.

[59] 17 CFR 242.610(d).

[60] *Id.*

[61] 17 CFR 242.201.

[62] 15 U.S.C. 78f(b)(5).

[63] 17 CFR 242.610.

[64] *See supra* note 29.

[65] *See* EDGX Rule 11.6(l)(1)(B).

[66] 15 U.S.C. 78f(b)(5).

[67] 17 CFR 242.610.

[68] 17 CFR 242.201.

of Regulation SHO and is, therefore, consistent with the Act.

The Exchange believes that the proposed changes to its Re-Pricing Instructions to Comply with Rule 201 of Regulation SHO are consistent with Section 6(b)(5) of the Act,[69] as well as Rule 201 of Regulation SHO.[70] The Exchange proposes to streamline and simplify its available re-pricing instructions by deleting Short Sale Price Adjust and Short Sale Price Sliding and adopting a new, streamlined rule to align with BATS Rule 11.9(g)(5), with the following differences. Rule 11.6(l)(2) states that an order to sell with a Short Sale instruction and a Price Adjust instruction that is re-priced will be ranked at the Permitted Price and that an order to sell with a Short Sale instruction and a Hide Not Slide instruction that is re-priced pursuant to this paragraph will be ranked at the Permitted Price. The Exchange's short sale price sliding will operate the same for Users of Price Adjust on BATS while Users who select Displayed Price Sliding will be ranked at the Permitted Price. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Opening Process (Rule 11.7). The amended description of the Opening Process in Rule 11.7 is designed to promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market system because it would align with BZX Rule 11.24 and BYX Rule 11.23 as it relates to:[71] (i) Which orders may participate in the process; (ii) how the price of the Opening Transaction is determined; and (iii) the process for late openings and re-openings. The Opening Process and their related rules would be identical across the BGM Affiliated Exchanges, and will therefore, contribute to the protection of investors and the public interest by avoiding investor confusion and providing consistent functionality across the BGM Affiliated Exchanges. Lastly, and as stated above, the amendment to Rule 11.7 is based on BATS Rule 11.24 and BYX Rule 11.23, both of which were recently approved by the Commission.[72]

Order Types (Rule 11.8). The Exchange believes that the proposed changes to its order types under Rule 11.8 in order to align their functionality with BATS rules are consistent with Section 6(b)(5) of the Act,[73] because these changes are designed to provide Members with additional specificity as to how their orders will be handled upon migration of the Exchange onto BATS technologies, thereby fostering cooperation and coordination with persons engaged in facilitating transactions in securities and removing impediments to and perfecting the mechanism of a free and open market and a national market system. Each order type was amended to update the TIF instructions that would be available upon migration of the Exchange onto BATS technology. In addition, the proposed amendments are designed to align their operation with like order types on BATS and do not propose any additional functionality. For example, Market Orders under Rule 11.8(a) is to be amended to reflect the execution parameters under BATS Rule 11.9(a)(2). The amendments to Limit Orders under Rule 11.8(b) and ISOs under Rule 11.8(c) are designed to update TIF instruction available to each order type. In addition, the changes are designed to update the Re-Pricing options available to Limit Order and ISOs to reflect the decommissioning of Routed and Returned as well as the streamlining of the Re-Pricing Options to Comply with Regulations SHO to align with BATS rules. In sum, the amendments to MidPoint Peg Orders under Rule 11.8(d), MidPoint Discretionary Orders under Rule 11.8(e), and Supplemental Peg Orders under rule 11.8(g) simply clarify their operation during a locked or crossed market as well as expand their eligibility for execution from the Regular Session or Regular Trading Hours to also include the Pre-Opening Session and Post-Closing Session. The proposed changes to Rule 11.8(d) regarding MidPoint Peg Orders are based on BATS Rule 11.9(c)(9). Lastly, the proposed changes to Rule 11.8(f) regarding Market Maker Peg Orders are based on BATS Rule 11.9(c)(17). The proposed changes to Rule 11.8(g) regarding Route Peg Orders are based on BATS Rule 11.9(c)(19).

The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BATS. Therefore, the proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Priority (Rule 11.9). The Exchange also believes its proposed amendments to Rule 11.9 to regarding the priority of orders promotes just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system by providing Members, Users, and the investing public with greater transparency regarding how the System operates. The Exchange proposes to amend Rule 11.9 to align with BATS functionality and BATS Rules 11.12 regarding how orders with certain instructions are to be ranked by the System generally and where orders utilize instructions that cause them to be ranked by the System upon clearance of a Locking Quotation providing valuable, clear information to Members, Users, and the investing public on how their orders would be executed. As amended, orders will be substantially ranked in same order as under current rules except that orders with a Pegged instruction and Non-Displayed instruction will be distinguished from and placed behind Limit Orders with a Non-Displayed Instruction. In turn, the Reserve Quantity of Limit Orders will be separated from and placed behind Limit Orders with a Non-Displayed instruction, orders with a Pegged and Non-Displayed instruction, and MidPoint Peg Orders. These changes are made to align Exchange Rule 11.9 with the functionality set forth in BATS Rule 11.12, as described above. The Exchange believes that the proposed rule changes regarding order priority will provide greater transparency and further clarity on how the various order types will be assigned priority under various scenarios, thereby assisting Members, Users and the investing public in understanding the manner in which the System may execute their orders.

Routing (Rule 11.11). The Exchange believes that the proposed changes to Rule 11.11) [sic] are consistent with Section 6(b)(5) of the Act.[74] As noted above, the proposed rule changes to add

[69] 15 U.S.C. 78f(b)(5).

[70] 17 CFR 242.201.

[71] *See supra* note 40.

[72] *Id.*

[73] 15 U.S.C. 78f(b)(5).

[74] 15 U.S.C. 78f(b)(5).

functionality are intended to add certain system functionality currently offered by BATS in order to provide consistent routing options across the BGM Affiliated Exchanges. A consistent offering, in turn, will simplify the implementation, changes and maintenance by Users of the Exchange that are also participants on BATS. The proposed rule changes would also provide Users with access to functionality that may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users. As explained elsewhere in this proposal, all of the proposed routing options are similar to routing strategies on other market centers, including BATS. The proposed rule change would provide greater harmonization between the routing options available amongst the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing 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, it has become effective pursuant to Section 19(b)(3)(A) of the Act[75] and Rule 19b–4(f)(6) thereunder.[76]

A proposed rule change filed under Rule 19b–4(f)(6)[77] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[78] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

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 represents that since completion of the Merger, both Members and the BGM Affiliated Exchange have made numerous systems changes in preparation for the technology migration occurring on January 12, 2015. The Exchange has issued frequent updates to Members informing them the BGM Affiliated Exchange technology migration changes as well as its anticipated time line so that Members may make the requisite system changes. In addition, the Exchange has conducted multiple testing opportunities for Members to ensure both the Member's and Exchange system will operate in accordance with the proposed rule change on January 12, 2015. Based on these representations, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.[79]

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.

[75] 15 U.S.C. 78s(b)(3)(A).

[76] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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. The Exchange has satisfied this requirement.

[77] 17 CFR 240.19b–4(f)(6).

[78] 17 CFR 240.19b–4(f)(6)(iii).

[79] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–EDGA–2015–03 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 No. *SR–EDGA–2015–03.* 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 No. SR–EDGA–2015–03 and should be submitted on or before February 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[80]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00531 Filed 1–14–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74021; File No. SR–FINRA–2014–030]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change Relating to Quotation Requirements for Unlisted Equity Securities and Deletion of the Rules Related to the OTC Bulletin Board Service

January 9, 2015.

On June 27, 2014, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act '' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt rules relating to quotation requirements for over-the-counter (''OTC'') equity securities and to delete the rules relating to the OTC Bulletin Board Service (''OTCBB'') and thus cease its operation. The proposed rule change was published for comment in the **Federal Register** on July 15, 2014.[3] On August 8, 2014, FINRA consented to extending the time period for the Commission to either approve or disapprove the proposed rule change, or to institute proceedings to determine whether to approve or disapprove the proposed rule change, to October 10, 2014. The Commission received one comment letter on the proposed rule change.[4]

On October 7, 2014, the Commission instituted proceedings [5] to determine whether to approve or disapprove the proposed rule change under Section 19(b)(2)(B) of the Act.[6] The Commission thereafter received three comment letters in response to the Order Instituting Proceedings.[7]

Section 19(b)(2) of the Act [8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on July 15, 2014. January 11, 2015 is 180 days from that date, and March 12, 2015 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised in the comment letters that have been submitted in connection with the proposal. As the Commission noted in the Order Instituting Proceedings, the proposal raises questions as to whether FINRA's proposed rule change is consistent with the requirements of Sections 15A(b)(6),[9] 15A(b)(11),[10] and 17B [11] of the Act. Specifically, FINRA's proposal to delete the rules governing the OTCBB, and thus cease operation of the only self-regulatory organization (''SRO'') facility that collects, publishes and distributes quotations in OTC equity securities, raises questions as to whether the proposal is consistent with the requirements of the Act, particularly under circumstances where non-SRO quotation systems are experiencing operational difficulties. In such an event, reliable and accurate quotation information for OTC equity securities may not be widely available to investors through such non-SRO systems. Extending the time within which to approve or disapprove the proposed rule change will enable the Commission to more fully consider these issues and the other issues raised in the comment letters.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates March 12, 2015, as the date by which the Commission should either approve or disapprove the proposed rule change (File No. SR–FINRA–2014–030).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00523 Filed 1–14–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74024; File No. SR–EDGX–2014–37]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Related to Fees for Use of EDGX Exchange, Inc.

January 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 30, 2014, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested person.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members [5] of the Exchange pursuant to

[80] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72575 (July 9, 2014), 79 FR 41339 (''Notice'').

[4] *See* Letter from Daniel Zinn, General Counsel, OTC Markets Group Inc., dated August 5, 2014 (''OTC Markets Letter'').

[5] *See* Securities Exchange Act Release No. 73313, 79 FR 61677 (October 14, 2014) (''Order Instituting Proceedings'').

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Letter from Dr. Lee Jackson, PAHCII, dated October 8, 2014 (''PAHCII Letter''); Letter from Barry Scadden, Vice President, ATS Trade Support and Operations, Global OTC, dated October 10, 2014 (''Global OTC Letter''); and Letter from Michael R. Trocchio, Sidley Austin LLP, on behalf of OTC Markets Group Inc., dated November 4, 2014 (''Sidley Letter'').

[8] 15 U.S.C. 78s(b)(2).

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78*o*–3(b)(11).

[11] 15 U.S.C. 78q–2.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A

EDGX Rule 15.1(a) and (c) (''Fee Schedule'') to amend: (i) The definitions of Average Daily Trading Volume (''ADV'') and Total Consolidated Volume (''TCV'') to exclude shares on each day from January 12, 2015 up to and including January 16, 2015; (ii) increase the annual Membership fee from $2,000 to $2,500; (iii) eliminate the Trading Rights Fee and Market Participant Identifier (''MPID'') Fee; and (iv) make a number of non-substantive amendments and clarifications.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.directedge.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to amend: (i) The definitions of ADV and TCV to exclude shares on each day from January 12, 2015 up to and including January 16, 2015; (ii) increase the annual Membership fee from $2,000 to $2,500; (iii) eliminate the Trading Rights Fee and MPID Fee; and (iv) make a number of non-substantive amendments and clarifications.

ADV and TCV Definitions

Earlier this year, the Exchange and its affiliate, EDGA Exchange, Inc. (''EDGA'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[6] In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. The migration is currently scheduled for the week of January 12, 2015.

Currently, the Exchange determines the liquidity adding rebate that it will provide to Members based on the Exchange's tiered pricing structure based on the calculation of ADV,[7] and/or average daily TCV.[8] The Exchange currently excludes from is calculation of ADV and TCV days where its system experiences a disruption that lasts for more than 60 minutes during Regular Trading Hours,[9] days with a scheduled early market close, and the last Friday in June (the ''Russell Reconstitution Day''). The Exchange proposes to modify the definitions of ADV and TCV to also exclude shares on each day from January 12, 2015 up to and including January 16, 2015. The Exchange notes that it is not proposing to modify any of the existing rebates or the percentage thresholds at which a Member may qualify for certain rebates pursuant to the tiered pricing structure.

The Exchange believes that this modification is reasonable because it avoids penalizing Members that might otherwise qualify for certain tiered pricing but that, because of the technology migration scheduled to occur during the week of January 12, 2015, did not participate on the Exchange during that week to the extent that they might have otherwise participated. Therefore, the Exchange is proposing to modify its Fee Schedule to exclude trading activity occurring on each day from January 12, 2015 up to and including January 16, 2015. The proposal to exclude these trading days from the calculation of ADV and TCV is designed to provide Members additional time to monitor the migration of the Exchange onto BATS technology.

Membership Fees

The Exchange's current Membership Fees include an annual Membership Fee, a Trading Rights Fee, and an MPID Fee. The annual Membership Fee is currently $2,000 per Member and is assessed in January of each year. For any month in which a firm is approved for membership with the Exchange after the January renewal period, the Firm Membership Fee will continue to be pro-rated beginning on the date on which membership is approved. The pro-rated fee is calculated based on the remaining trading days in that year, and assessed in the month following membership approval. The fee will continue to be non-refundable in the event that the firm ceases to be a Member following the date on which fees are assessed. However, if a Member is pending a voluntary termination of rights as a Member pursuant to Exchange Rule 2.8 prior to the date any Membership Fee for a given year will be assessed, and the Member does not utilize the facilities of Exchange during such time, then the Member is not obligated to pay the annual Membership Fee.

Currently, the Exchange charges Members a monthly Trading Rights Fee of $300 for the ability to trade on the Exchange, regardless of the volume of shares traded. The Exchange also currently charges no fee for a Member's first five MPIDs approved for use on the Exchange and $250 per month to Members who have more than 5 MPIDs approved for use on the Exchange.

The Exchange proposes to increase the annual Membership Fee from $2,000 to $2,500 and eliminate the Trading Rights Fee and MPID Fee. Therefore, as of January 2, 2015, Members will only be subject to the increased annual Membership Fee as part of their Membership Fee obligations.

Non-Substantive Clarifying Changes

The Exchange also proposes to make a number of clarifying, non-substantive changes to its Fee Schedule to provide greater clarity to Members on how the Exchange assesses fees and calculates rebates. The Exchange notes that none of these changes amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. First, the Exchange proposes to remove a reference to the EdgeBook Cloud Pricing

Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[6] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[7] As provided in the Fee Schedule, ''ADV'' is currently defined as ''the average daily volume of shares that a Member executed on the Exchange for the month in which the fees are calculated. ADV is calculated on a monthly basis, excluding shares on any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during Regular Trading Hours (''Exchange System Disruption''), days with a scheduled early market close, and on the last Friday in June (the ''Russell Reconstitution Day'').''

[8] As provided in the Fee Schedule, ''TCV'' is currently defined as ''the volume reported by all exchanges and trade reporting facilities to the consolidated transaction reporting plans for Tapes A, B and C securities for the month in which the fees are calculated, excluding volume on any day that the Exchange experiences an Exchange System Disruption'', days with a scheduled early market close, or the Russell Reconstitution Day.''

[9] ''Regular Trading Hours'' is defined as ''the time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

as it was recently replaced by EDGX Historical Depth Data.[10] Second, the Exchange proposes to correct a typographical error under pricing for ConnectEdge. Lastly, the Exchange propose to remove a reference to the effective date for Licensing and Continuing Education pricing as those fees effective [sic] have been effective since September 2013.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on January 2, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[11] in general, and furthers the objectives of Section 6(b)(4),[12] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

ADV and TCV Definitions

The Exchange believes that its proposed amendments to the definitions of ADV and TCV to exclude shares during the week the Exchange is migrated onto BATS technology is reasonable because, as explained above, it will avoid penalizing Members that might otherwise qualify for certain tiered pricing but that, because of the technology migration, did not participate on the Exchange to the extent that they might have otherwise participated. The Exchange is not proposing to amend the thresholds a Member must achieve to become eligible for, or the dollar value associated with, the tiered rebates or fees. The proposal to exclude these trading days from the calculation of ADV and TCV is reasonable in that it is designed to provide Members additional time to monitor the migration of the Exchange onto BATS technology. In addition, the Exchange believes that the proposed changes to its Fee Schedule are equitably allocated among Exchange constituents and not unfairly discriminatory as the methodology for calculating ADV and TCV will apply equally to all Members.

Membership Fees

The Exchange believes that increasing the annual Membership Fee and removing the Trading Rights Fee and MPID Fee provides an equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also believes these changes will not permit unfair discrimination because the proposed fee changes will apply to all Members equally. Any firm that is granted membership to the Exchange will be charged the same fee, subject only to it being pro-rated based on the date upon which they become a Member, as described above. The Exchange also believes that increasing the annual Membership Fee from $2,000 [sic] $2,500 is an equitable allocation of reasonable dues, fees, and other charges because the cost of Exchange membership will continue to be lower than the cost of membership on other exchanges.[13] The Exchange notes that it has not increased the annual Membership Fee since its inception in September 2011. The Exchange believes eliminating the Trading Rights Fee and MPID Fee is reasonable because it would help simplify and streamline the Exchange's membership fees and ease Members' overall membership fee related obligations.

In addition, the increase in the annual Membership Fee, coupled with the elimination of the Trading Rights and MPID fees, amounts to a fee reduction in a Member's annual fee costs. Currently, Members are charged an annual Membership Fee of $2,000 and an additional Trading Rights Fee of $300 per month, resulting in a total charge of $5,600 for a full calendar year. That Member may be charged an additional $250 per month where it has more than 5 MPIDs approved for trading on the Exchange. As proposed, Members would only be subject to the proposed annual Membership Fee of $2,500. These reduced overall fees may attract additional firms to become Members on the Exchange, thereby, potentially increasing liquidity on the Exchange. Such increased liquidity benefits all investors by deepening the Exchange's liquidity pool and offers additional flexibility for all investors to enjoy cost savings and improving investor protection. Furthermore, such increased volume would increase potential revenue to the Exchange and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, potentially leading to lower per share costs. Therefore, the Exchange believes that the proposed rule change provides for an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

Non-Substantive Clarifying Changes

The Exchange believes that the non-substantive clarifying changes to its Fee Schedule are reasonable because they are designed to provide greater transparency to Members with regard to how the Exchange assesses fees and provides rebates. The Exchange notes that none of the proposed non-substantive clarifying changes are designed to amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. The Exchange believes that Members would benefit from clear guidance in its Fee Schedule that describes the manner in which the Exchange would assess fees and calculate rebates. These non-substantive, technical changes to the Fee Schedule as intended to make the Fee Schedule clearer and less confusing for investors and eliminate potential investor confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they

[10] *See* Securities Exchange Act Release Nos. 73759 (December 5, 2014), 79 FR 73677 (December 11, 2014); *and* 73758 (December 5, 2014), 79 FR 73679 (December 11, 2014) (SR–EDGX–2014–30; SR–EDGA–2014–30).

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(4).

[13] *See, e.g.,* NASDAQ Rule 7001(a) (assessing a $3,000 annual membership fee); New York Stock Exchange Price List 2011, at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf* (assessing a $40,000 annual trading license fee for the first two licenses held by a member organization).

believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

ADV and TCV Definitions

The proposal to exclude shares from January 12, 2015 up to and including January 16, 2015 from the ADV and TCV calculations is intended to allow Members additional time to monitor the migration of the Exchange onto BATS technology. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The proposed change will help to promote intramarket competition by avoiding a penalty Members that might otherwise qualify for certain tiered pricing but that, because of the technology migration, did not participate on the Exchange to the extent that they might have otherwise participated. The proposed rule change will not have an impact on intermarket [sic] competition as it will apply to all Members equally.

Membership Fees

The Exchange believes that increasing the annual Membership Fee and removing the Trading Rights Fee and MPID Fee would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's membership fees continue to be lower than the cost of membership on other exchanges,[14] and therefore, may stimulate intramarket [sic] competition by attracting additional firms to become Members on the Exchange. In addition, membership fees are subject to competition from other exchanges. Accordingly, if the changes proposed herein are unattractive to market participants, it is likely the Exchange will see a decline in membership and/or trading activity as a result. The proposed fee change will not impact intermarket [sic] competition because it will apply to all Members equally.

Non-Substantive Clarifying Changes

The Exchange believes that non-substantive, clarifying changes to the Fee Schedule would not affect intermarket nor intramarket competition because none of these changes are designed to amend any fee or rebate or alter the manner in which the Exchange assesses fees or calculates rebates. These changes are intended to provide greater transparency to Members with regard to how the Exchange access fees and provides rebates.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 thereunder.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2014–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2014–37. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2014–37, and should be submitted on or before February 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00526 Filed 1–14–15; 8:45 am]

BILLING CODE 8011–01–P

[14] *See, e.g.,* NASDAQ Rule 7001(a) (assessing an $3,000 annual membership fee); New York Stock Exchange Price List 2011, at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf* (assessing a $40,000 annual trading license fee for the first two licenses held by a member organization).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74020; File No. SR–BX–2015–002]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the Extranet Access Fee

January 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 2, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 add new BX Options [3] Chapter XV, Section 3(c) (Options Market—Access Services) to the Exchange's Pricing Schedule entitled ''Extranet Access Fee'' (''Pricing Schedule''), which includes description about the applicability of the Extranet Access Fee. This will conform the Exchange's Pricing Schedule to that of other markets.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to add new BX Options Chapter XV, Section 3(c) entitled ''Extranet Access Fee'' to the Pricing Schedule, which includes description about the applicability of the Extranet Access Fee. This will conform the Exchange's Pricing Schedule to that of other markets.[4]

Specifically, the Exchange proposes to establish the Extranet Access Fee in proposed new BX Options Chapter XV, Section 3(c) to indicate that certain non-Exchange Customer Premises Equipment (''CPE'') Products shall be assessed a monthly access fee of $1,000 per CPE. The Exchange also proposes to conform the Extranet Access Fee to that of another market, specifically NASDAQ Rule 7025, by also indicating that if an extranet provider uses multiple CPE Configurations [5] to provide market data feeds to any recipient the monthly fee shall apply to each such CPE Configuration; and that no Extranet Access Fee will be charged for connectivity to market data feeds containing only consolidated data. This proposal conforms the Extranet Access Fee in BX Options Chapter XV, Section 3(c) to the equivalent fee in NASDAQ Rule 7025.

The Extranet Access Fee was introduced a decade ago on NASDAQ Rule 7025 as an equity fee.[6] The Extranet Access Fee was introduced about five years ago in BX Rule 7025.[7] By this proposal, the Exchange normalizes the cost and structure of its Extranet Access Fee on BX Options to that of the equivalent decade-old NASDAQ fee.[8]

Proposed Section 3(c) of the Fee Schedule indicates the same fee as NASDAQ Rule 7025, namely $1,000 per CPE Configuration, and adds verbatim language from NASDAQ Rule 7025 that explains the application of the fee.[9] As proposed, BX Options Chapter XV, Section 3(c) will read as follows:

''Extranet providers that establish a connection with the Exchange to offer direct access connectivity to market data feeds shall be assessed a monthly access fee of $1,000 per recipient Customer Premises Equipment (''CPE'') Configuration. If an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration. For purposes of this Section 3, the term ''Customer Premises Equipment Configuration'' shall mean any line, circuit, router package, or other technical configuration used by an extranet provider to provide a direct access connection to the Exchange market data feeds to a recipient's site. No extranet access fee will be charged for connectivity to market data feeds containing only consolidated data. Extranet providers that establish a connection with the Exchange pursuant to this Section 3 as well as a connection pursuant to BX Rule 7025 shall be assessed a total monthly access fee of $1,000 per recipient CPE Configuration.'' The proposal thus conforms BX Options Chapter XV, Section 3(c) to NASDAQ Rule 7025, and makes them substantively identical.[10] The proposal also makes it clear that if an extranet provider establishes an Extranet connection on BX as well as on BX Options, the extranet provider will not need to pay a double $1,000 monthly access fee per CPE, but rather only one total monthly access fee of $1,000 per CPE. In addition, as discussed, there is an equity market and an options market under the BX SRO license. This proposal brings the Extranet Access Fee per BX Rule 7025 on the equity side to the options side per BX Options Chapter XV, Section 3(c) in conformity with NASDAQ Rule 7025.[11]

The proposed Extranet Access Fee will, as on NASDAQ, be used to help support the Exchange's costs associated with maintaining multiple extranet connections with multiple providers. These costs include those associated with overhead and technology infrastructure, administrative, maintenance and operational costs. Since the inception of Extranet Access there have been numerous network

[3] BX Options is a facility of BX.

[4] The Exchange, NASDAQ OMX PHLX LLC (''Phlx''), and The NASDAQ Stock Market LLC (''NASDAQ'') are self-regulatory organizations (''SROs'') that are wholly owned subsidiaries of The NASDAQ OMX Group, Inc. (''NASDAQ OMX''). The Exchange, NOM (a facility of the Exchange [sic]), BX Options (a facility of BX), Phlx, and PSX (a facility of Phlx) (together with the Exchange known as the ''NASDAQ Markets''), are independently filing proposals to conform their respective Extranet Access Fee rules to NASDAQ Rule 7025.

[5] As defined in proposed BX Options Chapter XV, Section 3(c), a ''Customer Premises Equipment Configuration'' means any line, circuit, router package, or other technical configuration used by an extranet provider to provide a direct access connection to the Exchange market data feeds to a recipient's site.

[6] *See* Securities Exchange Act Release Nos. 50483 (October 1, 2004), 69 FR 60448 (October 8, 2004) (SR–NASD–2004–118) (establishing the Extranet Access Fee on NASDAQ); and 71199 (December 30, 2013), 79 FR 686 (January 6, 2014) (SR–NASD [sic]–2013–159) (notice of filing and immediate effectiveness increasing the Extranet Access Fee to $1,000).

[7] *See* Securities Exchange Act Release Nos. 59615 (March 20, 2009), 74 FR 14604 (March 31, 2009) (SR–BX–2009–005) (establishing the Extranet Access Fee on BX); and 71841 (April 1, 2014), 79 FR 19129 (April 7, 2014) (SR–BX–2014–015) (notice of filing and immediate effectiveness describing that the Extranet Access Fee is $750). The Extranet Access Fee was also established on PSX. *See* Securities Exchange Act Release No. 71236 (January 6, 2014), 79 FR 1906 (January 10, 2014) (SR–Phlx–2014–01) (notice of filing and immediate effectiveness establishing the Extranet Access Fee on PSX, and describing that no fee is charged at the time of the filing).

[8] As noted, BX and other NASDAQ Markets are independently filing proposals to conform their respective Extranet Access Fee.

[9] However, the proposed Section 3(c) language does not, because it deals with options, indicate that consolidated data includes data disseminated by the UTP SIP (as noted in NASDAQ Rule 7025).

[10] The Exchange notes that while BX Options Chapter XV, Section 3(c) and NASDAQ Rule 7025 each contain some language particular to the relevant exchange, with this proposal the language of the two rules is substantively identical. The Exchange notes that the statement that Extranet providers shall be assessed a total monthly access fee of $1,000 per recipient CPE Configuration is not in NASDAQ Rule 7025.

[11] The Exchange is filing to raise the monthly access fee on BX from $750 to $1,000.

infrastructure improvements and administrative controls enacted. Additionally, the Exchange has implemented automated retransmission facilities for most of its data clients that benefit extranet clients by reducing operational costs associated with retransmissions.

As the number of extranets has increased, the management of the downstream customers has expanded and the Exchange has had to ensure appropriate reporting and review processes, which has resulted in a greater cost burden on the Exchange over time. The proposed fee will also help to ensure that the Exchange is better able to closely review reports and uncover reporting errors via audits thus minimizing reporting issues.[12] The network infrastructure has increased in order to keep pace with the increased number of products, which, in turn, has caused an increased administrative burden and higher operational costs associated with delivery via extranets.

Thus, subsequent to the proposal extranet providers that establish a connection with the Exchange to offer direct access connectivity to market data feeds shall be assessed a monthly access fee of $1,000 per CPE Configuration. If, as discussed below, an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration.

The Exchange proposes two new descriptions to conform the language of BX Options Chapter XV, Section 3(c) to that of NASDAQ Rule 7025. Specifically, the Exchange proposes to indicate that if an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration; and that no extranet access fee will be charged for connectivity to market data feeds containing only consolidated data. These proposed descriptions should serve to reduce any confusion as to the applicability of the Extranet Access Fee. Moreover, the descriptions would make the Exchange's Extranet Access Fee in BX Options Chapter XV, Section 3(c) work the same as the equivalent fee in NASDAQ Rule 7025, and complete the effort to conform the two rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and with Section 6(b)(4) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes that its proposal to add the Extranet Access Fee in BX Options Chapter XV, Section 3(c), and to describe the applicability of the Extranet Access Fee and thereby conform the fee with the equivalent fee on NASDAQ, is consistent with the Act.

All similarly situated extranet providers, including the Exchange operating its own extranet, that establish an extranet connection with the Exchange to access market data feeds from the Exchange are subject to the same fee structure.[15] The fee will help the Exchange to offset some of the rising overhead and technology infrastructure, administrative, maintenance and operational costs it incurs in support of the service.

If such costs are covered, the service may provide the Exchange with a profit. As such, the Exchange believes that the proposed fee is reasonable and notes that this proposal conforms similarly-situated Extranet Access Fee rules on BX options, BX equities, and NASDAQ. The extranet costs are separate and different from the colocation facility that is able to recoup these fees by charging for servers within the associated data centers. Additionally, the Exchange believes that the proposed change is equitable and not unreasonably discriminatory. The monthly fee is assessed uniformly to all extranet providers that establish a connection with the Exchange to offer direct access connectivity to market data feeds, and is the same for all at $1,000 per recipient CPE Configuration. Thus, any burden arising from the fees is necessary in the interest of promoting the equitable allocation of a reasonable fee. Moreover, firms make decisions on how much and what types of data to consume on the basis of the total cost of interacting with the Exchange or other markets and, of course, the Extranet Access Fee is but one factor in a total platform analysis.

Additionally, proposed BX Options Chapter XV, Section 3(c) contains description stating that if an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration; and that no Extranet Access Fee will be charged for connectivity to market data feeds containing only consolidated data. This description should serve to reduce any confusion as to the applicability of this fee.

The proposal provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

The proposed fees are applied uniformly among extranet providers, which are not compelled to establish a connection with the Exchange to offer access connectivity to market data feeds. For these reasons, any burden arising from the fees is necessary in the interest of promoting the equitable allocation of a reasonable fee. Additionally, firms make decisions on how much and what types of data to consume on the basis of the total cost of interacting with the Exchange or other exchanges and, of course, the Extranet Access Fee is but one factor in a total platform analysis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[16] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

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

[12] The Exchange will inform extranet providers of their reporting responsibilities via its public Web site. This will include, as an example, reporting CPE usage.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] For example, NASDAQ Technology Services, a subsidiary of the Exchange [sic], pays the applicable fee(s) to the Exchange for services covered under the Extranet Access Fee.

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2015–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2015–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2015–002, and should be submitted on or before February 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00528 Filed 1–14–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74027; File No. SR–NYSE–2014–76]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Fees for NYSE OpenBook

January 9, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 31, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 the fees for NYSE OpenBook to: (1) Change the way the user fee is calculated and applied, operative on January 1, 2015; (2) establish eligibility requirements for redistribution on a managed non-display basis and an access fee for managed non-display data recipients, operative on January 1, 2015; and (3) increase the fee cap for redistributor internal support use, operative on March 1, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the fees for NYSE OpenBook,[4] as set forth on the NYSE Proprietary Market Data Fee Schedule (''Fee Schedule''), as follows:

- To change the way the user fees are calculated and applied by eliminating the unit-of-count policy, operative on January 1, 2015;
- To establish eligibility requirements for redistribution of market data on a Managed Non-Display basis and establish an access fee for Managed Non-Display data recipients, operative on January 1, 2015; and
- To increase the fee cap for redistributor internal support use, operative on March 1, 2015.

Changes to the Method of Calculating and Applying User Fees

For display use of the NYSE OpenBook data feed, the Fee Schedule sets forth a Professional User Fee of $60 per month or a Non-Professional User Fee of $15 per month.[5] These user fees generally apply to each display device that has access to NYSE OpenBook.

Vendors and subscribers that are eligible for the Unit-of-Count Policy may avail themselves of an alternative method for counting how many user fees should be charged for display use of the NYSE OpenBook data feed. The Unit-of-Count Policy was first introduced as an NYSE OpenBook pilot in 2009.[6] Since April 2013, the Unit-of-Count Policy has applied only to user fees associated with display usage.[7]

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release Nos. 59544 (Mar. 9, 2009), 74 FR 11162 (Mar. 16, 2009) (SR–NYSE–2008–131) and 62038 (May 5, 2010), 75 FR 26825 (May 12, 2010) (SR–NYSE–2010–22) (''Unit-of-Count Policy filings''). *See* also Securities Exchange Act Release Nos. 69278 (Apr. 2, 2013), 78 FR 20973 (April 8, 2013) (SR–2013–25) and 72923 (Aug. 26, 2014), 79 FR 52079 (Sept. 2, 2014) (SR–NYSE–2014–43) (''Non-Display Fee filings'').

[5] A $25,000 per month cap on non-professional user fees applies to broker-dealers only.

[6] *See* Unit-of-Count Policy filings *supra* note 4.

[7] Existing customers approved for the Unit-of-Count Policy for display usage have continued to follow the Policy in anticipation of new display fees being implemented.

The effect of the Unit-of-Count Policy for these subscribers is that a single user fee applies to individual users that receive multiple display device services, *i.e.* multiple devices displaying NYSE OpenBook, referred to as ''netting.'' The Exchange proposes to retire the Unit-of-Count Policy effective January 1, 2015. As a result, as of January 1, 2015, subscribers that are currently eligible for ''netting'' under the Unit-of-Count Policy would pay the user fee for each display device that has access to NYSE OpenBook, even if a single user is receiving NYSE OpenBook over multiple devices, as well as all other applicable fees set forth on the Fee Schedule.[8]

Proposed Changes to Managed Non-Display Services and Fees

Non-Display Use of NYSE market data means accessing, processing, or consuming NYSE market data delivered via direct and/or Redistributor[9] data feeds for a purpose other than in support of a data recipient's display or further internal or external redistribution. A Redistributor approved for Managed Non-Display Services manages and controls the access to NYSE OpenBook and does not allow for further internal distribution or external redistribution of NYSE OpenBook by the data recipients. Managed Non-Display Services Fees apply when a data recipient's non-display applications are hosted by a Redistributor that has been approved for Managed Non-Display Services.

A Redistributor approved for Managed Non-Display Services is required to report to the Exchange on a monthly basis the data recipients that are receiving NYSE OpenBook through the Redistributor's Managed Non-Display Service. A data recipient receiving NYSE OpenBook through a Redistributor's Managed Non-Display Service does not have any reporting requirements.

Currently, to be approved for Managed Non-Display Services, a Redistributor of the Managed Non-Display Services must be approved under the Unit-of-Count policy.[10] In connection with the retirement of the Unit-of-Count Policy, eligibility for Managed Non-Display Services of NYSE Open Book would no longer be based on eligibility under the Unit-of-Count Policy. The Exchange proposes instead to establish eligibility requirements specifically for the redistribution of market data for Managed Non-Display Services. The Exchange also proposes to add an access fee that would apply to a data recipient that receives NYSE Open Book from an approved Redistributor of Managed Non-Display Services.

The proposed eligibility requirements for the provision of Managed Non-Display Services would be similar to the eligibility requirements for the Unit-of-Count Policy in that they would require the Redistributor to manage and control the access to NYSE OpenBook for data recipients' non-display applications and not allow for further internal distribution or external redistribution of the information by data recipients. In addition, to be eligible to provide Managed Non-Display Services, the Redistributor would be required to (a) host the data recipients' non-display applications in equipment located in the Redistributor's data center and/or hosted space/cage and (b) offer NYSE OpenBook in the Redistributor's own messaging formats (rather than using raw NYSE message formats) by reformatting and/or altering NYSE OpenBook prior to retransmission without affecting the integrity of NYSE OpenBook and without rendering NYSE OpenBook inaccurate, unfair, uninformative, fictitious, misleading or discriminatory. The proposed eligibility requirements are similar to data distribution models currently in use and align the Exchange with other markets.[11]

The reporting requirements associated with the Managed Non-Display Service would not change. A Redistributor approved for Managed Non-Display Service would be required to report to the Exchange on a monthly basis the data recipients that are receiving NYSE OpenBook through the Redistributor's Managed Non-Display Service. A data recipient receiving NYSE OpenBook through a Redistributor's Managed Non-Display Service would continue not to have any reporting requirements.

In addition, the Exchange proposes to adopt an Access Fee of $2,500/month applicable only to data recipients that receive NYSE OpenBook from an approved Redistributor of Managed Non-Display Services, operative January 1, 2015. Currently, data recipients are required to pay an Access Fee of $5,000/month to receive NYSE OpenBook, which has not been charged to data recipients of Managed Non-Display Services of NYSE OpenBook. Because the purpose of an access fee is to charge data recipients for access to the Exchange's proprietary market data, the Exchange believes it is appropriate to charge an access fee to all data recipients, including recipients of Managed Non-Display Services.[12] In recognition that data recipients of Managed Non-Display Services receive NYSE OpenBook in a controlled format, the Exchange proposes to establish an Access Fee that would be applicable only to data recipients of Managed Non-Display Services and that would be half the size of the current Access Fee. In connection with this change, the Exchange also proposes to amend the Fee Schedule to specify that the current Access Fee of $5,000/month is charged to data recipients other than those receiving data through Managed Non-Display Services. The proposed Managed Non-Display Access fee would be in addition to the current Managed Non-Display Services Fee of $2,400/month by each data recipient.

Proposed Redistributor Internal Support User Fee Cap

The Exchange proposes to increase the Redistributor Support Fee Cap to $3,000/month, the equivalent of fees payable for 50 Professional Users per month, effective as of March 1, 2015, and to add the Redistributor Support Fee Cap to the Fee Schedule. This increases the fee cap from $1,500/month, as set by the Exchange in 2009.[13]

Specifically, the cap on user fees would apply to a Redistributor's internal users who receive the NYSE OpenBook data feed and provide support to the Redistributor of the NYSE

[8] The Unit-of-Count Policy is available for NYSE OpenBook, NYSE Trades and NYSE BBO as a method for counting users. The Exchange is proposing to retire the Unit-of-Count Policy with respect to all of these products and thereby harmonize the methods for counting users among all NYSE data products. *See* SR–NYSE–2014–75.

[9] ''Redistributor'' means a vendor or any other person that provides an NYSE data product to a data recipient or to any system that a data recipient uses, irrespective of the means of transmission or access.

[10] *See* Unit-of-Count Policy filings, *supra* note 4.

[11] *See* Securities Exchange Act Release Nos. 70748 (Oct. 23, 2013), 70748 (Oct. 23, 2013), 78 FR 64569 (Oct. 29, 2013) (SR–Phlx–2013–105) (notice of filing and immediate effectiveness of proposed rule change to establish non-display Managed Data Solution for NASDAQ OMX PHLX (''Phlx'')); 70269 (Aug. 27, 2013), 78 FR 54336 (Sept. 3, 2013) (SR–NASDAQ–2013–106) (notice of filing and immediate effectiveness of proposed rule change to establish non-display Managed Data Solution for the NASDAQ Stock Market (''NASDAQ'')); and 69182 (Mar. 19, 2013), 78 FR 18378 (Mar. 26, 2013) (SR–Phlx–2013–28) (notice of filing and immediate effectiveness of proposed rule change to establish non-display Managed Data Solution for Phlx equities market PSX).

[12] In order to harmonize its approach to fees for its market data products, the Exchange is proposing to establish an access fee for Managed Non-Display Services for NYSE BBO, NYSE Trades, and NYSE Order Imbalance t that are also half of the existing access fee for each respective data feed. *See* SR–NYSE–2014–75 and SR–NYSE–2014–77.

[13] *See* Securities Exchange Act Release No. 59898 (May 11, 2009), 74 FR 22989 (May 14, 2009) (SR–NYSE–2009–37). One customer is currently paying the cap for Redistributor internal use.

OpenBook data feed in the areas of customer service, data quality, development, software product management, product development, programming, technical operations, technical support, and sales. These internal users would be required to be located on the Redistributor's premises or to access NYSE OpenBook only on the Redistributor's platform. Internal users using NYSE OpenBook in connection with trading, investment advice, newsroom activities, research, algorithmic programming for trading systems, free trials/sales promotions, personal use, or to perform any other functions not related to the provision of support functions to the Redistributor's external customers would not be included in the Redistributor Support Fee Cap.[14]

Redistributors would have to request that their Professional User Fees related to such internal support functions be counted towards the Redistributor Support Fee Cap. To be eligible for the fee cap, a Redistributor would have to provide the Exchange with a list of all employees who would be reported as eligible internal users, and to include in the list the job functions of the employees and explanations of their use of NYSE OpenBook. The Exchange reserves the right under its contracts with Redistributors to monitor use closely and be provided with updated lists of employees, their job functions and their use of NYSE OpenBook, upon request. If an employee's use of NYSE OpenBook does not meet the requirements of internal support function described above, it would not be eligible for the Redistributor Support Fee Cap and would be charged a separate Professional User Fee.

The proposed Redistributor Support Fee Cap would be operative March 1, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[15] in general, and Sections 6(b)(4) and 6(b)(5) of the Act,[16] in particular, in that it provides an equitable allocation of reasonable fees among users and recipients of the data and is not designed to permit unfair discrimination among customers, issuers, and brokers.

The Exchange believes that it is reasonable to retire the Unit-of-Count Policy. First, as evidenced by the low number of eligible subscribers, the Unit-of-Count Policy is not currently considered useful to market data recipients as a method for counting users. In addition, as the Exchange noted in the 2013 Non-Display Filing, the Exchange determined at that time that its fee structure, which was based primarily on counting devices, both display and non-display, and included the Unit-of-Count Policy, was no longer appropriate in light of market and technology developments. In addition to implementing the non-display pricing to address the difficulties of counting non-display devices, and to reflect the value of non-display data to customers, the Exchange noted that it anticipated implementing a new display use fee structure later. Retiring the Unit-of-Count Policy, which now applies only to display use, would allow the Exchange to apply a consistent method for counting users among all customers using NYSE OpenBook, whether on a display or non-display basis.

The Exchange believes that revising the eligibility requirements for Managed Non-Display Services so that the requirements are more closely aligned with the nature of the services being provided is reasonable. The proposed additional requirements for hosting in the Redistributor's data center and for reformatting and/or altering the market data prior to retransmission are also consistent with similar requirements of other markets for the provision of managed data.[17]

The Exchange believes that the proposed Access Fee for Managed Non-Display Services is reasonable, because the data is of value to recipients, and it is reasonable to charge them a lower access fee because they are receiving the data through a Redistributor in a controlled form rather than from the Exchange in raw form. The Exchange believes that the proposed fee directly and appropriately reflects the significant value of using non-display data in a wide range of computer-automated functions relating to both trading and non-trading activities and that the number and range of these functions continue to grow through innovation and technology developments. The NASDAQ and Phlx also both offer managed non-display data solutions and charge access fees for such services.[18] The fee is also equitable and not unfairly discriminatory because it would apply to all data recipients that choose to subscribe to Managed Non-Display Services for NYSE OpenBook.

The Exchange believes that it is reasonable to raise the Redistributor Support Fee Cap. The purpose of the Professional User Fee is to charge for each use of NYSE OpenBook data feed. The Exchange believes it is appropriate to charge user fees for employees who provide internal support functions at Redistributors because the business model of Redistributors is distributing data, and as a related function, providing support functions for such distribution of data. Accordingly, the internal support functions at a Redistributor contribute to the value that such Redistributors provide to their own customers, and are therefore an integral part of a Redistributor's business model. While such internal use is a value to a Redistributor and its customers, the Exchange recognizes that internal support functions differ from other uses of NYSE OpenBook, which is why the Exchange provides for a Redistributor Support Fee Cap. The Exchange believes it is reasonable to increase the fee cap to reflect the value that such support functions serve within a Redistributor. While the NYSE anticipates that only the largest vendors would devote sufficient personnel to administrative functions to take advantage of the proposed increased fee cap, in the Exchange's view, limiting the fee exposure of its largest vendors does not unreasonably discriminate against other vendors under Section 603(a)(2) of Regulation NMS.

The fees are also equitable and not unfairly discriminatory because they will apply to all data recipients that choose to subscribe to the feeds.

The Exchange notes that NYSE OpenBook is entirely optional. The Exchange is not required to make NYSE OpenBook available or to offer any specific pricing alternatives to any customers, nor is any firm required to purchase NYSE OpenBook. Firms that do purchase NYSE OpenBook do so for the primary goals of using it to increase revenues, reduce expenses, and in some

[14] *See* Nasdaq Global Data Policies, Oct. 10, 2014, *http://www.nasdaqtrader.com/content/AdministrationSupport/AgreementsData/datapolicies.pdf* (last visited Dec. 15, 2014), ''Non-Billable: Internal Administrative Usage Policy,'' which establishes similar standards for internal administrative usage on a non-billable basis.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4), (5).

[17] *See supra* note 11.

[18] *See supra* note 11. NASDAQ offers a Managed Data Solution that assesses a monthly Managed Data Solution Administration fee of $1,500 and monthly Subscriber fees of $60 for non-professionals to $300 for professionals. See NASDAQ Rule 7026(b). Phlx charges a monthly Managed Data Solution Administration fee of $2,000 and a monthly Subscriber fee of $500. The monthly License fee is in addition to the monthly Distributor fee of $3,500 (for external usage), and the $500 monthly Subscriber fee is assessed for each Subscriber of a Managed Data Solution. *See* Securities Exchange Act Release No. 70748 (Oct. 23, 2013), 78 FR 64569 (Oct. 29, 2013) (SR–Phlx–2013–105).

instances compete directly with the Exchange (including for order flow); those firms are able to determine for themselves whether NYSE OpenBook or any other similar products are attractively priced or not.

Firms that do not wish to purchase NYSE OpenBook at the new prices have a variety of alternative market data products from which to choose,[19] or if NYSE OpenBook does not provide sufficient value to firms as offered based on the uses those firms have or planned to make of it, such firms may simply choose to conduct their business operations in ways that do not use NYSE OpenBook. The Exchange notes that broker-dealers are not required to purchase proprietary market data to comply with their best execution obligations.[20] Similarly, there is no requirement in Regulation NMS or any other rule that proprietary data be utilized for order routing decisions, and some broker-dealers and alternative trading systems (''ATSs'') have chosen not to do so.[21]

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010), upheld reliance by the Securities and Exchange Commission (''Commission'') upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

> In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.'

Id. at 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' '' [22]

As explained below in the Exchange's Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for proprietary market data and that the Commission can rely upon such evidence in concluding that the fees established in this filing are the product of competition and therefore satisfy the relevant statutory standards. In addition, the existence of alternatives to these data products, such as consolidated data and proprietary data from other sources, as described below, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can select such alternatives.

As the *NetCoalition* decision noted, the Commission is not required to undertake a cost-of-service or ratemaking approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically or offer any significant benefits.[23]

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

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 that is not necessary or appropriate in furtherance of the purposes of the Act. An exchange's ability to price its proprietary market data feed products is constrained by actual competition for the sale of proprietary market data products, the joint product nature of exchange platforms, and the existence of alternatives to the Exchange's proprietary data.

The Existence of Actual Competition

The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary for the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with one another for listings and order flow and sales of market data itself, providing ample opportunities for entrepreneurs who wish to compete in any or all of those areas, including producing and distributing their own market data. Proprietary data products are produced and distributed by each individual exchange, as well as other entities, in a vigorously competitive market. Indeed, the U.S. Department of Justice (''DOJ'') (the primary antitrust regulator) has expressly acknowledged the aggressive actual competition among exchanges, including for the sale of proprietary market data. In 2011, the DOJ stated that exchanges ''compete head to head to offer real-time equity data products. These data products include the best bid and offer of every exchange and information on each equity trade, including the last sale.'' [24]

Moreover, competitive markets for listings, order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products and therefore constrain markets from overpricing proprietary market data. Broker-dealers send their order flow and transaction reports to multiple venues, rather than providing them all to a single venue, which in turn reinforces this competitive constraint. As a 2010 Commission Concept Release noted, the ''current market structure can be described as dispersed and complex'' with ''trading volume . . . dispersed

[19] *See* NASDAQ Rule 7023 (Nasdaq Totalview) and BATS Rule 11.22(a) and (c) (BATS TCP Pitch and Multicast Pitch).

[20] *See* In the Matter of the Application of Securities Industry And Financial Markets Association For Review of Actions Taken by Self-Regulatory Organizations, Release Nos. 34–72182; AP–3–15350; AP–3–15351 (May 16, 2014).

[21] For example, Goldman Sachs Execution and Clearing, L.P. has disclosed that it does not use proprietary market data in connection with Sigma X, its ATS. *See* response to Question E3, available at *http://www.goldmansachs.com/media-relations/in-the-news/current/pdf-media/gsec-order-handling-practices-ats-specific.pdf.* By way of comparison, IEX has disclosed that it uses proprietary market data feeds from all registered stock exchanges and the LavaFlow ECN. *See http://www.iextrading.com/about/.*

[22] *NetCoalition,* 615 F.3d at 535.

[23] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties and the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, and as described below, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm.*

[24] Press Release, U.S. Department of Justice, Assistant Attorney General Christine Varney Holds Conference Call Regarding NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandoning Their Bid for NYSE Euronext (May 16, 2011), *available at http://www.justice.gov/iso/opa/atr/speeches/2011/at-speech-110516.html; see also* Complaint in U.S. v. Deutsche Borse AG and NYSE Euronext, Case No. 11-cv-2280 (DC Dist.) ¶ 24 (''NYSE and Direct Edge compete head-to-head . . . in the provision of real-time proprietary equity data products.'').

among many highly automated trading centers that compete for order flow in the same stocks'' and ''trading centers offer[ing] a wide range of services that are designed to attract different types of market participants with varying trading needs.'' [25] More recently, SEC Chair Mary Jo White has noted that competition for order flow in exchange-listed equities is ''intense'' and divided among many trading venues, including exchanges, more than 40 alternative trading systems, and more than 250 broker-dealers.[26]

If an exchange succeeds in its competition for quotations, order flow, and trade executions, then it earns trading revenues and increases the value of its proprietary market data products because they will contain greater quote and trade information. Conversely, if an exchange is less successful in attracting quotes, order flow, and trade executions, then its market data products may be less desirable to customers using them in support of order routing and trading decisions in light of the diminished content; data products offered by competing venues may become correspondingly more attractive. Thus, competition for quotations, order flow, and trade executions puts significant pressure on an exchange to maintain both execution and data fees at reasonable levels.

In addition, in the case of products that are also redistributed through market data vendors, such as Bloomberg and Thompson Reuters, the vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not purchase in sufficient numbers. Vendors will not elect to make available NYSE OpenBook unless their customers request it, and customers will not elect to pay the proposed fees unless NYSE OpenBook can provide value by sufficiently increasing revenues or reducing costs in the customer's business in a manner that will offset the fees. All of these factors operate as constraints on pricing proprietary data products.

Joint Product Nature of Exchange Platform

Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, proprietary market data and trade executions are a paradigmatic example of joint products with joint costs. The decision of whether and on which platform to post an order will depend on the attributes of the platforms where the order can be posted, including the execution fees, data availability and quality, and price and distribution of data products. Without a platform to post quotations, receive orders, and execute trades, exchange data products would not exist.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's platform for posting quotes, accepting orders, and executing transactions and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs.

Moreover, an exchange's broker-dealer customers generally view the costs of transaction executions and market data as a unified cost of doing business with the exchange. A broker-dealer will only choose to direct orders to an exchange if the revenue from the transaction exceeds its cost, including the cost of any market data that the broker-dealer chooses to buy in support of its order routing and trading decisions. If the costs of the transaction are not offset by its value, then the broker-dealer may choose instead not to purchase the product and trade away from that exchange. There is substantial evidence of the strong correlation between order flow and market data purchases. For example, in November 2014 more than 80% of the transaction volume on each of NYSE and NYSE's affiliates NYSE Arca, Inc. (''NYSE Arca'') and NYSE MKT LLC (''NYSE MKT'') was executed by market participants that purchased one or more proprietary market data products (the 20 firms were not the same for each market). A supra-competitive increase in the fees for either executions or market data would create a risk of reducing an exchange's revenues from both products.

Other market participants have noted that proprietary market data and trade executions are joint products of a joint platform and have common costs.[27] The Exchange agrees with and adopts those discussions and the arguments therein. The Exchange also notes that the economics literature confirms that there is no way to allocate common costs between joint products that would shed any light on competitive or efficient pricing.[28]

Analyzing the cost of market data product production and distribution in isolation from the cost of all of the inputs supporting the creation of market data and market data products will inevitably underestimate the cost of the data and data products because it is impossible to obtain the data inputs to create market data products without a fast, technologically robust, and well-regulated execution system, and system and regulatory costs affect the price of both obtaining the market data itself and creating and distributing market data products. It would be equally misleading, however, to attribute all of an exchange's costs to the market data portion of an exchange's joint products.

[25] Concept Release on Equity Market Structure, Securities Exchange Act Release No. 61358 (Jan. 14, 2010), 75 FR 3594 (Jan. 21, 2010) (File No. S7–02–10). This Concept Release included data from the third quarter of 2009 showing that no market center traded more than 20% of the volume of listed stocks, further evidencing the dispersal of and competition for trading activity. *Id.* at 3598. Data available on ArcaVision show that from June 30, 2013 to June 30, 2014, no exchange traded more than 12% of the volume of listed stocks by either trade or dollar volume, further evidencing the continued dispersal of and fierce competition for trading activity. *See https://www.arcavision.com/Arcavision/arcalogin.jsp.*

[26] Mary Jo White, Enhancing Our Equity Market Structure, Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available on the Commission Web site), citing Tuttle, Laura, 2014, ''OTC Trading: Description of Non-ATS OTC Trading in National Market System Stocks,'' at 7–8.

[27] *See* Securities Exchange Act Release No. 72153 (May 12, 2014), 79 FR 28575, 28578 n.15 (May 16, 2014) (SR–NASDAQ–2014–045) (''[A]ll of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.''). *See also* Securities Exchange Act Release No. 62907 (Sept. 14, 2010), 75 FR 57314, 57317 (Sept. 20, 2010) (SR–NASDAQ–2010–110), and Securities Exchange Act Release No. 62908 (Sept. 14, 2010), 75 FR 57321, 57324 (Sept. 20, 2010) (SR–NASDAQ–2010–111).

[28] *See generally* Mark Hirschey, Fundamentals of Managerial Economics, at 600 (2009) (''It is important to note, however, that although it is possible to determine the separate marginal costs of goods produced in variable proportions, it is impossible to determine their individual average costs. This is because common costs are expenses necessary for manufacture of a joint product. Common costs of production—raw material and equipment costs, management expenses, and other overhead—cannot be allocated to each individual by-product on any economically sound basis. . . . Any allocation of common costs is wrong and arbitrary.''). This is not new economic theory. *See, e.g.,* F. W. Taussig, ''A Contribution to the Theory of Railway Rates,'' *Quarterly Journal of Economics* V(4) 438, 465 (July 1891) (''Yet, surely, the division is purely arbitrary. These items of cost, in fact, are jointly incurred for both sorts of traffic; and I cannot share the hope entertained by the statistician of the Commission, Professor Henry C. Adams, that we shall ever reach a mode of apportionment that will lead to trustworthy results.'').

Rather, all of an exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

As noted above, the level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including 12 equities self-regulatory organization (''SRO'') markets, as well as various forms of ATSs, including dark pools and electronic communication networks (''ECNs''), and internalizing broker-dealers. SRO markets compete to attract order flow and produce transaction reports via trade executions, and two FINRA-regulated Trade Reporting Facilities compete to attract transaction reports from the non-SRO venues.[29]

Competition among trading platforms can be expected to constrain the aggregate return that each platform earns from the sale of its joint products, but different trading platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market data products (or provide market data products free of charge), and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market data products, and setting relatively low prices for accessing posted liquidity. For example, BATS and Direct Edge, which previously operated as ATSs and obtained exchange status in 2008 and 2010, respectively, have provided certain market data at no charge on their Web sites in order to attract more order flow, and use revenue rebates from resulting additional executions to maintain low execution charges for their users.[30] Similarly, LavaFlow ECN provides market data to its subscribers at no charge.[31] In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering.

Existence of Alternatives

The large number of SROs, ATSs, and internalizing broker-dealers that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, ATS, and broker-dealer is currently permitted to produce and sell proprietary data products, and many currently do or have announced plans to do so, including but not limited to the Exchange, NYSE MKT, NYSE Arca, NASDAQ OMX, BATS, and Direct Edge.

The fact that proprietary data from ATSs, internalizing broker-dealers, and vendors can bypass SROs is significant in two respects. First, non-SROs can compete directly with SROs for the production and sale of proprietary data products. By way of example, BATS and NYSE Arca both published proprietary data on the Internet before registering as exchanges. Second, because a single order or transaction report can appear in an SRO proprietary product, a non-SRO proprietary product, or both, the amount of data available via proprietary products is greater in size than the actual number of orders and transaction reports that exist in the marketplace. With respect to NYSE OpenBook, competitors offer close substitute products.[32] Because market data users can find suitable substitutes for most proprietary market data products, a market that overprices its market data products stands a high risk that users may substitute another source of market data information for its own.

Those competitive pressures imposed by available alternatives are evident in the Exchange's proposed pricing.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid and inexpensive. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TrackECN, BATS Trading and Direct Edge. As noted above, BATS launched as an ATS in 2006 and became an exchange in 2008, while Direct Edge began operations in 2007 and obtained exchange status in 2010. As noted above, LavaFlow ECN provides market data to its subscribers at no charge.[33]

In setting the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all users. The existence of numerous alternatives to the Exchange's products, including proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if the attendant fees are not justified by the returns that any particular vendor or data recipient would achieve through the purchase.

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

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[34] of the Act and subparagraph (f)(2) of Rule 19b–4 [35] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [36] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

[29] FINRA's Alternative Display Facility also receives over-the-counter trade reports that it sends to CTA.

[30] This is simply a securities market-specific example of the well-established principle that in certain circumstances more sales at lower margins can be more profitable than fewer sales at higher margins; this example is additional evidence that market data is an inherent part of a market's joint platform.

[31] See ''LavaFlow—ADF Migration,'' available at *https://www.lavatrading.com/news/pdf/LavaFlow_ADF_Migration.pdf.*

[32] *See supra* note 19.

[33] *See supra* note 31.

[34] 15 U.S.C. 78s(b)(3)(A).

[35] 17 CFR 240.19b–4(f)(2).

[36] 15 U.S.C. 78s(b)(2)(B).

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2014–76 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–NYSE–2014–76. 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 will also be available for Web site viewing and printing at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* 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–NYSE–2014–76 and should be submitted on or before February 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

[37] 17 CFR 200.30–3(a)(12).

Brent J. Fields,

Secretary.

[FR Doc. 2015–00530 Filed 1–14–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74025; File No. SR–EDGA–2014–36]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Related to Fees for Use of EDGA Exchange, Inc.

January 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 30, 2014, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members [5] of the Exchange pursuant to EDGA Rule 15.1(a) and (c) (''Fee Schedule'') to amend: (i) The definitions of Average Daily Trading Volume (''ADV'') and Total Consolidated Volume (''TCV'') to exclude shares on each day from January 12, 2015 up to and including January 16, 2015; (ii) increase the annual Membership fee from $2,000 to $2,500; (iii) eliminate the Trading Rights Fee and Market Participant Identifier (''MPID'') Fee; and (iv) make a number of non-substantive amendments and clarifications.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.directedge.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to amend: (i) The definitions of ADV and TCV to exclude shares on each day from January 12, 2015 up to and including January 16, 2015; (ii) increase the annual Membership fee from $2,000 to $2,500; (iii) eliminate the Trading Rights Fee and MPID Fee; and (iv) make a number of non-substantive amendments and clarifications.

ADV and TCV Definitions

Earlier this year, the Exchange and its affiliate, EDGX Exchange, Inc. (''EDGX'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[6] In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. The migration is currently scheduled for the week of January 12, 2015.

Currently, the Exchange determines the tiered pricing that it will provide to Members based on the Exchange's tiered

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[6] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

pricing structure based on the calculation of ADV,[7] and/or average daily TCV.[8] The Exchange currently excludes from is calculation of ADV and TCV days where its system experiences a disruption that lasts for more than 60 minutes during Regular Trading Hours,[9] days with a scheduled early market close, and the last Friday in June (the ''Russell Reconstitution Day''). The Exchange proposes to modify the definitions of ADV and TCV to also exclude shares on each day from January 12, 2015 up to and including January 16, 2015. The Exchange notes that it is not proposing to modify any of the existing fees or the percentage thresholds at which a Member may qualify for certain fees pursuant to the tiered pricing structure.

The Exchange believes that this modification is reasonable because it avoids penalizing Members that might otherwise qualify for certain tiered pricing but that, because of the technology migration scheduled to occur during the week of January 12, 2015, did not participate on the Exchange during that week to the extent that they might have otherwise participated. Therefore, the Exchange is proposing to modify its Fee Schedule to exclude trading activity occurring on each day from January 12, 2015 up to and including January 16, 2015. The proposal to exclude these trading days from the calculation of ADV and TCV is designed to provide Members additional time to monitor the migration of the Exchange onto BATS technology.

Membership Fees

The Exchange's current Membership Fees include an annual Membership Fee, a Trading Rights Fee, and an MPID Fee. The annual Membership Fee is currently $2,000 per Member and is assessed in January of each year. For any month in which a firm is approved for membership with the Exchange after the January renewal period, the Firm Membership Fee will continue to be pro-rated beginning on the date on which membership is approved. The pro-rated fee is calculated based on the remaining trading days in that year, and assessed in the month following membership approval. The fee will continue to be non-refundable in the event that the firm ceases to be a Member following the date on which fees are assessed. However, if a Member is pending a voluntary termination of rights as a Member pursuant to Exchange Rule 2.8 prior to the date any Membership Fee for a given year will be assessed, and the Member does not utilize the facilities of Exchange during such time, then the Member is not obligated to pay the annual Membership Fee.

Currently, the Exchange charges Members a monthly Trading Rights Fee of $300 for the ability to trade on the Exchange, regardless of the volume of shares traded. The Exchange also currently charges no fee for a Member's first five MPIDs approved for use on the Exchange and $250 per month to Members who have more than 5 MPIDs approved for use on the Exchange.

The Exchange proposes to increase the annual Membership Fee from $2,000 to $2,500 and eliminate the Trading Rights Fee and MPID Fee. Therefore, as of January 2, 2015, Members will only be subject to the increased annual Membership Fee as part of their Membership Fee obligations.

Non-Substantive Clarifying Changes

The Exchange also proposes to make a number of clarifying, non-substantive changes to its Fee Schedule to provide greater clarity to Members on how the Exchange assesses fees and calculates rebates. The Exchange notes that none of these changes amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. First, the Exchange proposes to remove a reference to the EdgeBook Cloud Pricing as it was recently replaced by EDGA Historical Depth Data.[10] Lastly, the Exchange propose to remove a reference to the effective date for Licensing and Continuing Education pricing as those fees effective [sic] have been effective since September 2013.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on January 2, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[11] in general, and furthers the objectives of Section 6(b)(4),[12] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

ADV and TCV Definitions

The Exchange believes that its proposed amendments to the definitions of ADV and TCV to exclude shares during the week the Exchange is migrated onto BATS technology is reasonable because, as explained above, it will avoid penalizing Members that might otherwise qualify for certain tiered pricing but that, because of the technology migration, did not participate on the Exchange to the extent that they might have otherwise participated. The Exchange is not proposing to amend the thresholds a Member must achieve to become eligible for, or the dollar value associated with, the tiered rebates or fees. The proposal to exclude these trading days from the calculation of ADV and TCV is reasonable in that it is designed to provide Members additional time to monitor the migration of the Exchange onto BATS technology. In addition, the Exchange believes that the proposed changes to its Fee Schedule are equitably allocated among Exchange constituents and not unfairly discriminatory as the methodology for calculating ADV and TCV will apply equally to all Members.

[7] As provided in the Fee Schedule, ''ADV'' is currently defined as ''the average daily volume of shares that a Member executed on the Exchange for the month in which the fees are calculated. ADV is calculated on a monthly basis, excluding shares on any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during Regular Trading Hours ''Exchange System Disruption'', days with a scheduled early market close, and on the last Friday in June (the ''Russell Reconstitution Day'').''

[8] As provided in the Fee Schedule, ''TCV'' is currently defined as ''the volume reported by all exchanges and trade reporting facilities to the consolidated transaction reporting plans for Tapes A, B and C securities for the month in which the fees are calculated, excluding volume on any day that the Exchange experiences an ''Exchange System Disruption'', days with a scheduled early market close, or the Russell Reconstitution Day.''

[9] ''Regular Trading Hours'' is defined as ''the time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

[10] *See* Securities Exchange Act Release Nos. 73759 (December 5, 2014), 79 FR 73677 (December 11, 2014); *and* 73758 (December 5, 2014), 79 FR 73679 (December 11, 2014) (SR–EDGX–2014–30; SR–EDGA–2014–30).

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(4).

Membership Fees

The Exchange believes that increasing the annual Membership Fee and removing the Trading Rights Fee and MPID Fee provides an equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also believes these changes will not permit unfair discrimination because the proposed fee changes will apply to all Members equally. Any firm that is granted membership to the Exchange will be charged the same fee, subject only to it being pro-rated based on the date upon which they become a Member, as described above. The Exchange also believes that increasing the annual Membership Fee from $2,000 [sic] $2,500 is an equitable allocation of reasonable dues, fees, and other charges because the cost of Exchange membership will continue to be lower than the cost of membership on other exchanges.[13] The Exchange notes that it has not increased the annual Membership Fee since its inception in September 2011. The Exchange believes eliminating the Trading Rights Fee and MPID Fee is reasonable because it would help simplify and streamline the Exchange's membership fees and ease Members' overall membership fee related obligations.

In addition, the increase in the annual Membership Fee, coupled with the elimination of the Trading Rights and MPID fees, amounts to a fee reduction in a Member's annual fee costs. Currently, Members are charged an annual Membership Fee of $2,000 and an additional Trading Rights Fee of $300 per month, resulting in a total charge of $5,600 for a full calendar year. That Member may be charged an additional $250 per month where it has more than 5 MPIDs approved for trading on the Exchange. As proposed, Members would only be subject to the proposed annual Membership Fee of $2,500. These reduced overall fees may attract additional firms to become Members on the Exchange, thereby, potentially increasing liquidity on the Exchange. Such increased liquidity benefits all investors by deepening the Exchange's liquidity pool and offers additional flexibility for all investors to enjoy cost savings and improving investor protection. Furthermore, such increased volume would increase potential revenue to the Exchange and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, potentially leading to lower per share costs. Therefore, the Exchange believes that the proposed rule change provides for an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

Non-Substantive Clarifying Changes

The Exchange believes that the non-substantive clarifying changes to its Fee Schedule are reasonable because they are designed to provide greater transparency to Members with regard to how the Exchange assesses fees and provides rebates. The Exchange notes that none of the proposed non-substantive clarifying changes are designed to amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. The Exchange believes that Members would benefit from clear guidance in its Fee Schedule that describes the manner in which the Exchange would assess fees and calculate rebates. These non-substantive, technical changes to the Fee Schedule as intended to make the Fee Schedule clearer and less confusing for investors and eliminate potential investor confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

ADV and TCV Definitions

The proposal to exclude shares from January 12, 2015 up to and including January 16, 2015 from the ADV and TCV calculations is intended to allow Members additional time to monitor the migration of the Exchange onto BATS technology. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The proposed change will help to promote intramarket competition by avoiding a penalty Members that might otherwise qualify for certain tiered pricing but that, because of the technology migration, did not participate on the Exchange to the extent that they might have otherwise participated. The proposed rule change will not have an impact on intermarket [sic] competition as it will apply to all Members equally.

Membership Fees

The Exchange believes that increasing the annual Membership Fee and removing the Trading Rights Fee and MPID Fee would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's membership fees continue to be lower than the cost of membership on other exchanges,[14] and therefore, may stimulate intramarket [sic] competition by attracting additional firms to become Members on the Exchange. In addition, membership fees are subject to competition from other exchanges. Accordingly, if the changes proposed herein are unattractive to market participants, it is likely the Exchange will see a decline in membership and/or trading activity as a result. The proposed fee change will not impact intermarket [sic] competition because it will apply to all Members equally.

Non-Substantive Clarifying Changes

The Exchange believes that non-substantive, clarifying changes to the Fee Schedule would not affect intermarket nor intramarket competition because none of these changes are designed to amend any fee or rebate or alter the manner in which the Exchange assesses fees or calculates rebates. These changes are intended to provide greater transparency to Members with regard to how the Exchange access fees and provides rebates.

[13] *See, e.g.,* NASDAQ Rule 7001(a) (assessing a $3,000 annual membership fee); New York Stock Exchange Price List 2011, at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf* (assessing a $40,000 annual trading license fee for the first two licenses held by a member organization).

[14] *See, e.g.,* NASDAQ Rule 7001(a) (assessing an $3,000 annual membership fee); New York Stock Exchange Price List 2011, at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf* (assessing a $40,000 annual trading license fee for the first two licenses held by a member organization).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 thereunder.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2014–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2014–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's 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–EDGA–2014–36, and should be submitted on or before February 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00527 Filed 1–14–15; 8:45 am]

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[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74022; File No. SR–Phlx–2015–04]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the Extranet Access Fee

January 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 5, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add new Section XIII (Extranet Access Fee) to the NASDAQ OMX PHLX LLC Pricing Schedule (''Pricing Schedule''), which includes description about the applicability of the Extranet Access Fee. This will conform the Exchange's Pricing Schedule to that of other markets.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to add new Section XIII (Extranet Access Fee) to the Pricing Schedule, which includes description about the applicability of the Extranet Access Fee. This will conform the Exchange's Pricing Schedule to that of other markets.[3]

Specifically, the Exchange proposes to establish the Extranet Access Fee in proposed new Section XIII of the Pricing Schedule and indicate that certain non-Exchange Customer Premises Equipment (''CPE'') Products shall be assessed a monthly access fee of $1,000 per CPE.[4] The Exchange also proposes to conform the Extranet Access Fee to that of another market, specifically NASDAQ Rule 7025, by also indicating that if an extranet provider uses

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange, NASDAQ OMX BX, Inc. (''BX''), and The NASDAQ Stock Market (''LLC'') are self-regulatory organizations (''SROs'') that are wholly owned subsidiaries of The NASDAQ OMX Group, Inc. (''NASDAQ OMX''). The Exchange, NOM (a facility of the Exchange [sic]), BX, BX Options (a facility of BX), and PSX (a facility of Phlx) (together with the Exchange known as the ''NASDAQ Markets''), are independently filing proposals to conform their respective Extranet Access Fee rules to NASDAQ Rule 7025.

[4] Proposed Section XIII is listed in the Table of Contents (Preface).

multiple CPE Configurations [5] to provide market data feeds to any recipient the monthly fee shall apply to each such CPE Configuration; and that no Extranet Access Fee will be charged for connectivity to market data feeds containing only consolidated data. This proposal establishes the Extranet Access Fee in proposed new Section XIII of the Pricing Schedule that is exactly like the equivalent fee in NASDAQ Rule 7025.

The Extranet Access Fee was introduced a decade ago on NASDAQ Rule 7025 as an equity fee.[6] The Extranet Access Fee was introduced about a year ago on PSX, a facility of the Exchange, in Section VIII of the Pricing Schedule.[7] By this proposal, the Exchange not only introduces the Extranet Access Fee on Phlx but also normalizes its cost and structure to that of the equivalent decade-old NASDAQ fee.[8]

Proposed Section XIII of the Pricing Schedule indicates the same fee as NASDAQ Rule 7025, namely $1,000 per CPE Configuration, and adds verbatim language from NASDAQ Rule 7025 that explains the application of the fee.[9] As proposed, Section XIII of the Pricing Schedule will read as follows: ''Extranet providers that establish a connection with Phlx to offer direct access connectivity to market data feeds shall be assessed a monthly access fee of $1,000 per recipient Customer Premises Equipment (''CPE'') Configuration. If an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration. For purposes of this Section XIII, the term ''Customer Premises Equipment Configuration'' shall mean any line, circuit, router package, or other technical configuration used by an extranet provider to provide a direct access connection to Phlx market data feeds to a recipient's site. No extranet access fee will be charged for connectivity to market data feeds containing only consolidated data. Extranet providers that establish a connection with Phlx pursuant to this Section XIII of the Pricing Schedule as well as a connection with PSX pursuant to Section VIII of the Pricing Schedule shall be assessed a total monthly access fee of $1,000 per recipient CPE Configuration.'' The proposal conforms Section XIII of the Pricing Schedule to NASDAQ Rule 7025, and makes them substantively identical.[10] The proposal also makes it clear that if an extranet provider establishes an Extranet connection on PSX as well as on Phlx, the extranet provider will not need to pay a double $1,000 monthly access fee per CPE, but rather only one total monthly access fee of $1,000 per CPE. In addition, as discussed, there is an equity market and an options market under the Phlx SRO license. This proposal currently applies the Extranet Access Fee located in Section VIII of the Pricing Schedule to members transacting an equity business (PSX) and would also apply to members transacting an options business as proposed in Section XIII of the Pricing Schedule, conforming these rules with NASDAQ Rule 7025.[11]

The proposed Extranet Access Fee will, as on NASDAQ, be used to help recoup the Exchange's costs associated with maintaining multiple extranet connections with multiple providers. These costs include those associated with overhead and technology infrastructure, administrative, maintenance and operational costs. Since the inception of Extranet Access there have been numerous network infrastructure improvements and administrative controls enacted. Additionally, the Exchange has implemented automated retransmission facilities for most of its data clients that benefit extranet clients by reducing operational costs associated with retransmissions. Also, the Exchange is currently undergoing a technology refresh of the its options trading system, which will deploy state-of-the-art hardware and software architecture to achieve a more efficient and more robust infrastructure in support of the growing needs of our customers.

As the number of extranets has increased, the management of the downstream customers has expanded and the Exchange has had to ensure appropriate reporting and review processes, which has resulted in a greater cost burden on the Exchange over time. The proposed fee will also help to ensure that the Exchange is better able to closely review reports and uncover reporting errors via audits thus minimizing reporting issues.[12] The network infrastructure has increased in order to keep pace with the increased number of products, which, in turn, has caused an increased administrative burden and higher operational costs associated with delivery via extranets.

Thus, subsequent to the proposal extranet providers that establish a connection with the Exchange to offer direct access connectivity to market data feeds shall be assessed a monthly access fee of $1,000 per CPE Configuration. If, as discussed below, an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration.

The Exchange proposes two new descriptions to conform the language of Section XIII of the Pricing Schedule to that of NASDAQ Rule 7025. Specifically, the Exchange proposes to indicate that if an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration; and that no extranet access fee will be charged for connectivity to market data feeds containing only consolidated data. These proposed descriptions should serve to reduce any confusion as to the applicability of the Extranet Access Fee. Moreover, the descriptions would make the Exchange's Extranet Access Fee in Section XIII work the same as the equivalent fee in NASDAQ Rule 7025, and complete the effort to conform the two rules.

[5] As defined in proposed Section XIII of the Pricing Schedule, a ''Customer Premises Equipment Configuration'' means any line, circuit, router package, or other technical configuration used by an extranet provider to provide a direct access connection to Phlx market data feeds to a recipient's site.

[6] *See* Securities Exchange Act Release Nos. 50483 (October 1, 2004), 69 FR 60448 (October 8, 2004) (SR–NASD–2004–118) (establishing the Extranet Access Fee on NASDAQ); and 71199 (December 30, 2013), 79 FR 686 (January 6, 2014) (SR–NASD [sic]–2013–159) (notice of filing and immediate effectiveness increasing the Extranet Access Fee to $1,000).

[7] *See* Securities Exchange Act Release No. 71236 (January 6, 2014), 79 FR 1906 (January 10, 2014) (SR–Phlx–2014–01) (notice of filing and immediate effectiveness establishing the Extranet Access Fee on PSX, and describing that no fee is charged at the time of the filing). The Extranet Access Fee was also established on BX. *See* Securities Exchange Act Release Nos. 59615 (March 20, 2009), 74 FR 14604 (March 31, 2009) (SR–BX–2009–005) (establishing the Extranet Access Fee on BX); and 71841 (April 1, 2014), 79 FR 19129 (April 7, 2014) (SR–BX–2014–015) (notice of filing and immediate effectiveness and describing that the Extranet Access Fee is $750).

[8] As noted, Phlx and other NASDAQ Markets are independently filing proposals to conform their respective Extranet Access Fee.

[9] However, the proposed Section XIII language does not, because it deals with options, indicate that consolidated data includes data disseminated by the UTP SIP (as noted in NASDAQ Rule 7025).

[10] The Exchange notes that while Section XIII of the Pricing Schedule and NASDAQ Rule 7025 each contain some language particular to the relevant exchange, with this proposal the language of the two rules is substantively identical. The Exchange notes that the statement that Extranet providers shall be assessed a total monthly access fee of $1,000 per recipient CPE Configuration is not in NASDAQ Rule 7025.

[11] The Exchange is filing to assess the $1,000 Extranet Access Fee on PSX, which is currently free.

[12] The Exchange will inform extranet providers of their reporting responsibilities via its public Web site. This will include, as an example, reporting CPE usage.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and with Section 6(b)(4) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes that its proposal to add the Extranet Access Fee in Section XIII of the Pricing Schedule, and to describe the applicability of the Extranet Access Fee and thereby conform the fee with the equivalent fee on NASDAQ, is consistent with the Act.

All similarly situated extranet providers, including the Exchange operating its own extranet, that establish an extranet connection with the Exchange to access market data feeds from the Exchange are subject to the same fee structure.[15] The fee will help the Exchange to offset some of the rising overhead and technology infrastructure, administrative, maintenance and operational costs it incurs in support of the service.

If such costs are covered, the service may provide the Exchange with a profit. As such, the Exchange believes that the proposed fee is reasonable and notes that this proposal conforms similarly-situated Extranet Access Fee rules on Phlx options, PSX equities, and NASDAQ. The extranet costs are separate and different from the colocation facility that is able to recoup these fees by charging for servers within the associated data centers. Additionally, the Exchange believes that the proposed change is equitable and not unreasonably discriminatory. The monthly fee is assessed uniformly to all extranet providers that establish a connection with the Exchange to offer direct access connectivity to market data feeds, and is the same for all at $1,000 per recipient CPE Configuration. Thus, any burden arising from the fees is necessary in the interest of promoting the equitable allocation of a reasonable fee. Moreover, firms make decisions on how much and what types of data to consume on the basis of the total cost of interacting with the Exchange or other markets and, of course, the Extranet Access Fee is but one factor in a total platform analysis.

Additionally, proposed Section XIII of the Pricing Schedule contains description stating that if an extranet provider uses multiple CPE Configurations to provide market data feeds to any recipient, the monthly fee shall apply to each such CPE Configuration; and that no Extranet Access Fee will be charged for connectivity to market data feeds containing only consolidated data. This description should serve to reduce any confusion as to the applicability of this fee.

The proposal provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

The proposed fees are applied uniformly among extranet providers, which are not compelled to establish a connection with the Exchange to offer access connectivity to market data feeds. For these reasons, any burden arising from the fees is necessary in the interest of promoting the equitable allocation of a reasonable fee. Additionally, firms make decisions on how much and what types of data to consume on the basis of the total cost of interacting with the Exchange or other exchanges and, of course, the Extranet Access Fee is but one factor in a total platform analysis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[16] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2015–04 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–Phlx–2015–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices 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

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] For example, NASDAQ Technology Services, a subsidiary of the NASDAQ, pays the applicable fee(s) to the Exchange for services covered under the Extranet Access Fee.

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

available publicly. All submissions should refer to File Number SR–Phlx–2015–04, and should be submitted on or before February 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00524 Filed 1–14–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74026; File No. SR–ICEEU–2014–22]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Approving Proposed Rule Change Relating to ICE Clear Europe Board Risk Committee

January 9, 2015.

I. Introduction

On November 10, 2014, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICEEU–2014–22 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on November 25, 2014.[3] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICE Clear Europe is proposing this change to establish a risk committee (the ''Board Risk Committee''), as described in the ICE Clear Europe Board Risk Committee Composition and Terms of Reference (''Terms of Reference''), which will advise the ICE Clear Europe Board (the ''Board'') on certain clearing house-wide risk management matters. The establishment of the Board Risk Committee is required under Article 28 of the European Market Infrastructure Regulation (''EMIR''),[4] which will apply to ICE Clear Europe as an authorized central counterparty.

Pursuant to the Terms of Reference, the role of the Board Risk Committee, which will meet at least quarterly and report directly to the Board, will be to advise the Board so the Board can ensure that ICE Clear Europe (i) implements and maintains agreed risk management procedures, processes, and controls, (ii) provides appropriate access to its clearing services, and (iii) appropriately considers the interests of non-clearing members, including with respect to account segregation and collateral protection. ICE Clear Europe states that the Board Risk Committee's activities will relate to all product categories cleared at ICE Clear Europe, and that they are in addition to ICE Clear Europe's existing product-specific risk committees (F&O, CDS and FX).

Pursuant to its Terms of Reference, the Board Risk Committee's responsibilities will include receiving and reviewing all recommendations from each of the product-specific risk committees, reviewing business risk mitigation procedures and controls at least annually, and overseeing all risks facing ICE Clear Europe, including counterparty credit risk and non-counterparty credit risks, such as operational and liquidity risks. In addition, the Terms of Reference provide that the Board Risk Committee will advise the Board regarding any arrangements that may materially impact the risk management of ICE Clear Europe, such as a significant change in its criteria for accepting clearing members, clearing in new markets, or outsourcing of certain functions.

In accordance with its Terms of Reference, the Board Risk Committee will be provided with results and analysis of back-testing, sensitivity testing, stress testing, and reverse stress testing for any review of margin models, methodologies, and/or the liquidity risk management framework. The Board Risk Committee's Terms of Reference also provide that the Board Risk Committee will consider other issues that may be referred to it by the Board and/or executive, including the exercise of discretion regarding recovery arrangements under the Rules. Further, the Terms of Reference provide that the Board Risk Committee may obtain external legal or other independent advice and secure the attendance of third parties with relevant experience and expertise. The Terms of Reference, however, clarify that the Board Risk Committee's advice is not required for the daily operations of ICE Clear Europe.

The Terms of Reference provide that the Board Risk Committee will be composed of at least two, and up to four, Clearing Member representatives and at least two, and up to four, customer representatives, in each case appointed by the Board Risk Committee Chairman following consideration by the ICE Clear Europe Nominations Committee. Pursuant to the Board Risk Committee composition requirements as described in the Terms of Reference, the Board Risk Committee Chairman will be an independent non-executive director of ICE Clear Europe appointed by the Board and will be a full voting member of the committee. In addition, the Terms of Reference provide that any member of the Board Risk Committee may be removed by the Board without cause, and that the Board Risk Committee composition will be reviewed annually to determine whether the committee has appropriate representation of Clearing Members, customers and independent non-executive directors, and appropriate representation of expertise and experience in relevant risk disciplines, including market, credit and operational risk. Based on this review, the Chairman may, pursuant to the Terms of Reference, request the resignation of one or more committee members and/or appoint one or more committee members to achieve such appropriate representation.

Pursuant to the Terms of Reference, ICE Clear Europe's Chief Risk Officer, President, and other appropriate staff members will attend Board Risk Committee meetings in a non-voting capacity. Additionally, the Terms of Reference provide that the chairs of any groups or committees involved in developing risk policies and a representative from each of the markets cleared by ICE Clear Europe will have a right to attend, but not vote, at Board Risk Committee meetings, and that the Board Risk Committee may invite external independent experts to attend meetings in a non-voting capacity. The Terms of Reference requires that a quorum will be a minimum of four members, one of whom must be a customer representative and one of whom must be a Clearing Member representative, and that the Board Risk Committee Chairman will count toward the quorum. The Terms of Reference stipulates that each Board Risk Committee member will have one vote and Board Risk Committee decisions will be made by a simple majority, provided that if the committee is evenly divided, the Chairman may cast a deciding vote (in addition to the

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–73645 (Nov. 18, 2014), 79 FR 70251 (Nov. 25, 2014) (SR–ICEEU–2014–22).

[4] Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories.

Chairman's normal vote as a committee member).

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [5] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act [6] requires, among other things, that the rules of a clearing agency are designed, in general, to protect investors and the public interest. In addition, Rule 17Ad–22(d)(8) requires registered clearing agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to have governance arrangements that are clear and transparent to fulfill the public interest requirements in Section 17A of the Act applicable to clearing agencies, to support the objectives of owners and participants, and to promote the effectiveness of the clearing agency's risk management procedures.[7]

The Commission finds that the proposed rule change is consistent with Section 17A of the Act [8] and the rules thereunder applicable to ICE Clear Europe. As described above, the Board Risk Committee's Terms of Reference provide specific information regarding, among other things, the Board Risk Committee's objectives, responsibilities, composition, and governance, as well as its relationship with the Board and other ICE Clear Europe committees. Specifically, the Terms of Reference state that the Board Risk Committee's role is to advise the Board with respect to various firm-wide risk management matters, while helping the Board to ensure that ICE Clear Europe (i) implements and maintains agreed risk management procedures, processes and controls, (ii) provides appropriate access to its clearing services, and (iii) appropriately considers the interests of non-clearing member users of cleared products, including with respect to account segregation and collateral protection. In this role, the Terms of Reference provide that the Board Risk Committee will, among other things, advise the Board regarding any arrangements that may materially impact ICE Clear Europe's risk management (such as a significant change in its criteria for accepting clearing members, clearing in new markets, or outsourcing of certain functions).

Moreover, the Terms of Reference provide that the Board Risk Committee will oversee all risks facing ICE Clear Europe (including counterparty credit risk, operational risk, and liquidity risk). ICE Clear Europe states that the Board Risk Committee's activities will relate to all categories of products cleared at ICE Clear Europe, and will be in addition to the activities of its existing product-specific risk committees (*i.e.,* the F&O, CDS and FX risk committees). The Terms of Reference also require the Board Risk Committee to report directly to the Board and receive and review all recommendations from each of the product-specific risk committees. The Commission believes that these arrangements are reasonably designed to protect investors and the public interest and to promote the effectiveness of ICE Clear Europe's risk management procedures. In addition, the Commission believes that the composition of the Board Risk Committee, as described in the Terms of Reference, is reasonably designed to represent the interests of owners, clearing participants, and customers, and, therefore, support owner and participant objectives.

Accordingly, the Commission believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[9] and the requirements of Rule 17Ad–22(d)(8) [10] applicable to registered clearing agencies.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [11] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–ICEEU–2014–22) be, and hereby is, approved.[13]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00529 Filed 1–14–15; 8:45 am]

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[5] 15 U.S.C. 78s(b)(2)(C).

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17Ad–22(d)(8).

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17Ad–22(d)(8).

[11] 15 U.S.C. 78q–1.

[12] 15 U.S.C. 78s(b)(2).

[13] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74029; File No. SR–NYSEArca–2014–151]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Commentary .06 to Rule 6.8 To Extend the Pilot Program That Eliminated the Position Limits for Options on SPDR S&P 500 ETF

January 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 30, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities 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 change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .06 to Rule 6.8 to extend the pilot program that eliminated the position limits for options on SPDR S&P 500 ETF (''SPY'') (''SPY Pilot Program''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .06 to Rule 6.8 to extend the time period of the SPY Pilot Program,[3] which is currently scheduled to expire on February 5, 2015, through July 12, 2015.

This filing does not propose any substantive changes to the SPY Pilot Program. In proposing to extend the SPY Pilot Program, the Exchange reaffirms its consideration of several factors that supported the original proposal of the SPY Pilot Program, including (1) the availability of economically equivalent products and their respective position limits, (2) the liquidity of the option and the underlying security, (3) the market capitalization of the underlying security and the related index, (4) the reporting of large positions and requirements surrounding margin, and (5) the potential for market on close volatility.

In the original proposal to establish the SPY Pilot Program, the Exchange stated that if it were to propose an extension, permanent approval or termination of the program, the Exchange would submit, along with any filing proposing such amendments to the program, a report providing an analysis of the SPY Pilot Program covering the first twelve (12) months during which the SPY Pilot Program was in effect (the ''Pilot Report'').[4] Accordingly, the Exchange is submitting the Pilot Report detailing the Exchange's experience with the SPY Pilot Program. The Pilot Report is attached as Exhibit 3 to this filing. The Exchange notes that it is unaware of any problems created by the SPY Pilot Program and does not foresee any as a result of the proposed extension. In extending the SPY Pilot Program, the Exchange states that if it were to propose another extension, permanent approval or termination of the program, the Exchange will submit another Pilot Report covering the period since the previous extension, which will be submitted at least 30 days before the end of the proposed extension.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, 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 extending the SPY Pilot Program promotes just and equitable principles of trade by permitting market participants, including market makers, institutional investors and retail investors, to establish greater positions when pursuing their investment goals and needs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change is designed to allow the SPY Pilot Program to continue as other SROs have adopted similar provisions.

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8] Because the foregoing 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, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–151 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–2014–151. 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

[3] *See* Securities Exchange Act Release No. 68001 (October 5, 2012), 77 FR 62303 (October 12, 2012) (SR–NYSEArca–2012–112).

[4] *Id.*

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission 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. The Exchange has satisfied this requirement.

available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–151, and should be submitted on or before February 5, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00532 Filed 1–14–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74023; File No. SR–EDGX–2015–03]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain Rules To Adopt or Align System Functionality With That Currently Offered by BATS Exchange, Inc. and BATS Y-Exchange, Inc.

January 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on January 8, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend certain rules to adopt or align system functionality with that currently offered by BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'', collectively with BZX, ''BATS'') in order to provide a consistent technology offering amongst the Exchange and its affiliates. These changes are described in detail below and include amending: (i) Rule 11.1 regarding the Exchange's trading sessions and

Order Types; (v) Rule 11.9, Priority of Orders; (vi) Rule 11.10, Order Execution; (vii) Rule 11.11, Routing to Away Trading Centers; and (viii) Rule 11.21, Retail Orders.

The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BATS. The Exchange notes that the proposed rule text is based on the rules and is different only to the extent necessary to conform to the Exchange's current rules.

The Exchange does not believe that the proposed rule change will have any direct or significant indirect effect on any other Exchange rule in effect at the time of this filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.directedge.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 the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate, EDGA Exchange, Inc. (''EDGA'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[5] In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to amend: (i) Rule 11.1 regarding the Exchange's trading sessions and hours of operation; (ii) Rule 11.6, Definitions; (iii) Rule 11.7, Opening Process; (iv) Rule 11.8, Order Types; (v) Rule 11.9, Priority of Orders; (vi) Rule 11.10, Order Execution; (vii) Rule 11.11, Routing to Away Trading Centers; and (vi) Rule 11.21, Retail Orders.

The proposed amendments are intended to align certain system functionality with that currently offered by BATS in order to provide a consistent technology offering for Users[6] of the BGM Affiliated Exchanges. The Exchange notes that the proposed rule text is based on the BATS Rule and is different only to the extent necessary to conform to the Exchange's current rules.[7] The proposed amendments do not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BATS or BYX.

Rule 11.1, Hours of Trading and Trading Days

Current Functionality. Rule 11.1 sets forth when orders may be entered into the System[8] and outlines a User's ability to select the trading sessions for which an order may be eligible for execution. Proposed Rule 11.1(a)(1), Session Indicator, describes each of the Exchange's existing trading sessions. A User may select the particular trading sessions for which their order(s) may be eligible for execution. Specifically,

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[6] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[7] To the extent a proposed rule change is based on an existing BATS Rule, the language of the BATS and Exchange Rules may differ to extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange Rules but not currently included in BATS rules based on the current structure of such rules.

[8] Exchange Rule 1.5(cc) defines ''System'' as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

orders designated as: ''Pre-Opening Session'' are eligible for execution between 8:00 a.m. Eastern Time and 4:00 p.m. Eastern Time; ''Regular Session'' are eligible for execution between the completion of the Opening Process or a Contingent Open as defined in proposed Rule 11.7 (described below), whichever occurs first, and 4:00 p.m. Eastern Time, unless otherwise noted; [9] ''Post-Closing Session'' are eligible for execution between the start of the Regular Session and 8:00 p.m. Eastern Time; and ''All Sessions'' are eligible for execution between 8:00 a.m. and 8:00 p.m. Eastern Time.

Under Rule 11.1(a)(1), orders may be entered into the System from 6:00 a.m. until 8:00 p.m. Eastern Time, but orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until the start of the session selected by the User. All orders are eligible for execution during the Regular Session. A User may designate that their order to be eligible for the Pre-Opening and/or Post-Closing Sessions. If the User does not select a particular session or sessions, the order will default to the Regular Session only.

Proposed Functionality. To align with BATS functionality, the Exchange proposes to amend Rule 11.1(a)(1) to allow Users to designate when their order is eligible for execution by selecting the desired Time-In-Force (''TIF'') instruction under Exchange Rule 11.6(q) [10] and not by selecting a particular trading session, as is currently required. Therefore, the Exchange proposes to delete references to the Pre-Opening Session, Regular Session, Post-Closing Session, and All Sessions indicators set forth under Rule 11.1(a)(1)(A)–(D). These session indicators will no longer be available upon completion of the technology integration and Users will designate the session(s) during which their order is eligible for execution by selecting the desired TIF instruction under Exchange Rule 11.6(q). The Exchange also proposes to no longer default orders to the Regular Session where another session indicator is not selected by the User. Thus, Users will be required to select a TIF instruction. Pre-Opening Session [11] and Post-Closing Session [12] will continue to be defined under Exchange Rule 1.5. The Exchange also proposes to retain but relocate the definition of Regular Session to Rule 1.5 as new paragraph (hh).

The Exchange also proposes to amend Rule 11.1(a)(1) to align with recent rule changes filed with the Commission by BATS.[13] As proposed, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time are not eligible for execution until the start of the Pre-Opening Session or Regular Trading Hours, depending on the time-in-force selected by the User. The Exchange proposes to further amend Rule 11.1(a)(1) to state that the following orders will not be accepted prior to 8:00 a.m. Eastern Time: Orders with a Post Only instruction, ISOs, Market Orders with a TIF instruction other than Regular Hours Only (''RHO''), orders with a Minimum Execution Quantity instruction that also include a TIF instruction of RHO, and all orders with a TIF instruction of Immediate or Cancel (''IOC'') or Fill Or Kill (''FOK''). At the commencement of the Pre-Opening Session, orders entered between 6:00 a.m. and 8:00 a.m. Eastern Time orders will be handled in time sequence, beginning with the order with the oldest time stamp, and will be placed on the EDGX Book, routed, cancelled, or executed in accordance with the terms of the order.

Rule 11.6, Definitions

Rule 11.6, Definitions, sets forth in one rule current defined terms and order instructions that are utilized in Chapter XI. Rule 11.6 also includes additional defined terms and instructions to aid in describing System functionality and the operation of the Exchange's order types. The Exchange proposes to amend Rule 11.6 to align certain sections with BATS functionality and rules as part of the technology integration. These changes are described below and include: (i) Amending subparagraph (a) regarding Attribution; (ii) amending paragraph (d) regarding Discretionary Range; (iii) amending paragraph (h) regarding Minimum Execution Quantity; (iv) amending subparagraph (j) regarding the Pegged order instruction; (v) amending subparagraph (k) regarding the definition of Permitted Price; (vi) amending subparagraph (l)(1)(A) regarding the Price Adjust Re-Pricing instruction to allow for multiple re-pricing; (vii) deleting subparagraph (l)(1)(B)(i) to decommission the Routed and Returned Re-Pricing instruction; (viii) amending subparagraph (l)(2) to decommission Short Sale Price Adjust and Short Sale Price Sliding, and adopt the BATS short sale re-pricing process; (ix) amending subparagraph (l)(3) to include re-pricing of orders of Odd Lot size; [14] (x) amending subparagraph (m)(1) regarding Replenishment Amounts; (xi) amending subparagraph (m)(2) regarding the Super Aggressive order instruction; and (xii) amending subparagraph (q) regarding TIF instructions. As stated above, the proposed amendments to Rule 11.6 do not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BZX or BYX.[15] Each of these amendments are described in more detail below.

Attribution (Rule 11.6(a))

Pursuant to Rule 11.6(a), where a User includes an Attributable instruction with an order, the User's Market Participant Identifier (''MPID'') is visible via the Exchange's Book Feed.[16] Conversely, if an order is to be Non-Attributable,[17] the User's MPID is not visible via the Exchange's Book Feed. Under Exchange Rule 11.6(a)(1), unless the User elects otherwise, all orders are automatically defaulted by the System to Non-Attributable. Further, under Rule 11.6(a)(2), a User may elect an order to be Attributable on an order-by-order basis or instruct the Exchange to default all of its orders as Attributable on a port-by-port basis. However, pursuant to Rule 11.6(a), if a User instructs the Exchange to default all its orders as Attributable on a particular port, such User would not be able to designate any order from that port as Non-Attributable.

The Exchange proposes to amend Rule 11.6(a)(2) to provide Users with additional flexibility when designating all of its orders as Attributable on a particular port consistent with BATS functionality. As amended, Rule 11.6(a)(2) would provide a User that

[9] Beginning at 9:30:00 a.m. Eastern Time, the System will accept: (i) Incoming orders designated as Intermarket Sweep Orders (''ISOs''), and (ii) orders with a time-in-force instruction other than Regular Hours Only. This is to assist Members' compliance with Rule 611 of Regulation NMS.

[10] The Exchange also proposes to and its TIF instructions under Rule 11.6(q) to align with BATS Rule 11.9(b). The changes are described in more detail below.

[11] Pre-Opening Session is defined as ''the time between 8:00 a.m. and 9:30 a.m. Eastern Time.'' *See* Exchange Rule 1.5(s).

[12] Post-Closing Session is defined as ''the time between 4:00 p.m. and 8:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(r).

[13] *See* Securities Exchange Act Release Nos. 73745 (December 4, 2014), 79 FR 73359 (December 10, 2014) (SR–BATS–2014–062); 73744 (December 4, 2014), 79 FR 73369 (December 10, 2014) (SR–BYX–2014–036).

[14] An ''Odd Lot' is defined as ''any amount less than a Round Lot. *See* Exchange Rule 11.8(s)(2).

[15] *See supra* note 7.

[16] *See* EDGX Rule 11.6(a). The EDGX Book Feed is a data feed that contains all displayed orders for listed securities trading on EDGX, order executions, order cancellations, order modifications, order identification numbers, and administrative messages. *See* Exchange Rule 13.8(a).

[17] *See* Exchange Rule 11.6(a)(1).

instructs the Exchange to default all of its orders as Attributable on a particular port the ability to override that setting and designate an individual order from that port as Non-Attributable. This proposed rule change is representative of additional detail with regard to the operation of orders with an Attributable instruction in the Exchange's rules. While the proposed rule change is not directly based on an existing BATS Rule, as BATS rules do not currently address port level settings with respect to attribution, the Exchange believes that amending its current rule text to accurately describe how a Member may designate their orders as Attributable or Non-Attributable will provide them with increased transparency regarding how the System operates.

*Amendments to Retail Attribution (Rule 11.21(e)).*The Exchange proposes to make similar amendments to the attribution of Retail Orders.[18] Under Rule 11.21(e), a User may designate a Retail Order to be identified as Retail on the EDGX Book Feed on an order-by-order basis. A User may also instruct the Exchange to identify all of its Retail Orders as Retail on a port-by-port basis where that port is also designated as a Retail Order Port. However, if a User instructs the Exchange to identify all of its Retail Orders as Retail on a Retail Order Port, it will not be able to designate any Retail Order from that port as Attributable or as Non-Attributable. The Exchange proposes to amend Rule 11.21(e) to provide Users additional flexibility when designating all of its Retail Order be identified as Retail on a particular port consistent with BATS functionality.[19] As amended, Rule 11.6(a)(2) would provide a User that instructs the Exchange identify all of its Retail Orders as Retail on a particular port the ability to override that setting and designate an individual Retail Order from that port as Attributable or Non-Attributable.

Cancel Back (Rule 11.6(b))

Cancel Back is an instruction a User may attach to an order instructing the System to cancel an order, when, if displayed by the System on the EDGX Book[20] at the time of entry, the order would create a violation of Rule 610(d) of Regulation NMS, Rule 201 of Regulation SHO, or the order cannot otherwise be executed or posted by the System to the EDGX Book at its limit price.

The Exchange proposes to amend the definition of Cancel Back to remove the requirement that the order only be cancelled where it creates a violation of Rule 610(d) of Regulation NMS, Rule 201 of Regulation SHO, or cannot otherwise be executed or posted by the System to the EDGX Book at its limit price upon entry. Removal of the phrase ''upon entry'' from Rule 11.6(b) would enable an order with a Cancel Back instruction that is posted to the EDGX Book to be cancelled if it subsequently creates a violation of Rule 610(d) of Regulation NMS, Rule 201 of Regulation SHO, or the cannot otherwise be executed or continue to be posted by the System to the EDGX Book at its limit price. The proposed amendment would align the operation of the Exchange's Cancel Back instruction with current BATS Rule 11.13.[21]

Discretionary Range (Rule 11.6(d))

Discretionary Range is an instruction the User may attach to an order to buy (sell) a stated amount of a security at a specified, displayed price with discretion to execute up (down) to a specified, non-displayed price. The Exchange proposes to remove the prohibition that the Discretionary Range of an order to buy (sell) cannot be more than $0.99 higher (lower) than the order's displayed price because, upon migration of the Exchange onto BATS technology, the Discretionary Range of an order will not be limited to $0.99. This proposed rule change is representative of additional detail with regard to the operation of orders with Discretionary Range in the Exchange's rules. In addition, no such limitation is included in BATS or BYX Rules 11.9(c)(10) regarding Discretionary Orders and the BATS systems effectively do not incorporate such a limitation.

Minimum Execution Quantity (Rule 11.6(h))

Minimum Execution Quantity is an instruction a User may attach to an order with a Non-Displayed[22] instruction requiring the System to execute the order only to the extent that a minimum quantity can be satisfied by execution against a single order or multiple aggregated orders simultaneously. Unless the User elects otherwise, any shares remaining after a partial execution will be executed at a size that is equal to or exceeds the Minimum Execution Quantity. Thus, under current Exchange Rules and functionality a User can elect that a Minimum Execution Quantity only apply to an initial execution but not any remaining shares after such execution. The Exchange proposes to amend Minimum Execution Quantity to reflect that, upon migration of the Exchange onto BATS technology, any shares remaining after a partial execution will continue to be executed at a size that is equal to or exceeds the Minimum Execution Quantity, regardless of the Users instructions. A User who wishes otherwise may cancel and resubmit their order without a Minimum Execution Quantity. In addition, currently the Minimum Execution Quantity instruction will not apply where the number of shares remaining after a partial execution are less than the quantity provided in the instruction. As amended, in such case, the Minimum Execution Quantity will equal the number of remaining shares, which is similar to current Exchange functionality. Like above, a User who wishes otherwise may cancel and resubmit their order with a new Minimum Execution Quantity. As amended, the Minimum Execution Quantity instruction will operate similarly to the BATS Minimum Quantity Order under BATS Rule 11.9(c)(5).[23]

[18] A Retail Order is defined as (i) an agency order or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person; (ii) is submitted to EDGX by a Member, provided that no change is made to the terms of the order; and (iii) the order does not originate from a trading algorithm or any other computerized methodology. *See* Footnote 4 of the Exchange's Fee Schedule *available at http://www.directedge.com/Trading/EDGXFeeSchedule.aspx;* Securities Exchange Act Release No. 68310 (November 28, 2012), 77 FR 71860 (December 4, 2012) (SR–EDGX–2012–47) (Notice of Filing and Immediate Effectiveness); Securities Exchange Act Release No. 69378 (April 15, 2013), 78 FR 23617 (April 19, 2013) (SR–EDGX–2013–13) (Notice of Filing and Immediate Effectiveness).

[19] *See* Securities Exchange Act Release Nos. 73237 (September 26, 2014), 79 FR 59537 (October 2, 2014) (SR–BATS–2014–043) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt Rule 11.24 to Permit Members to Designate Their Retail Orders To Be Identified as Retail on the Exchange's Proprietary Data Feeds); 73236 (September 26, 2014), 79 FR 59541 (October 2, 2014) (SR–BYX–2014–024) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt Rule 11.24 to Permit Members to Designate Their Retail Orders To Be Identified as Retail on the Exchange's Proprietary Data Feeds).

[20] The term ''EDGX Book'' is defined as ''the System's electronic file of orders.'' *See* EDGX Rule 1.5(d).

[21] Under BATS Rule 11.13, ''an order will be cancelled back to the User if, based on market conditions, User instructions, applicable Exchange Rules and/or the Act and the rules and regulations thereunder, such order is not executable, cannot be routed to another Trading Center pursuant to Rule 11.13(a)(2) below and cannot be posted to the BATS Book.'' The cancelling back of an order under Rule 11.13 is not limited to cancellation upon entry. *See also* BATS Rule 11.9(g)(1)(D).

[22] The term ''Non-Displayed'' is defined as ''[a]n instruction the User may attach to an order stating that the order is not to be displayed by the System on the EDGX Book.'' *See* Exchange Rule 1.5(e)(2).

[23] *See* Securities Exchange Act Release Nos. 72646 (July 21, 2014), 79 FR 43516 (July 25, 2014) (SR–BATS–2014–027) (Notice of Filing and

Continued

Pegged (Rule 11.6(j))

Current Functionality. An order with a Pegged instruction enables a User to specify that the order's price will peg to a price a certain amount away from the NBB or NBO (offset). If an order with a Pegged instruction displayed on the Exchange would lock the market, the price of the order will be automatically adjusted by the System to one Minimum Price Variation below the current NBO (for bids) or to one Minimum Price Variation above the current NBB (for offers). A new time stamp is created for the order each time it is automatically adjusted and orders with a Pegged instruction are not eligible for routing pursuant to Rule 11.11. For purposes of the Pegged instruction, the System's calculation of the NBBO does not take into account any orders with Pegged instructions that are resting on the EDGX Book. An order with a Pegged instruction is cancelled if an NBB or NBO, as applicable, is no longer available.

An order with a Pegged instruction may be a Market Peg or Primary Peg. An order that includes a Primary Peg instruction will have its price pegged by the System to the NBB, for a buy order, or the NBO for a sell order. A User may, but is not required to, select an offset equal to or greater than one Minimum Price Variation [24] above or below the NBB or NBO that the order is pegged to. An order with a Primary Peg instruction is currently eligible to join the Exchange's Best Bid or Offer (''Exchange BBO'') when the EDGX Book has been locked or crossed by another market. If an order with a Primary Peg instruction creates a Locking Quotation [25] or Crossing Quotation,[26] the price of the order is automatically adjusted by the System to one Minimum Price Variation below the current NBO (for bids) or to one Minimum Price Variation above the current NBB (for offers).

An order that includes a Market Peg instruction will have its price pegged by the System to the NBB, for a sell order, or the NBO, for a buy order. An order with a Market Peg instruction that is to be displayed by the System on the EDGX Book must include an offset for an order to buy (sell) that is equal to or greater than one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to. If a User does not select an offset, the System will automatically include an offset on an order to buy (sell) that is equal to one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to. For an order with a Non-Displayed instruction, a User may, but is not required to, select an offset for an order to buy (sell) that is equal to or greater than one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to.

Proposed Functionality. The Exchange proposes to amend the Pegged instruction under Rule 11.6(j) to align with BATS Rule 11.9(c)(8).[27] First, the Exchange proposes to no longer cancel an order with a Pegged instruction where the NBB or NBO, as applicable, is no longer available. In such case, instead of being cancelled, the order will not be eligible for execution. The order will receive a new time stamp and be eligible for execution where the NBB or NBO it is pegged to becomes available.

Second, the Exchange proposes to amend the Market Peg instruction under Rule 11.6(j)(1) to state that such orders are not eligible for display on the EDGX Book. As a result, the Exchange also proposes to delete the requirement that an order with a Market Peg instruction that is to be displayed on the EDGX Book must include an offset for an order to buy (sell) that is equal to or greater than one Minimum Price Variation below (above) the NBO (NBB) that the order is pegged to.

Third, the Exchange proposed to amend the Primary Peg instruction under Rule 11.6(j)(2) to define an offset equal to or greater than one Minimum Price Variation above or below the NBB or NBO that the order is pegged to as the ''Primary Offset Amount''. The Exchange also proposes to specify that the Primary Offset Amount for an order with a Primary Peg instruction that is to be displayed on the EDGX Book must result in the price of such order being inferior to or equal to the inside quote on the same side of the market.

Fourth, the Exchange proposes to amend the provisions governing the operation of an order with a Primary Peg instruction during a locked or crossed market. As proposed, an order with a Primary Peg instruction will no longer be able to join the Exchange BBO when the EDGX Book is locked or crossed by another market. When the EDGX Book is crossed by another market, the Exchange proposes to automatically adjust an order with a Primary Peg instruction to the current NBO (for bids) or the current NBB (for offers). For example, assume the NBBO is $10.08 × $10.09. An order with a Primary Peg instruction to buy with a limit price of $10.10 is entered and displayed by the System at $10.08, the current NBB. Assume the NBO updates to $10.07, resulting in a crossed market. The order with a Primary Peg instruction to buy would then be pegged and displayed at $10.07, the updated NBO.

Rule 11.6(j)(2) will continue to require that an order with a Primary Peg instruction that would otherwise be a Locking Quotation or Crossing Quotation be automatically adjusted by the System to one Minimum Price Variation below the current NBO (for bids) or to one Minimum Price Variation above the current NBB (for offers). For example, assume the NBBO is $10.09 × $10.08, resulting in a crossed market. An order with a Primary Peg instruction to buy with a limit price of $10.10 is entered and displayed by the System at $10.07, one Minimum Price Variation below the current NBB. Assume the NBBO is updated to $10.08 × $10.09, the order with a Primary Peg instruction to buy would then be pegged and displayed at $10.08, the updated NBB now that the market is no longer

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Immediate Effectiveness of a Proposed Rule Change to Rules 11.9, 11.12, 11.18, 21.1 and 21.7 of BATS Exchange, Inc.); 72647 (July 21, 2014), 79 FR 43522 (July 25, 2014) (SR–BYX–2014–010) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 11.9, 11.12, and 11.18 of BATS Y-Exchange, Inc.). As amended, Exchange Rule 11.6(h) only differs from BATS Rule 11.9(c)(5) to extent necessary to conform with existing rule text or to account for details or descriptions currently included in the Exchange's Rule that are not included in BATS Rule 11.9(c)(5).

[24] The term ''Minimum Price Variation'' is defined as ''[b]ids, offers, or orders in securities traded on the Exchange shall not be made in an increment smaller than: (i) $0.01 if those bids, offers, or orders are priced equal to or greater than $1.00 per share; or (ii) $0.0001 if those bids, offers, or orders are priced less than $1.00 per share; or (iii) any other increment established by the Commission for any security which has been granted an exemption from the minimum price increments requirements of SEC Rule 612(a) or 612(b) of Regulation NMS.'' *See* Exchange Rule 11.6(i).

[25] The term ''Locking Quotation'' is defined as ''[t]he display of a bid for an NMS stock at a price that equals the price of an offer for such NMS stock previously disseminated pursuant to an effective national market system plan, or the display of an offer for an NMS stock at a price that equals the price of a bid for such NMS stock previously disseminated pursuant to an effective national market system plan in violation of Rule 610(d) of Regulation NMS.'' *See* Exchange Rule 11.6(g).

[26] The term ''Crossing Quotation'' is defined as ''[t]he display of a bid (offer) for an NMS stock at a price that is higher (lower) than the price of an offer (bid) for such NMS stock previously disseminated pursuant to an effective national market system plan in violation of Rule 610(d) of Regulation NMS.'' *See* Exchange Rule 11.6(c).

[27] *See* Securities Exchange Act Release Nos. 73188 (September 23, 2014), 79 FR 58004 (September 26, 2014) (SR–BATS–2014–041) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.9 of BATS Exchange, Inc.); 73190 (September 23, 2014), 79 FR 58019 (September 26, 2014) (SR–BYX–2014–022) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.9 of BATS Y-Exchange, Inc.). As amended, Exchange Rule 11.6(j) only differs from BATS Rule 11.9(c)(8) to extent necessary to conform with existing rule text or to account for details or descriptions currently included in the Exchange's Rule that are not included in BATS Rule 11.9(c)(8).

crossed. This proposed rule change is representative of additional detail with regard to the operation of orders with a Pegged instruction during locked or crossed markets that is currently included in Rule 11.6(j) and is consistent with Exchange's current re-pricing options under Rule 11.6(l), as well as Exchange Rule 11.10(f) and BATS Rule 11.20(a)(3), which outline the prohibition against displaying locking and crossing quotations under Rule 610 of Regulation NMS.

Permitted Price (Rule 11.6(k))

Permitted Price is currently defined as the price at which a sell order will be priced, ranked and displayed at one Minimum Price Variation above the NBB. As amended, the definition of Permitted Price will only state that it is the price that the order is displayed at one Minimum Price Variation above the NBBO.[28] This is to update the definition of Permitted Price to reflect the decommissioning of the Short Sale Price Adjust and Short Sale Price Sliding instructions and the proposed amendment that an order with both a Short Sale instruction and Hide Not Slide instruction will be ranked at the mid-point of the NBBO, but displayed at the Permitted Price discussed below. While the amended definition of Permitted Price is not identical to the definition of Permitted Price under BATS Rules, any differences are necessary to conform the proposed rule text with the other proposed rule changes described above.

Re-Pricing (Rule 11.6(l))

The Exchange currently offers re-pricing instructions which, in all cases, result in the ranking and/or display of an order at a price other than the order's limit price in order to comply with applicable securities laws and Exchange Rules. Specifically, the Exchange's re-pricing instructions are designed to permit Users to comply with Rule 610(d) of Regulation NMS or Rule 201 of Regulation SHO. Rule 11.6(l) sets forth the re-pricing instructions currently available to Users with regard to Regulation NMS compliance—Price Adjust, Hide Not Slide, and Routed and Returned Re-Pricing, and with regard to Regulation SHO compliance—Short Sale Price Adjust and Short Sale Price Sliding. The Exchange now proposes to amend its re-pricing instructions to streamline the re-pricing options available to Users in order to align Exchange functionality with that of BATS.

Re-Pricing Instructions To Comply With Rule 610(d) of Regulation NMS

The Exchange proposes to amend its re-pricing instructions to comply with Rule 610(d) of Regulation NMS as follows: (i) Amend the Price Adjust instruction to enable Users to elect that their order be adjusted multiple times in response to changes in the NBBO; and (ii) delete Routed and Returned Re-Pricing.

Routed and Returned Re-Pricing (Rule 11.6(l)(1)(B)(i)). The Exchange proposes to delete the Routed and Returned Re-Pricing instruction under Rule 11.6(l)(1)(B)(i). Pursuant to current Exchange Rules and Functionality, under the Routed and Returned Re-Pricing instruction, a Limit Order that is returned to the EDGX Book after being routed to an away Trading Center with a limit price that would cause the order to be a Locking Quotation or Crossing Quotation will be displayed by the System on the EDGX Book at a price that is one Minimum Price Variation lower (higher) than the Locking Price[29] for orders to buy (sell), will be ranked at the midpoint of the NBBO with discretion to execute at the Locking Price. Each time the NBBO is updated, a buy (sell) order subject to the Routed and Returned Re-Pricing instruction will be further adjusted so that it continues to be displayed by the System on the EDGX Book at one Minimum Price Variation below (above) the NBO (NBB) and will be ranked at the updated midpoint of the NBBO with discretion to execute at the Locking Price until the price of such order reaches its limit price, at which point it will remain displayed by the System on the EDGX Book at that price and cease to be further adjusted pursuant to the Routed and Returned Re-Pricing instruction. The order will receive a new time stamp when it is returned to the EDGX Book and each time it is subsequently re-ranked.

Upon completion of the migration of the Exchange to BATS technology, Limit Orders that are returned to the EDGX Book after being routed to an away Trading Center with a limit price that would cause the order to be a Locking Quotation or Crossing Quotation will be subject to the Exchange's standard re-pricing instructions; *i.e.,* automatically defaulted by the System to the Price Adjust Re-Pricing instruction, unless the User affirmatively elects the Cancel Back instruction or the Hide Not Slide instruction. The Exchange also proposes to remove a reference to the Routed and Returned Re-Pricing instruction from Rule 11.6(l)(1)(B).

Price Adjust Re-Pricing (Rule 11.6(l)(1)(A)). Under the Price Adjust instruction, where a buy (sell) order would be a Locking Quotation or Crossing Quotation if displayed by the System on the EDGX Book at the time of entry, the order will be displayed and ranked[30] at a price that is one Minimum Price Variation lower (higher) than the Locking Price. The order will be displayed and ranked by the System on the EDGX Book at the Locking Price if: (i) The NBBO changes such that the order, if displayed at the Locking Price, would not be a Locking Quotation or Crossing Quotation, including where an ISO with a TIF instruction of Day is entered into the System and displayed on the EDGX Book on the same side of the market as the order at a price that is equal to or more aggressive than the Locking Price.[31] An order re-priced as set forth above would not be subject to further re-ranking and will be displayed by the System on the EDGX Book at the Locking Price until executed or cancelled by the User. The order will receive a new time stamp at the time it is re-ranked.

The Exchange proposes to amend the Price Adjust instruction to provide Users with additional flexibility by enabling them to elect that their order be adjusted multiple times in response to changes in the NBBO. The ranked and displayed prices of an order subject to the Price Adjust instruction will only be adjusted once, unless the User elects that the order be adjusted multiple times in response to changes to the prevailing NBBO. Unless a User has elected the multiple re-pricing option, the order would not be subject to further re-ranking and will be displayed on the EDGX Book at the Locking Price until executed or cancelled by the User. An order subject to the multiple re-pricing option will be further re-ranked and re-displayed to the extent it can permissibly be ranked and displayed at a more aggressive price based on changes to the prevailing NBBO.

[28] The proposed definition of Permitted Price is also similar to that of other exchange. *See e.g.,* Nasdaq Rule 4763(e); NYSE MKT Rule 440B(e); Rule 7016(f)(v)(C).

[29] The term ''Locking Price'' is defined as ''the price at which an order to buy (sell), that if displayed by the System on the EDGX Book, either upon entry into the System, or upon return to the System after being routed away, would be a Locking Quotation.'' *See* Exchange Rule 11.6(i).

[30] For purposes of the description of the re-pricing instructions under proposed Rule 11.6(l), the terms ''ranked'' and ''priced'' are synonymous and used interchangeably.

[31] *See* Division of Trading and Markets: Response to Frequently Asked Questions Concerning Rule 611 and Rule 610 of Regulation NMS, Question 5.02, *available at http://www.sec.gov/divisions/marketreg/nmsfaq610-11.htm* (last visited March 6, 2014).

Multiple re-pricing pursuant to Price Adjust would be optional and would have to be explicitly selected by a User before it will be applied. Orders subject to multiple re-pricing for Price Adjust will be permitted to move all the way back to their most aggressive price, whereas orders subject to Price Adjust may not be adjusted to their most aggressive price, depending upon market conditions and the limit price of the order upon entry. The Exchange notes that this functionality is identical to the operation of BATS Rule 11.9(g)(2).[32] The Exchange does not propose to amend any other aspect of the Price Adjust instruction.

As an example of multiple re-pricing for Price Adjust assume the Exchange has a posted and displayed bid to buy 100 shares of a security priced at $10.10 per share and a posted and displayed offer to sell 100 shares at $10.14 per share. Assume the NBBO is $10.10 by $10.12. If the Exchange receives a non-routable bid to buy 100 shares at $10.13 per share, the Exchange would rank and display the order to buy at $10.11 because displaying the bid at $10.13 would cross an external market's Protected Offer to sell for $10.12. If the NBO then moved to $10.13, the Exchange would un-slide the bid to buy and rank and display it at $10.12. Under existing Price Adjust functionality, the Exchange does not further adjust the ranked or displayed price following this un-slide. However, under multiple re-pricing for Price Adjust if the NBO then moved to $10.14, the Exchange would un-slide the bid to buy and rank and display it at its full limit price of $10.13.

Re-Pricing Instructions To Comply With Rule 201 of Regulation SHO

The Exchange proposes to amend its Re-Pricing instructions to comply with Rule 201 of Regulation SHO by deleting Short Sale Price Adjust and Short Sale Price Sliding and adopting a new, streamlined rule to align with BATS Rule 11.9(g)(5).

Current Functionality. The Exchange currently offers two re-pricing instructions to comply with Rule 201 of Regulation SHO—Short Sale Price Adjust and Short Sale Price Sliding. Under the Short Sale Price Adjust instruction, an order to sell with a Short Sale instruction will be ranked and displayed by the System on the EDGX Book at the Permitted Price. Following the initial ranking, the order will, to the extent the NBB declines, continue to be re-ranked and displayed by the System on the EDGX Book at the Permitted Price down to the order's limit price. The Short Sale Price Sliding instruction operates similarly to the Short Sale Price Adjust instruction; except that after its initial ranking, the order will, to the extent the NBB declines, be re-ranked and displayed by the System on the EDGX Book one additional time at a price that is equal to the NBB at the time the order was received by the System. In both cases, the order to sell with a Short Sale instruction will receive a new time stamp each time it is re-ranked.

Proposed Functionality. The Exchange proposes to delete the Short Sale Price Adjust and Short Sale Price Sliding and adopt a new, streamlined rule to align with BATS Rule 11.9(g)(5). Under the amended Rule 11.6(l)(2), an order to sell with a Short Sale instruction that, at the time of entry, could not be executed or displayed in compliance with Rule 201 of Regulation SHO will be re-priced by the System at the Permitted Price. BATS Rule 11.9(g)(5) states that the default short sale re-pricing process will only re-price an order upon entry, while amended Rule 11.6(l)(2) will also permit it be re-priced one additional time to reflect a decline in the NBB. This is similar to the Exchange's Short Sale Price Sliding under Rule 11.6(l)(2)(B) which states that an order may be re-priced one additional time to reflect a decline in the NBB.

As proposed, depending upon the instructions of a User, to reflect declines in the NBB the System will continue to re-price and re-display a short sale order at the Permitted Price down to the order's limit price. In the event the NBB changes such that the price of an order with a Non-Displayed instruction subject to Rule 201 of Regulation SHO would be a Locking Quotation or Crossing Quotation, the order will receive a new time stamp, and will be re-priced by the System to the mid-point of the NBBO. Like the Short Sale Price Adjust process that is to be decommissioned, an order to sell with a Short Sale instruction and a Price Adjust instruction that is re-priced will be ranked at the Permitted Price. In addition, like the Short Sale Price Sliding process that the Exchange proposes to decommission, an order to sell with a Short Sale instruction and a Hide Not Slide instruction that is re-priced will be ranked at the mid-point of the NBBO.

Like BATS Rule 11.9(g)(5), amended Rule 11.6(l)(2) would state that: (i) When a Short Sale Circuit Breaker is in effect, the System will execute a sell order with a Displayed and Short Sale instruction at the price of the NBB if, at the time of initial display of the sell order with a Short Sale instruction, the order was at a price above the then current NBB; (ii) orders with a Short Exempt instruction will not be subject to re-pricing under amended Rule 11.6(l)(2); and (iii) the re-pricing instructions to comply with Rule 610(d) of Regulation NMS will be continue to be ignored for an order to sell with a Short Sale instruction when a Short Sale Circuit Breaker is in effect and the re-pricing instructions to comply with Rule 201 of Regulation SHO under this Rule will apply.

Re-Pricing of Orders With a Non-Displayed Instruction and Odd Lot Orders (Rule 11.6(l)(3))

Rule 11.6(l)(3) currently sets forth the re-pricing process for orders with a Non-Displayed instruction priced better than the midpoint of the NBBO. The Exchange proposes to expand this rule to include the re-pricing of Odd Lot Orders priced better than the midpoint of the NBBO. As amended, both an order with a Non-Displayed instruction or an order with an Odd Lot size that is priced better than the midpoint of the NBBO will be ranked at the midpoint of the NBBO with discretion to execute to its limit price. For securities priced equal to or greater than $1.00 where the midpoint of the NBBO is in an increment smaller than $0.01, an order buy (sell) with an Odd Lot size and a Displayed instruction priced better than the midpoint of the NBBO will be displayed at the next full penny increment below (above) the midpoint of the NBBO. The price of the order is automatically re-ranked by the System in response to changes in the NBBO until it reaches its limit price. A new time stamp is created for the order each time the midpoint of the NBBO changes. Pursuant to Rule 11.9, all orders with a Non-Displayed instruction and orders with an Odd Lot size that are re-ranked to the midpoint of the NBBO will retain their priority as compared to other orders with a Non-Displayed instruction and orders with an Odd Lot size, respectively, based upon the time such orders were ranked at the midpoint of the NBBO. For example, assume the NBBO is $10.00 × $10.03. If an incoming order with an Odd Lot size and a Non-Display instruction is entered into the System to buy at $10.02, it will be ranked by the System at $10.015 with discretion to $10.02, its limit price. If an

[32] *See* Securities Exchange Act Release Nos. 73359 (October 15, 2014), 79 FR 63003 (October 21, 2014) (SR–BATS–2014–038) (Order Granting Approval of Proposed Rule Change to Rule 11.9 of the BATS Exchange, Inc. to Add Price Adjust Functionality); *and* 73366 (October 15, 2014), 79 FR 62993 (October 21, 2014) (SR–BYX–2014–019) (Order Granting Approval of Proposed Rule Change to Rule 11.9 of the BATS Y-Exchange, Inc. to Add Price Adjust Functionality).

incoming order with an Odd Lot size and a Display instruction is entered into the System to buy at $10.02, it will be displayed by the System at $10.01 and ranked by the System at $10.015 with discretion to $10.02, its limit price.

While a User may affirmatively elect that a buy (sell) order with a Non-Displayed instruction Cancel Back when the order's limit price is greater (less) than the NBO (NBB), they will be unable to do so for an order with an Odd Lot size. In such case, the User may cancel the order.

Currently, orders of Odd Lot size are not displayed on the EDGX Book and, therefore, are covered by the Rule 11.6(l)(3)'s current re-pricing process for orders with a Non-Displayed instruction. BATS rules do not restrict orders of Odd-Lot size from being displayed on the BATS system. Upon migration of the Exchange onto BATS technology, orders of Odd Lot size may be displayed on the EDGX Book but will continue to be re-priced as described above in order to maintain the Exchange's current handling of orders of an Odd Lot size. In addition, the Exchange believes displaying orders of Odd Lot size in securities priced greater than or equal to $1.00 where the midpoint of the NBBO is in an increment smaller than $0.01, as described above, is reasonable as it is designed to ensure the Exchange does not display an order at an impermissible sub-penny increment in violation of Rule 612 of Regulation NMS. Therefore, the Exchange proposes to specify that orders of Odd Lot size will be subject to re-pricing Exchange's re-pricing process under Rule 11.6(l)(3).

Reserve Quantity and Replenishment Amounts (Rule 11.6(m))

Current Functionality. If the portion of the order with a Displayed instruction is reduced to less than a Round Lot, the System will, in accordance with the User's instruction, replenish the displayed quantity from the Reserve Quantity by at least a single Round-Lot using either the Random or Fixed Replenishment instructions. A new time stamp is created for the displayed quantity of the order each time it is replenished from the Reserve Quantity, while the Reserve Quantity retains the time stamp of its original entry. Where the combined amount of the displayed quantity and Reserve Quantity of an order are reduced to less than one Round Lot, the order converts to an order with a Displayed instruction and be treated as Displayed for purposes of execution priority under Rule 11.9.

Proposed Functionality. The Exchange proposes to amend Rule 11.6(m) to align with BATS Rule 11.9(c)(1).[33] First, the Exchange proposes to no longer require that the displayed quantity from the Reserve Quantity be replenished by at least a single Round-Lot. Instead, the displayed quantity will be replenished in accordance with the replenishment instruction the User selects. Specifically, like on BATS, Users will be required to designate the original display quantity of an order, which is also the amount to which an order is replenished (unless the remainder of an order is smaller than the original displayed quantity) under the current replenishment functionality. The Exchange refers to this quantity as ''max floor'' in its specifications. The Exchange proposes to add a defined term of ''Max Floor'' to Rule 11.6(m), which would be a mandatory value entered by a User that will determine the quantity of the order to be initially displayed by the System and will also be used to determine the replenishment amount under both replenishment options described below. If the remainder of an order is less than the replenishment amount, the Exchange will replenish and display the entire remainder of the order.

Second, the Exchange proposes to amend the time stamp functionality of an order with a Reserve Quantity. Currently, when an order is replenished from Reserve Quantity, the displayed quantity receives a new time stamp while the Reserve Quantity retains the time stamp of its original entry. As amended, a new time stamp will be created for the displayed quantity and Reserve Quantity of the order each time it is replenished from the Reserve Quantity. This is functionality is identical to functionality set forth in BATS Rule 11.12(a)(5).[34]

Random Replenishment is an instruction that a User may attach to an order with Reserve Quantity where replenishment quantities for the order are randomly determined by the System within a replenishment range established by the User. The Exchange proposes to minor amendments to the operation of Random Replenishment to align with BATS Rule 11.9(c)(1).[35] Currently, both the actual quantity of the order that will be initially displayed by the System on the EDGX Book and subsequent displayed replenishment quantities are randomly determined by the System within a replenishment range established by the User. As amended, only the replenishment quantities for the order will be randomly determined by the System within a replenishment range established by the User. A User will be required to select a replenishment value and Max Floor. The Max Floor will be the initial quantity to be displayed. The displayed replenishment quantities will then be determined by the System by randomly selecting a number of shares within a replenishment range that is between: (i) The Max Floor minus the replenishment value; and (ii) the Max Floor plus the replenishment value. The displayed replenishment quantities randomly determined by the System will no longer be limited to Round Lots. Nor will the replenishment quantity be within a replenishment range that is between the quantity around which the replenishment range is established plus or minus the replenishment value. In addition, the Exchange will no longer prohibit the displayed replenishment quantity from: (i) Exceeding the remaining Reserve Quantity of the order; (ii) from being less than a single Round Lot or greater than the remaining unexecuted shares in the order.

In addition to the changes set forth above, the Exchange proposes to modify Rule 11.10(e)(3) to state that the Max Floor set for an order can be modified through the use of a replace message rather than requiring a User to cancel and re-enter an order. The Exchange also proposes to modify Rule 11.9(a)(4) to align with BATS Rule 11.12(a)(3)[36] to make clear that a modification to the Max Floor of an order with a Reserve Quantity will not cause such order to lose priority. When a replenishment occurs (based on the new Max Floor), the order will receive a new timestamp, and thus, will have a new priority.

Under Fixed Replenishment, the displayed quantity of an order is replenished for a Fixed Replenishment quantity designated by the User. The Fixed Replenishment quantity for the order equals the initial displayed quantity designated by the User. The Exchange proposes to amend Rule 11.6(m) to specify that the Fixed Replenishment quantity will be the Max Floor designated by the User. In addition, Rule 11.6(m) will also specify that Fixed Replenishment will apply to any order for which Random Replenishment has not been selected. Lastly, like proposed for Random Replenishment discussed above, the Exchange will no longer prohibit the displayed replenishment quantity from being less than a single Round Lot or greater than the remaining unexecuted shares in the order. As amended, Fixed

[33] *See supra* note 23.

[34] *Id.*

[35] *Id.*

[36] *Id.*

Replenishment will be identical to BATS Rule 11.9(c)(1)(B).[37]

Super Aggressive (Rule 11.6(n)(2))

Super Aggressive is an order instruction that directs the System to route the order if an away Trading Center locks or crosses the limit price of the order resting on the EDGX Book. Like BATS Rule 11.13(a)(4)(B), the Exchange proposes to also permit a User to designate an order as Super Aggressive solely to routable orders posted to the EDGX Book with remaining size of an Odd Lot.[38] To the extent the amended text of Exchange Rule 11.6(n)(2) differs from BATS Rule 11.13(a)(4)(B), such differences are necessary to conform the rule with existing rule text, and in this case, to account for details or descriptions currently included in BATS Rule 11.13(a)(4)(B)that are not necessary under the structure of the Exchange's Rules.

Time-In-Force (Rule 11.6(q))

The Exchange proposes to amend its TIF instructions to align with BATS Rule 11.9(b). To the extent the amended text of Exchange Rule 11.6(q) differs from BATS Rule 11.9(b), such differences are necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's Rule but not included in BATS Rule 11.9(b). Where necessary, the Exchange has proposed rule changes consistent with the Exchange's operation on BATS technology, which the Exchange also believes are consistent with User expectations of how the System operates.

First, the Exchange proposes minor modifications to align the definition of IOC with BATS Rule 11.9(b)(1), the most notable of which is to specify that an order with a TIF instruction of IOC is eligible for routing. BATS rules do not restrict an order with an IOC instruction from being eligible for routing. In addition, permitting orders with an IOC instruction to be eligible for routing is consistent with BATS technology as well as with Users' expectations to use orders with an IOC instruction in combination with available routing functionality and strategies. As amended, an IOC would be an instruction the User may attach to an order stating the order is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange or another trading center is treated as cancelled and is not posted to the EDGX Book.

Second, the Exchange proposes to amend the definition of the Day TIF instruction to state that an order with a TIF instruction of Day, if not executed, expires at the end of Regular Trading Hours and not at the end of the specified trading session. In addition, orders with a Day TIF instruction will be eligible for execution as soon as received by the Exchange. Therefore, the Exchange proposes to no longer require that any order with a Day instruction entered into the System before the start of the specified trading session will be placed by the System in a pending state and activated for potential execution upon the start of that trading session. Lastly, any Day Order entered into the System before the opening for business on the Exchange as determined pursuant to Rule 11.1 (which is currently 6:00 a.m.), or after the closing of Regular Trading Hours, will be rejected.

Third, Good-'til Time will be renamed as Good-'til Day (''GTD''). GTD will continue to be defined as an instruction the User may attach to an order specifying the time of day at which the order expires. Any unexecuted portion of an order with a TIF instruction of GTD will be continue to be cancelled at the expiration of the User's specified time, which can be no later than the close of the Post-Market Session. A User will no longer be able to designate that an order with a GTD instruction be cancelled at the end of a specified trading session(s).

Lastly, the Exchange proposes to adopt two new TIF instructions which are currently available on BATS: [39] Good 'til Extended Day (''GTX'') and RHO. GTX will be defined as an instruction the User may attach to an order to buy or sell which, if not executed, will be cancelled by the close of the Post-Market Session. RHO will be defined as an instruction a User may attach to an order designating it for execution only during Regular Trading Hours, which includes the Opening Process and Re-Opening Process following a halt suspension or pause. The proposed definition of RHO under Exchange Rule 11.6(q)(6) is substantially similar to BYX Rule 11.9(b)(7) and any differences are necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's rules but not in BYX Rule 11.9(b)(7). The Exchange notes that the proposed definition of RHO is also similar to BZX Rule 11.9(b)(7) but such rule includes additional detail not necessary in the proposed rule because the Exchange does not have any listed securities or a separate process for handling such listed securities whereas BZX does.

Rule 11.7, Opening Process

The Exchange proposes to amend Rule 11.7 regarding the Opening Process to align with BATS Rule 11.24 and BYX Rule 11.23.[40] The Exchange proposes to modify paragraph (a) to specify that buy or sell orders that wish to participate in the Opening Process are to include a TIF instruction of RHO and that any order that does not include a TIF instruction of RHO will not be eligible for participation in the Opening Process. Paragraph (a)(1) would be amended to make clear that only orders without a TIF instruction of RHO and ISOs designated RHO may execute against eligible Pre-Opening Session contra-side interest resting in the EDGX Book in the time period between the start of 9:30 a.m. Eastern Time and the Exchange's Opening Process or a Contingent Open, as described in paragraph (b) and (d).[41] Orders with a TIF instruction of IOC or FOK will continue to be eligible for execution during this time period as they would be considered orders without a TIF instruction of RHO. Paragraph (a)(1) would also state that any unexecuted portion of an ISO that is designated RHO will be converted into a non-ISO and be queued for participation in the Opening Process.

Paragraph (a)(2) would be amended to state that all orders that include a TIF instruction of RHO may participate in the Opening Process except: Limit Orders with a Post Only instruction, the Discretionary Range of Limit Orders, and ISOs not modified by Rule

[37] *See supra* note 23.

[38] *See* Securities Exchange Act Release Nos. 73295 (October 3, 2014), 79 FR 61117 (October 9, 2014) (SR–BATS–2014–044) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Rules 11.13 and 21.9 of the BATS Exchange, Inc.); *and* 73296 (October 3, 2014), 79 FR 61121 (October 9, 2014) (SR–BYX–2014–026) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Rule 11.13 of the BATS Y-Exchange, Inc.). As amended, Exchange Rule 11.6(n)(2) only differs from BATS Rule 11.13(a)(4)(B) to extent necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's Rule but not included in BATS Rule 11.13(a)(4)(B).

[39] *See supra* note 23.

[40] *See* Securities Exchange Act Release Nos. 73473 (October 30, 2014), 79 FR 65744 (November 5, 2014) (SR–BATS–2014–037) (Order Granting Approval of Proposed Rule Change to Establish an Opening Process for Non-BATS-Listed Securities); *and* 73472 (November 5, 2014), 79 FR 65735 (October 9, 2014) (SR–BYX–2014–018) (Order Granting Approval of Proposed Rule Change to Establish an Opening Process). As amended, Exchange Rule 11.7 only differs from BZX Rule 11.24 and BYX Rule 11.23 to extent necessary to conform the rule with existing Exchange rule text or to account for details or descriptions currently included in the Exchange's Rule but not contained in BZX or BYX rules.

[41] *See supra* note 9.

11.7(a)(1), and orders with a Minimum Execution Quantity instruction. Limit Orders with a Discretionary Range may participate up to their ranked limit price for buy orders or down to their ranked limit price for sell orders, rather than up or down to their discretionary price, as is currently allowed. Orders with a TIF instruction of IOC or FOK will continue to be ineligible for execution in the Opening Process as they would not be able to also include a TIF instruction of RHO. Orders with a Stop Price or Stop Limit Price instruction will be eligible to participate in the Opening Process where their stop prices have been trigged.

Paragraph (b) defines the process by which the System will attempt to match buy and sell orders that are executable at the midpoint of the NBBO. The Exchange does not propose to alter this process other than to define it as the Opening Match. In addition, the Exchange propose to include in paragraph (b) that all ERSTP modifiers, as defined in Rule 11.10(d), will be ignored as it relates to executions occurring during the Opening Match.

Paragraph (d) sets forth the Exchange's Contingent Open process that occurs when the conditions to establish the price of the Opening Process set forth under Rule 11.7(c) do not occur by 9:45:00 a.m. Eastern Time. In such case, orders will be placed on the EDGX Book, routed, cancelled, or executed in accordance with the terms of the order. The Exchange proposes to state under paragraph (d) that the orders will be handled in time sequence, beginning with the order with the oldest time stamp. The Exchange also proposes to remove the prohibition from paragraph (b) that MidPoint Match (''MPM'') Orders, as defined in Rule 11.8(d), will not be eligible for execution until the conditions set forth under Rule 11.7(c) above for determining the price of the Opening Process have been met. MPM Orders are currently only eligible for execution during the Regular Session. As discussed in more detail below, the Exchange proposes to enable MPM Orders to be also eligible for execution during the Pre-Opening Session and Post Closing Session. Therefore, the Exchange proposes to remove this remove this restriction on MPM Orders from Rule 11.7(d).

Paragraph (e) or Exchange Rule 11.7 states that re-openings after a halt, suspension or pause will occur at the midpoint of the: (i) First NBBO subsequent to the first reported trade on the listing exchange following the resumption of trading after a halt, suspension, or pause; or (ii) then prevailing NBBO when the first two-sided quotation published by the listing exchange following the resumption of trading after a halt, suspension, or pause if no first trade is reported by the listing exchange within one second of publication of the first two-sided quotation by the listing exchange. The Exchange proposes to add additional language to paragraph (e) to align with BATS Rule 11.24 and BYX Rule 11.23. First, the Exchange proposes to specify that while a security is subject to a halt, suspension, or pause in trading, the Exchange will accept orders eligible pursuant to paragraph (a)(2) described above for queuing prior to the resumption of trading in the security for participation in the Re-Opening Process. In addition, proposed paragraph (e)(2) would specify that the Re-Opening Process will occur in the same manner described in paragraphs (a)(2) and (b) of Rule 11.7, with the following exceptions: (1) Orders without a TIF instruction of RHO will be eligible for participation in the Re-Opening Process, but orders that include a TIF instruction of IOC or FOK, a Post Only instruction or Minimum Execution Quantity instruction will be cancelled or rejected, as applicable, and any ISO that does not include a TIF instruction of IOC or FOK will be converted into a non-ISO and be queued for participation in the Re-Opening Process. Proposed paragraph (e)(2) would state that where neither of the conditions required to establish the price of the Re-Opening Process in paragraph (1) above have occurred, the security may be opened for trading at the discretion of the Exchange. Where the security is opened by the Exchange subject to this discretion, orders will be handled in the same manner described in paragraph (d) regarding a Contingent Open. Proposed paragraphs (e)(1)–(2) would be substantially similar to the functionality set forth in BATS Rule 11.24(e)(1)–(2) and BYX Rule 11.23(e)(1)–(2).

Rule 11.8, Order Types

The Exchange proposes to amend the order types set forth under Rule 11.8 to align their operation with existing BATS Rule and functionality.

Market Orders (Rule 11.8(a)). The Exchange proposes to amend paragraph (a)(2) to state that Market Orders may also include a TIF instruction of RHO and any portion of a Market Order with a TIF instruction of RHO will be cancelled immediately following the Opening or Re-Opening Process in which it is not executed, unless it is eligible to be displayed on the EDGX Book pursuant to Rule 11.8(a)(4). A Market Order being canceled immediately following the Opening or Re-Opening Process if not executed is a natural extension of the Opening Process. Exchange Rule 11.7(b) states that upon conclusion of the Opening Process, any remaining orders will be placed on the EDGX Book, cancelled, executed, or routed to an away in accordance with Rule 11.11. As a result, the Market Order will be cancelled unless it is eligible to be displayed on the EDGX Book pursuant to Rule 11.8(a)(4).

Under current Rule 11.10(a)(3)(A), where a non-routable buy (sell) Market Order is entered into the System and the NBO (NBB) is greater (less) than the Upper (Lower) Price Band, such order will be posted by the System to the EDGX Book and priced at the Upper (Lower) Price Band, unless (i) the order includes a TIF instruction of IOC or FOK, in which case it will be cancelled if not executed, or (ii) the User entered a Cancel Back instruction. The Exchange proposes to specify, consistent with BATS Rule 11.9(a)(2),[42] that a Market Order to buy (sell) that is posted by the System to the EDGX Book and displayed at the Upper (Lower) Price Band will be re-priced and displayed at the Upper (Lower) Price Band if Price Bands move such that the price of the resting Market Order to buy (sell) would be above (below) the Upper (Lower) Price Band or if the Price Bands move such that the order is no longer posted and displayed at the most aggressive permissible price. The System shall re-price such displayed interest to the most aggressive permissible price until the order is executed in its entirety or cancelled. In addition, the amended rule would state that a Market Order that includes both a TIF instruction of RHO and a Short Sale instruction that cannot be executed because of the existence of a Short Sale Circuit Breaker will be posted and displayed by the System to the EDGX Book and priced in accordance with the Short Sale Re-Price instruction described in Rule 11.6(l)(2).

Currently, with the exception of a Market Order with a Destination-on-Open instruction, any portion of a Market Order that would execute at a price more than the greater of $0.50 or 5 percent worse than the consolidated last sale as published by the responsible

[42] *See* Securities Exchange Act Release Nos. 73875 (December 18, 2014) (SR–BATS–2014–068) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 11.0(a)(2) and 11.18(e) of the BATS Exchange, Inc.); *and* 73874 (December 18, 2014) (SR–BYX–2014–039) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 11.0(a)(2) and 11.18(e) of the BATS Y-Exchange, Inc.).

single plan processor at the time the order is entered into the System will be cancelled. As amended, such order will be cancelled where they would execute at a price more than $0.50 or 5 percent worse than the NBBO at the time the order initially reaches the Exchange, whichever is greater. This is identical to BATS Rule 11.9(a)(2).

Limit Orders (Rule 11.8(b)). The Exchange proposes to state that a Limit Order may also include a TIF instruction of RHO or GTX, in addition to IOC, FOK, Day or GTD. In addition, Limit Orders with a TIF instruction of IOC that do not include a Book Only [43] instruction and will be eligible for routing away pursuant to Rule 11.11, while Limit Orders with a TIF instruction of FOK will not. This is designed to provide additional detail regarding the operation of Limit Order and is consistent with BATS Rule 11.13(a)(2), which states, in sum, that ''[w]ith respect to an order that is eligible for routing, the System will designate orders as IOCs and will cause such orders to be routed to one or more Trading Centers.''

Rule 11.8(b)(11) describes the application of the re-pricing instruction to comply with Regulation SHO to Limit Orders. The Exchange proposes to amend this paragraph to reflect the decommissioning of Short Sale Price Adjust and Short Sale Price Sliding in order to align and streamline its short sale pricing functionality with BATS Rule 11.9(g)(5) with no substantive differences from existing BATS Rules or functionality. The Exchange also proposes to delete Rule 11.8(b)(12) regarding the re-pricing of Routed and Returned orders as this functionality will not be available upon the Exchange being migrated to BATS technology as discussed above. Lastly, the Exchange proposes to renumber Rule 11.8(b)(13) regarding the re-pricing of non-displayed orders as 11.8(b)(12) and rename it ''Re-Pricing of Non-Displayed Limit Orders and Limit Orders of Odd Lot Size'' and to make minor amendments to correspond to the re-pricing of orders of Odd Lot size discussed above.

ISOs (Rule 11.8(c)). The Exchange proposes to state that an ISO may also include a TIF instruction of RHO or GTX, in addition to IOC, Day or GTD. The Exchange also proposes to amend Rule 11.8(c) to reflect the ISO with a Post Only and TIF instruction of GTD, GTX, or Day will no longer be eligible for the Re-Pricing Instructions to Comply with Rule 610 of Regulation NMS or Rule 201 of Regulation SHO. Also, as amended, an ISO that includes a Post Only instruction and a TIF instruction of GTD, GTX, or Day will be cancelled if the System is displaying orders at the Locking Price at the time of entry unless such order removes liquidity pursuant to current Rule 11.6(n)(4), which governs the execution of orders with a Post Only instruction against resting liquidity on the EDGX Book. Such orders that also include a Short Sale instruction that cannot be executed or displayed at their limit price at the time of entry because of the existence of a Short Sale Circuit Breaker will also be cancelled. This proposed rule change is representative of additional detail with regard to the re-pricing of ISOs that, if displayed on the EDGX Book, would be a Locking or Crossing Quotation in the Exchange's rules. Cancelling ISOs in the above situations is reasonable because ISOs would no longer be eligible for the Re-Pricing Instructions to comply with Rule 610 of Regulation NMS or 201 of Regulation SHO, thereby ensuring the Exchange does not post an order that would lock or cross the market or violate Rule 201 [sic] Regulation SHO consistent with BATS functionality. The Exchange notes, however, that absent a Short Sale Circuit Breaker being in effect, an ISO that includes a Post Only instruction and TIF instruction of GTD, GTX, or Day will remove liquidity when the System is displaying an order at the Locking price if the value of such execution equals or exceeds the value of such execution if the order instead posted to the EDGX Book and provided liquidity, including applicable fees and rebates, under current Rule 11.6(n)(4).

MPM Orders (Rule 11.8(d)). The Exchange proposes amend Rule 11.8(d) to reflect the operation of MPM orders once the Exchange is migrated onto BATS technology. As amended, the rule would specify that an MPM Order will not be eligible for execution when an NBBO is not available. In such case, an MPM Order would rest on the EDGX Book and would not be eligible for execution in the System until an NBBO is available. The Exchange believes MPM Orders being ineligible for execution when no NBBO exists is reasonable and consistent with a User's intent and the purpose of the order type. A User entering an MPM Order is doing so to receive an execution at the mid-point of the NBBO and a mid-point does not exist in the absence of an NBBO. The MPM order will receive a new time stamp when an NBBO becomes available and a new midpoint of the NBBO is established. In such case, all MPM orders that are ranked at the midpoint of the NBBO will retain their priority as compared to each other based upon the time such orders were initially received by the System.

The Exchange proposes to state that an MPM Order may also include a TIF instruction of RHO or GTX, in addition to IOC, FOK, Day or GTD. In addition, Users will be able to enter MPM Orders as an Odd Lot, in addition to a Round Lot or Mixed Lot. Currently, MPM Orders may only be executed during the Regular Session. Upon migration of the Exchange onto BATS technology, MPM Order will also be eligible for execution during the Pre-Opening Session and Post Closing Session. While MPM Orders may be submitted to be executed during the Opening Process described in Rule 11.7(c), any Minimum Execution Quantity instruction on an MPM Order will not be applied during the Opening Process. Lastly, MPM Orders will be eligible for execution during the Regular Session in the event of a Contingent Open as described in Rule 11.7(d), regardless of whether the conditions set forth under Rule 11.7(c) for determining the price of the Opening Process have been met. Lastly, the Exchange proposes to specify that MPM Orders may include a Book Only instruction.

NBBO Offset Peg Order (Rule 11.8(e)). The Exchange proposes to change the name of the NBBO Offset Peg Order to the Market Maker Peg Order, which is the equivalent order type on BATS.[44] A Market Maker Peg Order is a Limit Order that, upon entry or at the beginning of Regular Trading Hours, as applicable, will be automatically priced by the System at the Designated Percentage [45] away from the last reported sale, rather than then current NBO (in the case of an order to buy) or NBB (in the case of an order to sell), as is currently the case. A Market Maker Peg order may also include a TIF instruction of RHO or GTD, in addition to Day. Market Maker Peg Orders may also be entered as Odd Lots, in addition to Round Lots and Mixed Lots.

The Exchange also proposes to add definitions for Designated Percentage and Defined Limit under Rule 11.8(e) to account for securities priced below $1. For purposes of Market Maker Peg Order pricing, the Designated Percentage shall be the same as set forth in Rules 11.20(d)(2)(D) and 11.20(d)(2)(E), except that the Designated Percentage for securities priced below $1 as set forth in

[43] Book Only is an order instruction stating that an order will be matched against an order on the EDGX Book or posted to the EDGX Book, but will not route to an away Trading Center. *See* EDGX Rule 11.6(n)(3).

[44] *See* BATS Rule 11.9(c)(16).

[45] The term Designated Percentage is defined in Exchange Rule 11.20(d)(2)(D) and (E).

Rule 11.20(d)(2)(E) shall be 28%. For purposes of Market Maker Peg Order pricing, the Defined Limit shall be the same as set forth in Rules 11.20(d)(2)(F) and 11.20(d)(2)(G), except that the Defined Limit for securities priced below $1 as set forth in Rule 11.20(d)(2)(G) shall be 29.5%. The proposed changes to Rule 11.8(e) are similar to the functionality set forth in BATS Rule 11.9(c)(16).

Route Peg Order (Rule 11.8(f)). The Exchange proposes to change the name of the Route Peg Order to the Supplemental Peg Order, which is the equivalent order type on BATS.[46] The Exchange also proposes to specify that a Supplemental Peg Order to buy (sell) will not be eligible for execution when an NBB (NBO) is not available. In such case, a Supplemental Peg Order to buy (sell) would rest on the EDGX Book and would not be eligible for execution in the System until an NBB (NBO) exists. This functionality is similar to that proposed for the MPM Order described above, and is based upon BATS Rule 11.9(c)(19). The Exchange believes Supplemental Peg Orders being ineligible for execution when an NBB or NBO is not available is reasonable and consistent with a User's intent and the purpose of the order type. A User entering a Supplemental Peg Order is doing so to receive an execution at the NBBO against an order that is in the process of being routed away. If no NBBO exists, there is no price at which to execute the Supplemental Peg Order.

A Supplemental Peg Order may include a TIF instruction of GTX or RHO, in addition to GTD or Day. Supplemental Peg Orders may also be entered as Odd Lots, in addition to Round Lots and Mixed Lots. As amended, a Supplemental Peg Order will be eligible for execution during the Pre-Opening Session, Regular Session, and Post-Closing Session. Therefore, the Exchange proposes to remove the restriction that Supplemental Peg Orders: (i) May only be entered, cancelled, and cancelled/replaced prior to and during the Regular Session; (ii) are only eligible for execution during the Regular Session, but not until such time that orders in that security during the Regular Session can be posted by the System to the EDGX Book. Any remaining unexecuted Supplemental Peg Orders are cancelled at the conclusion of the Regular Session. Supplemental Peg Orders will continue to be ineligible for execution in the Opening Process. The proposed changes to Rule 11.8(f) regarding Route Peg Orders are similar to BATS Rule 11.9(c)(19).

Rule 11.9, Priority of Orders

The Exchange proposes to amend Rule 11.9 to align with BATS functionality and BATS Rule 11.12 regarding how orders with certain instructions are to be ranked by the System: (i) At a price other than the midpoint of the NBBO; (ii) at the midpoint of the NBBO; and (iii) where buy (sell) orders utilize instructions that cause them to be ranked by the System upon clearance of a Locking Quotation.[47] The proposed amendment to Rules 11.9(a)(4) and (6) are described under the amendments to Reserve Quantity discussed above.

Prices Other than the Midpoint of the NBBO. Rule 11.9(a)(2)(A) currently states that the System will execute equally priced trading interest within the System at prices other than at the midpoint of the NBBO or where orders are re-ranked at the Locking Price after a Locking Quotation clears in time priority in the following order: (i) The portion of a Limit order with a Displayed instruction; (ii) Limit Orders with a Non-Displayed instruction and the Reserve Quantity of Limit Orders; (iii) Limit Orders executed within their Discretionary Range; and (iv) Route Peg Orders. As amended, the System will rank equally priced trading interest in such circumstances in the following order: (i) The portion of a Limit Order with a Displayed instruction; (ii) Limit Orders with a Non-Displayed instruction; (iii) Orders with a Pegged and Non-Displayed instruction; (iv) Reserve Quantity of Limit Orders; (v) Limit Orders executed within their Discretionary Range; and (vi) Supplemental Peg Orders. Orders will be substantially ranked in same order except that, as amended, orders with a Pegged and Non-Displayed instruction will be distinguished from and placed behind Limit Orders with a Non-Displayed Instruction. In turn, the Reserve Quantity of Limit Orders will be separated from and placed behind Limit Orders with a Non-Displayed instruction and orders with a Pegged and Non-Displayed instruction. The Exchange believes it is reasonable to rank orders with a Pegged and Non-Displayed instruction behind Limit Orders with a Displayed instruction and Limit Orders with a Non-Displayed instruction because this priority sequence incentivizes the use of displayed liquidity on the EDGX Book as well as orders that provide liquidity at a specific limit price. These proposed changes are substantially similar to BATS functionality and Rules 11.12(a)(2). The Exchange notes that BATS Rule 11.12(a)(2) does not currently specify that BATS Pegged Orders referenced in the priority rule are limited to Pegged Orders that are not displayed on BATS, however, the Exchange represents that BATS technology does treat Pegged Orders displayed on BATS as displayed orders and that only Pegged Orders that are not displayed on BATS are afforded later priority than displayed orders and other non-displayed orders. Thus, the Exchange's proposal (which would limit the later priority treatment to orders with a Pegged instruction and a Non-Displayed instruction) is consistent with BATS technology.

At the Midpoint of the NBBO. Rule 11.9(a)(2)(B) currently states that the System will execute trading interest priced at the midpoint of the NBBO within the System in time priority in the following order: (i) Limit Orders to which the Hide Not Slide or Routed And Returned Re-Pricing instruction has been applied; (ii) MidPoint Match Orders; (iii) Limit Orders with a Non-Displayed instruction; and (iv) Limit Orders executed within their Discretionary Range. As amended, the System will rank equally priced trading interest in such circumstances in the following order: (i) Limit Orders to which the Hide Not Slide instruction has been applied; (ii) MidPoint Match Orders; (iii) Limit Orders with a Non-Displayed instruction; (iv) Orders with a Pegged instruction; (v) Reserve Quantity of Limit Orders; and (vi) Limit Orders executed within their Discretionary Range. Thus, orders will be substantially ranked in same order except that, as amended, orders with a Pegged instruction will be distinguished from and placed behind Limit Orders with a Non-Displayed instruction. In turn, the Reserve Quantity of Limit Orders will be separated from and placed behind Limit Orders with a Non-Displayed instruction and orders with a Pegged instruction. In addition, the Exchange proposes to remove a reference to the Routed and Returned Re-Pricing instruction because, as described above, it will be decommissioned upon migration of the Exchange onto BATS technology.

Orders Re-Ranked upon Clearance of a Locking Quotation. The Exchange does not propose to make any changes to the ranking of orders that are re-ranked upon clearance of a Locking Quotation other than to remove a

[46] *See* BATS Rule 11.9(c)(19).

[47] For purposes of priority under proposed Rule 11.9(a)(2)(A), (B) and (C), the Exchange notes that orders of Odd Lot, Round Lot, or Mixed Lot size are treated equally.

reference to the Routed and Returned Re-Pricing instruction because, as described above, it will be decommissioned upon migration of the Exchange onto BATS technology.

Rule 11.10, Order Execution

Rule 11.10(a)(2) summarizes the Exchange compliance with Regulation NMS. The rule states that for any execution to occur during Regular Trading Hours, the price must be equal to or better than the Protected NBBO, unless the order is marked ISO or unless the execution falls within another exception set forth in Rule 611(b) of Regulation NMS. For any execution to occur during the Pre-Opening Session or the Post-Closing Session, the price must be equal to or better than the highest bid or lowest offer in the EDGX Book or disseminated by the responsible single plan processor, unless the order is marked ISO. To align Rule 11.10(a)(2) with BATS Rule 11.13, the Exchange proposed to further state that such executions may occur during the Pre-Opening Session or the Post-Closing Session where a Protected Bid is crossing a Protected Offer. A User may, in such circumstance, instruct the Exchange to cancel any incoming order from such User in the event a Protected Bid is crossing a Protected Offer.

To further align Exchange Rule 11.10(a)(2) with BATS Rule 11.13, Rule 11.10(a)(2) will state that notwithstanding the above, in the event that a Protected Bid is crossing a Protected Offer, whether during or outside of Regular Trading Hours, unless an order is marked ISO, the Exchange will not execute any portion of a bid at a price more than the greater of 5 cents or 0.5 percent higher than the lowest Protected Offer or any portion of an offer that would execute at a price more than the greater of 5 cents or 0.5 percent lower than the highest Protected Bid.

The Exchange also proposes to amend Rule 11.12(e)(3) to mirror BATS Rule 11.9(e)(3). Rule 11.12 currently states that only the price and quantity terms of the order may be changed by a Replace Message (including changing a Limit Order to a Market Order). As amended, Rule 11.12 would also allow the Stop Price, the sell long indicator, Short Sale instruction, and Max Floor to be changed by a Replace Message.

Rule 11.11, Routing to Away Trading Centers

The Exchange proposes to amend Rule 11.11, which describe the Exchange's routing options align with BATS Rule 11.13.[48] In doing so, the Exchange proposes to eliminate obsolete routing options, modify certain routing options, and add to Rule 11.11 to offer many of the same routing options offered by BATS. The Exchange notes that the proposed rule text is based on the Rule 11.13 of BATS and is different only to the extent necessary to conform to the Exchange's current rules. The Exchange believes that it is appropriate to amend its routing options as described below to ensure consistency with BATS Rule upon migration of the Exchange onto BATS technology.

Deletions. The Exchange also proposes to delete from Rule 11.11 the following routing options that will be decommissioned upon migration of the Exchange onto BATS technology: ROBA, ROBX, ROBY, ROPA, IOCX, IOCT, and SWPC. Each of these routing options are described below.

- ROBA. The Exchange proposes to delete the ROBA routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to BATS. If shares remain unexecuted after routing, they are posted on the EDGX Book, unless otherwise instructed by the User.
- ROBX. The Exchange proposes to delete the ROBX routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to Nasdaq BX Exchange. If shares remain unexecuted after routing, they are posted on the EDGX Book, unless otherwise instructed by the User.
- ROBY. The Exchange proposes to delete the ROBY routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to BYX. If shares remain unexecuted after routing, they are posted on the EDGX Book, unless otherwise instructed by the User.
- ROPA. The Exchange proposes to delete the ROPA routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to NYSE Arca. If shares remain unexecuted after routing, they are posted on the EDGX Book, unless otherwise instructed by the User.
- IOCX. The Exchange proposes to delete the IOCX routing option under which an order checks the System for available shares and then is sent, with a Time-in-Force instruction of IOC, to EDGA. If shares remain unexecuted after routing, they are posted on the EDGX Book, unless otherwise instructed by the User.
- IOCT. The Exchange proposes to delete the IOCT routing option under which an order checks the System for available shares and then is sent to destinations on the System routing table. If shares remain unexecuted after routing, they are sent, with a Time-in-Force instruction of IOC, to EDGA. If shares remain unexecuted after routing, they are posted on the EDGX Book, unless otherwise instructed by the User.
- SWPC. The Exchange proposes to delete the SWPC routing option under which an order checks the System for available shares and then is sent to only Protected Quotations and only for displayed size. To the extent that any portion of the order is unexecuted, the remainder is posted on the EDGX Book at the order's limit price. The entire SWPC order will not be cancelled back to the User immediately if at the time of entry there is an insufficient share quantity in the SWPC order to fulfill the displayed size of all Protected Quotations. The Exchange also proposes to delete a reference to SWPC in Rule 11.11(d).

The Exchange believes that it is appropriate to eliminate the above routing options because they will be decommissioned upon migration of the Exchange onto BATS technology and are unlikely to be offered by the Exchange in the near future.

Additions. The Exchange proposes to add a Destination Specific routing option, which is currently offered by BATS.[49] Destination Specific is a routing option under which an order checks the System for available shares and then is sent to an away trading center or centers specified by the User. The Destination Specific routing option is also similar to the Exchange's current Destination Specified order instruction in Rule 11.6(n)(5), in that both allow the User to select the destination the order shall be routed to. The only differences are that under the Destination Specific order instruction, the order is first exposed to the EDGX Book before routing and if the order is not executed in full after routing away will be processed by the Exchange as described in Exchange Rule 11.10(a)(4), unless the User has provided instructions that the order reside on the book of the relevant away Trading Center.

The Exchange also proposes to add a Post to Away routing option, which is currently offered by BATS.[50] Post to

[48] The Exchange notes that BATS recently amended its Rule 11.13 to harmonize certain of its routing options with the Exchange. *See supra* note 38.

[49] *See* BATS Rule 11.13(a)(3)(E).

[50] *See* BATS Rule 11.13(a)(3)(H).

Away is a routing option under which the System will route the remainder of a routed order to and posts such order on the order book of a destination on the System routing table as specified by the User. The Post to Away routing option is an alternative to either cancelling a routed order back to a User or posting such order to the BATS Book to the extent an order is not completely filled through the routing process. The Post to Away routing option can be combined with the following routing options: ROUT, ROUX, and ROUE.[51] As a result of adding the Post to Away routing option, the Exchange proposes to amend Rule 11.11(g)(3) to remove now redundant language that a User may instruct that any remainder of the order may be posted to the EDGX Book or another destination on the System routing table.

Lastly, the Exchange also proposes to specify for ROOC, ROUE, ROUT and ROUX that the entering User may select either Route To Improve (''RTI'') or Route To Fill (''RTF''). RTI may route to multiple destinations at a single price level simultaneously while RTF may route to multiple destinations and at multiple price levels simultaneously. RTI is similar to the RTI routing option available under BYX Rule 11.13(a)(3)(G).

Modifications. First, the Exchange proposes to modify Rule 11.11(a) regarding Regulation SHO to reflect the elimination of Short Sale Price Adjust and Short Sale Price Sliding discussed above, as well as to replace the phrase replace the phrase ''the short sale price restriction'' with the defined term ''Short Sale Circuit Breaker.'' The later change does not change the meaning of Rule 11.11(a) and simply ensures a consistent use of defined terms throughout the Exchange's Rules.

Second, the Exchange proposes to modify the following routing options to ensure consistency with BATS Rule: ROUC, INET, ROLF, ROOC, SWPA, and SWPB. Each of these modifications are described below.

- ROUC. ROUC is a routing option under which an order checks the System for available shares and then is sent to destinations on the System routing table, Nasdaq OMX BX, and NYSE. If shares remain unexecuted after routing, they are posted on the EDGX Book. The Exchange proposes to amend the ROUC routing option to state that any remaining shares will not be posted to EDGX Book where the User instructs the Exchange otherwise.
- INET. INET is a routing option under which an order will check the System for available shares and then will be sent to Nasdaq. If shares remain unexecuted after routing through the INET routing option, they will be posted on the Nasdaq book. The Exchange proposes to amend the INET routing option to state that any remaining shares will not be posted to Nasdaq where the User instructs the Exchange otherwise.
- ROLF. ROLF is a routing option under which an order will check the System for available shares and then will be sent to LavaFlow ECN. The Exchange proposes to amend the ROLF routing option to states that any remaining shares will be cancelled unless the User instructs otherwise.
- ROOC. ROOC is a routing option for orders that the entering firm wishes to designate for participation in the opening, re-opening (following a halt, suspension, or pause), or closing process of a primary listing market (BATS, NYSE, Nasdaq, NYSE MKT, or NYSE Arca) if received before the opening/re-opening/closing time of such market. The Exchange proposes to amend the ROOC routing option to add BATS to the list of primary listing markets and to specify that, due to current system limitations, orders in BATS listed securities designated for participation in the re-opening process on BATS following a halt, suspension, or pause will remain on the EDGX Book and be eligible for execution once the halt, suspension, or pause has been lifted. Lastly, to ensure consistency with the ROOC routing option available on BATS, the Exchange proposes to states that any remaining shares will either be posted to the EDGX Book, executed, or routed to destinations on the System routing table, rather than like a ROUT routing option under Rule 11.11(g)(3). The proposed modifications to the ROOC routing option is similar to the ROOC routing option available under BYX Rule 11.13(a)(3)(N).
- SWPA. SWPA is a routing option under which an order checks the System for available shares and then is sent to only Protected Quotations and only for displayed size. The entire SWPA order will not be cancelled back to the User immediately if at the time of entry there is an insufficient share quantity in the SWPA order to fulfill the displayed size of all Protected Quotations. The Exchange proposes to amend the SWPA routing option to state that, rather than cancelling any remaining unexecuted shares, those shares will be posted to the EDGX Book at the order's limit price, unless otherwise instructed by the User. This is consistent with BATS Rule 11.13(a)(2)(A), which states that any unfilled balance of a Limit Order will be posted to the BATS book.
- SWPB. SWPB is a routing option under which an order checks the System for available shares and then is sent to only Protected Quotations and only for displayed size. The entire SWPB order will be cancelled back to the User immediately if at the time of entry there is an insufficient share quantity in the SWPB order to fulfill the displayed size of all Protected Quotations. Like as proposes for SWPA above, the Exchange proposes to amend the SWPB routing option to state that, rather than cancelling any remaining unexecuted shares, those shares will be posted to the EDGX Book at the order's limit price, unless otherwise instructed by the User. This is consistent with BATS Rule 11.13(a)(2)(A), which states that any unfilled balance of a Limit Order will be posted to the BATS book.

Implementation Date

The Exchange intends to implement the proposed rule change on or about January 12, 2015, which is the anticipated date upon which the migration of the Exchange to the BATS technology platform will be complete.[52]

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act[53] and further the objectives of Section 6(b)(5) of the Act[54] because they are designed 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, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[55] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets.

The proposed rule changes are generally intended to add or align certain system functionality currently offered by BATS in order to provide a consistent technology offering for the

[51] The Exchange notes that Post to Away under BATS Rule 11.13(a)(3)(H) may be combined with more routing options than are proposed above. This is because BATS rules include additional routing options that are eligible to be posted to an away destination that are not currently available on the Exchange or that are eligible to be combined with the Post to Away routing strategy.

[52] Implementation of the proposed rule change on or about January 12, 2015 is contingent upon the Commission granting a waiver of the 30-day operative delay. 17 CFR 240.19b–4(f)(6)(iii).

[53] 15 U.S.C. 78f(b).

[54] 15 U.S.C. 78f(b)(5).

[55] 15 U.S.C. 78k–1(a)(1).

BGM Affiliated Exchanges. A consistent technology offering, in turn, will simplify the technology implementation, changes and maintenance by Users of the Exchange that are also participants on BATS. The proposed rule changes would also provide Users with access to functionality that is generally available on markets other than the BGM Affiliated Exchanges and may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users. The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BATS. The Exchange notes that the proposed rule text is based on the BATS Rule and is different only to the extent necessary to conform to the Exchange's current rules. To the extent a proposed rule change is based on an existing BATS Rule, the language of the BATS and Exchange Rules may differ to extent necessary to conform with existing Exchange rule text or to account for details or descriptions included in the Exchange's Rules but not in the applicable BATS rule. Where possible, the Exchange has mirrored BATS rules, because consistent rules will simplify the regulatory requirements and increase the understanding of the Exchange's operations for Members of the Exchange that are also participants on BATS. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand. Where necessary, the Exchange has proposed language consistent with the Exchange's operations on BATS technology, even if there are specific details not contained in the current structure of BATS rules. The Exchange believes it is consistent with the Act to maintain its current structure and such detail, rather than removing such details simply to conform to the structure or format of BATS rules, again because the Exchange believes this will increase the understanding of the Exchange's operations for all Members of the Exchange.

Re-Pricing (Rule 11.6(l)). The Exchange believes that the proposed changes to Rule 11.6(l) are consistent with Section 6(b)(5) of the Act,[56] as well as Rule 610 of Regulation NMS [57] and Rule 201 of Regulation SHO.[58] Rule 610(d) requires exchanges to establish, maintain, and enforce rules that require members reasonably to avoid ''[d]isplaying quotations that lock or cross any protected quotation in an NMS stock.'' [59] Such rules must be ''reasonably designed to assure the reconciliation of locked or crossed quotations in an NMS stock,'' and must ''prohibit . . . members from engaging in a pattern or practice of displaying quotations that lock or cross any quotation in an NMS stock.'' [60] Thus, the amendments to the Price Adjust instruction proposed by the Exchange will assist Users by displaying orders at permissible prices. Similarly, Rule 201 of Regulation SHO [61] requires trading centers to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the execution or display of a short sale order at a price at or below the current NBB under certain circumstances.

The Exchange believes that the proposed optional multiple re-pricing for Price Adjust is consistent with Section 6(b)(5) of the Act,[62] as well as Rule 610 of Regulation NMS.[63] The Exchange is not modifying the overall functionality of Price Adjust, which, to avoid locking or crossing quotations of other market centers, displays orders at permissible prices while retaining a price at which the User is willing to buy or sell, in the event display at such price or an execution at such price becomes possible. Instead, the Exchange is making changes to adopt an optional multiple re-pricing under Price Adjust and align with other similar re-pricing instructions under BATS Rule 11.9(g)(2).[64] The Exchange also believes decommissioning the Routed and Returned Re-Pricing option is consistent with the Act because those Users who would wish to engage in multiple re-pricing upon return to the Exchange may select the option multiple re-pricing for Price Adjust as discussed above.

The Exchange also believes that cancelling ISOs with a TIF instruction of GTD, GTX, or Day and not subjecting them to the re-pricing instructions to comply with Rule 610 of Regulation NMS or Rule 201 of Regulation SHO is consistent with Section 6(b)(5) of the Act,[65] as well as Rule 610 of Regulation NMS [66] and Rule 201 of Regulation SHO.[67] As amended, an ISO that includes a TIF instruction of GTD, GTX, or Day will be cancelled if the System is displaying orders at the Locking Price at the time of entry. Such orders that also include a Short Sale instruction that cannot be executed or displayed at their limit price at the time of entry because of the existence of a Short Sale Circuit Breaker will also be cancelled. Such orders are cancelled in order to avoid a potential violation of Rule 610(d) of Regulation NMS or Rule 201 of Regulation SHO and is, therefore, consistent with the Act.

The Exchange believes that the proposed changes to its Re-Pricing Instructions to Comply with Rule 201 of Regulation SHO are consistent with Section 6(b)(5) of the Act,[68] as well as Rule 201 of Regulation SHO.[69] The Exchange proposes to streamline and simplify its available re-pricing instructions by deleting Short Sale Price Adjust and Short Sale Price Sliding and adopting a new, streamlined rule to align with BATS Rule 11.9(g)(5), with the following differences. Rule 11.6(l)(2) states that an order to sell with a Short Sale instruction and a Price Adjust instruction that is re-priced will be ranked at the Permitted Price and that an order to sell with a Short Sale instruction and a Hide Not Slide instruction that is re-priced pursuant to this paragraph will be ranked at the mid-point of the NBBO. BATS Rule 11.9(g)(5) states that the default short sale re-pricing process will only re-price an order upon entry, while amended Rule 11.6(l)(2) will also permit it be re-priced one additional time to reflect a decline in the NBB. The Exchange's short sale price sliding will operate the same for Users of Price Adjust on BATS while Users who select Hide Not Slide will be ranked at the mid-point of the NBBO, like was previously available via Short Sale Price Sliding. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in

[56] 15 U.S.C. 78f(b)(5).
[57] 17 CFR 242.610.
[58] 17 CFR 242.201.
[59] 17 CFR 242.610(d).
[60] *Id.*
[61] 17 CFR 242.201.
[62] 15 U.S.C. 78f(b)(5).
[63] 17 CFR 242.610.
[64] *See supra* note 32.
[65] 15 U.S.C. 78f(b)(5).
[66] 17 CFR 242.610.
[67] 17 CFR 242.201.
[68] 15 U.S.C. 78f(b)(5).
[69] 17 CFR 242.201.

greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed changes to its Re-Pricing of Order with a Non-Displayed Instruction Priced Better that the mid-point of the NBBO to also include Odd Lots is consistent with Section 6(b)(5) of the Act.[70] Doing so would provide Members with additional specificity as to how their orders of Odd Lot size are handled, thereby fostering cooperation and coordination with persons engaged in facilitating transactions in securities and removing impediments to and perfecting the mechanism of a free and open market and a national market system. In addition, ranking orders of Odd Lot size to the mid-point of the NBBO in such cases would enable the System to avoid an internal cross on the EDGX Book (*e.g.,* an order to buy (sell) that is priced higher (lower) than a Mid-Point Match order to sell (buy)). The Exchange believes an internally crossed book is not indicative of a fair and orderly market because a User may receive a worse price if its order is executed during a crossed market rather than if the System executed the trade while the EDGX Book was not internally crossed. Therefore, the Exchange believes the proposed rule change will promote just and equitable principles of trade, removes impediments to, and perfects the mechanism of, a free and open market and a national market system.

Opening Process (Rule 11.7). The amended description of the Opening Process in Rule 11.7 is designed to promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market system because it would align with BZX Rule 11.24 and BYX Rule 11.23 as it relates to: [71] (i) Which orders may participate in the process; (ii) how the price of the Opening Transaction is determined; and (iii) the process for late openings and re-openings. The Opening Process and their related rules would be identical across the BGM Affiliated Exchanges, and will therefore, contribute to the protection of investors and the public interest by avoiding investor confusion and providing consistent functionality across the BGM Affiliated Exchanges. Lastly, and as stated above, the amendment to Rule 11.7 is based on BATS Rule 11.24 and BYX Rule 11.23, both of which were recently approved by the Commission.[72]

Order Types (Rule 11.8). The Exchange believes that the proposed changes to its order types under Rule 11.8 in order to align their functionality with BATS rules are consistent with Section 6(b)(5) of the Act,[73] because these changes are designed to provide Members with additional specificity as to how their orders will be handled upon migration of the Exchange onto BATS technologies, thereby fostering cooperation and coordination with persons engaged in facilitating transactions in securities and removing impediments to and perfecting the mechanism of a free and open market and a national market system. Each order type was amended to update the TIF instructions that would be available upon migration of the Exchange onto BATS technology. In addition, the proposed amendments are designed to align their operation with like order types on BATS and do not propose any additional functionality For example, Market Orders under Rule 11.8(a) is to be amended to reflect the execution parameters under BATS Rule 11.9(a)(2). The amendments to Limit Orders under Rule 11.8(b) and ISOs under Rule 11.8(c) are designed to update TIF instruction available to each order type. In addition, the changes are designed to update the Re-Pricing options available to Limit Order and ISOs to reflect the decommissioning of Routed and Returned as well as the streamlining of the Re-Pricing Options to Comply with Regulations SHO to align with BATS rules. In sum, the amendments to MPM Orders under Rule 11.8(d) and Supplemental Peg Orders under rule 11.8(f) simply clarify their operation during a locked or crossed market as well as expand their eligibility for execution from the Regular Session to also include the Pre-Opening Session and Post-Closing Session. Lastly, the proposed changes to Rule 11.8(e) regarding NBBO Offset Peg Orders are based on BATS Rule 11.9(c)(17). The proposed changes to Rule 11.8(f) regarding Route Peg Orders are based on BATS Rule 11.9(c)(19).

The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission or is not available on BATS. Therefore, the proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Priority (Rule 11.9). The Exchange also believes its proposed amendments to Rule 11.9 to regarding the priority of orders promotes just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system by providing Members, Users, and the investing public with greater transparency regarding how the System operates. The Exchange proposes to amend Rule 11.9 to align with BATS functionality and BATS Rules 11.12 regarding how orders with certain instructions are to be ranked by the System: (i) At a price other than the midpoint of the NBBO; (ii) at the midpoint of the NBBO; and (iii) where orders utilize instructions that cause them to be ranked by the System upon clearance of a Locking Quotation providing valuable, clear information to Members, Users, and the investing public on how their orders would be executed. As amended, orders will be substantially ranked in same order as under current rules except that orders with a Pegged instruction will be distinguished from and placed behind Limit Orders with a Non-Displayed Instruction. In turn, the Reserve Quantity of Limit Orders will be separated from and placed behaving [sic] Limit Orders with a Non-Displayed instruction and orders with a Pegged and Non-Displayed instruction. These changes are made to align Exchange Rule 11.9 with the functionality set forth in BATS Rule 11.12, as described above. The Exchange believes that the proposed rule changes regarding order priority will provide greater transparency and further clarity on how the various order types will be assigned priority under various scenarios, thereby assisting Members, Users and the investing public in understanding the manner in which the System may execute their orders.

Routing (Rule 11.11). The Exchange believes that the proposed changes to Rule 11.11) [sic] are consistent with Section 6(b)(5) of the Act.[74] As noted

[70] 15 U.S.C. 78f(b)(5).

[71] *See supra* note 40.

[72] *Id.*

[73] 15 U.S.C. 78f(b)(5).

[74] 15 U.S.C. 78f(b)(5).

above, the proposed rule changes to add functionality are intended to add certain system functionality currently offered by BATS in order to provide consistent routing options across the BGM Affiliated Exchanges. A consistent offering, in turn, will simplify the implementation, changes and maintenance by Users of the Exchange that are also participants on BATS. The proposed rule changes would also provide Users with access to functionality that may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users. As explained elsewhere in this proposal, all of the proposed routing options are similar to routing strategies on other market centers, including BATS. The proposed rule change would provide greater harmonization between the routing options available amongst the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing 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, it has become effective pursuant to Section 19(b)(3)(A) of the Act[75] and Rule 19b–4(f)(6) thereunder.[76]

A proposed rule change filed under Rule 19b–4(f)(6)[77] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[78] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

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 represents that since completion of the Merger, both Members and the BGM Affiliated Exchange have made numerous systems changes in preparation for the technology migration occurring on January 12, 2015. The Exchange has issued frequent updates to Members informing them the BGM Affiliated Exchange technology migration changes as well as its anticipated time line so that Members may make the requisite system changes. In addition, the Exchange has conducted multiple testing opportunities for Members to ensure both the Member's and Exchange system will operate in accordance with the proposed rule change on January 12, 2015. Based on these representations, the Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.[79]

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.

[75] 15 U.S.C. 78s(b)(3)(A).

[76] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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. The Exchange has satisfied this requirement.

[77] 17 CFR 240.19b–4(f)(6).

[78] 17 CFR 240.19b–4(f)(6)(iii).

[79] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–EDGX–2015–03 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 No. SR–EDGX–2015–03. 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 No. SR–EDGX–2015–03 and should be submitted on or before February 5, 2015.

[80] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[80]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00525 Filed 1–14–15; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0097]

Acceptance of Applications for Mexican-Domiciled Long-Haul Operations

AGENCY: Federal Motor Carrier Safety Administration, DOT.

ACTION: Notice.

SUMMARY: The United States-Mexico Cross-Border Long-Haul Trucking Pilot Program (Pilot Program) concluded on October 10, 2014. The Pilot Program was part of FMCSA's implementation of the North American Free Trade Agreement (NAFTA) cross-border long-haul trucking provisions. Congress required the Pilot Program to test the safety of granting long-haul authority to Mexico-domiciled motor carriers. This notice announces that the U.S. Department of Transportation (DOT) has submitted the required report to Congress and is accepting applications from Mexico-domiciled motor carriers interested in conducting long-haul operations.

DATES: This decision is effective January 15, 2015.

ADDRESSES: *Docket:* For access to the docket to read background documents or comments submitted to previous notices concerning the Pilot Program, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is FMCSA–2011–0097.

FOR FURTHER INFORMATION CONTACT: Bryan Price, Chief, North American Borders Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone (202) 366–2995; email *Bryan.Price@dot.gov.*

SUPPLEMENTARY INFORMATION: From October 14, 2011, to October 10, 2014, FMCSA conducted a Pilot Program to test and demonstrate the ability of Mexico-based motor carriers to operate safely in the United States beyond the municipalities and commercial zones along the United States-Mexico border. The Pilot Program was part of FMCSA's implementation of the North American Free Trade Agreement (NAFTA) cross-border long-haul trucking provisions.

As of October 10, 2014, 13 Mexico-domiciled motor carriers with authority to operate in the United States beyond the commercial zones and municipalities at the U.S.-Mexico border had successfully participated in the Pilot Program and established a record of safety.

On October 10, 2014, FMCSA issued new certificates of operating authority registration to the 13 Pilot Program participants pursuant to 49 U.S.C. 13902(a) and (c),[1] the November 27, 2002 Memorandum of the President of the United States to the Secretary of Transportation [67 FR 71795 (December 2, 2002)] and the motor carriers' successful performance in the Pilot Program.[2]

On October 10, 2014, the Department verbally advised Congress of the completion of the Pilot Program. On January 9, 2015, DOT submitted its report titled, ''United States-Mexico Cross-Border Long-Haul Trucking Pilot Program Report to Congress'' to the House and Senate Committees on Appropriations as well as the Senate Committee on Commerce, Science and Transportation and the House of Representatives' Committee on Transportation and Infrastructure. A copy of the report is posted in the docket for this program (FMCSA–2011–0097) and the Agency posted a link to the docket on the Pilot Program's Web site at: *http://www.fmcsa.dot.gov/international-programs/mexico-cross-border-trucking-pilot-program.*

As a result of the successful completion of the Pilot Program, FMCSA will again accept applications from Mexico-domiciled motor carriers seeking authority to operate in long-haul transportation beyond the U.S. commercial zones. Information regarding the application and review processes is available at *http://www.fmcsa.dot.gov/registration/form-op-1mx.*

[1] Including compliance with Section 350 of the Fiscal Year 2002 DOT Appropriations Act, (Pub. L. 104–87), which has been incorporated in successive appropriations legislation.

[2] Pursuant to the procedures noted in 76 FR 40420 (July 8, 2011).

Issued on: January 9, 2015.

T.F. Scott Darling, III,

Acting Administrator.

[FR Doc. 2015–00555 Filed 1–14–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, § 10(a)(2), that a meeting will be held at the Hay-Adams Hotel, 16th Street and Pennsylvania Avenue NW., Washington, DC, on February 3, 2015 at 8:30 a.m. of the following debt management advisory committee: Treasury Borrowing Advisory Committee of The Securities Industry and Financial Markets Association.

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues and conduct a working session. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, § 10(d) and Public Law 103–202, § 202(c)(1)(B) (31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, § 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103–202, § 202(c)(1)(B).

Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, § 3.

Although the Treasury's final announcement of financing plans may

not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions and financing estimates. This briefing will give the press an opportunity to ask questions about financing projections. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Director for Office of Debt Management (202) 622–1876.

Dated: January 8, 2015.

Matthew S. Rutherford,

Acting Under Secretary for Domestic Finance.

[FR Doc. 2015–00459 Filed 1–14–15; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8453–FE, Form 8453–EMP, and Form 8879–EMP

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8453–FE, U.S. Estate or Trust Declaration and Signature for an IRS e-file Return; Form 8453–EMP, Employment Tax Declaration for an IRS e-file Return; and Form 8879–EMP, IRS e-file Signature Authorization for Forms 940, 941, 941–PR, 941–SS, 943, 943–PR, 944, and 945.

DATES: Written comments should be received on or before March 16, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224 or through the internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Estate of Trust Income Tax Declaration and Signature for Electronic and Magnetic Media Filing.

OMB Number: 1545–XXXX.

Form Numbers: 8453–FE.

Abstract: Form 8453–FE is used to authenticate the electronic Form 1041, U.S. Income Tax Return for Estates and Trusts, authorize the electronic filer to transmit via a third-party transmitter, and authorize an electronic fund withdrawal for payment of federal taxes owed.

Title: Employment Tax Declaration for an IRS e-file Return.

OMB Number: 1545–XXXX.

Form Numbers: 8453–EMP.

Abstract: Form 8453–EMP will be used to authenticate an electronic employment tax form, authorize the electronic return originator (ERO), if any, to transmit via a third-party transmitter; authorize the intermediate service provider (ISP) to transmit via a third-party transmitter if filed online (not using an ERO), and provide the taxpayer's consent to authorize an electronic funds withdrawal for payment of federal taxes owed.

Title: IRS e-file Signature Authorization for Forms 940, 940–PR, 941, 941–PR, 941–SS, 943, 943–PR, 944, and 945.

OMB Number: 1545–XXXX.

Form Number: 8879–EMP.

Abstract: Form 8879–EMP is used if a taxpayer and the electronic return originator (ERO) want to use a personal identification number (PIN) to electronically sign an electronic employment tax return. It is also used to authorize an electronic funds withdrawal, enable an ERO to file and sign electronically.

Current Actions: Request for new OMB Control Number.

Type of Review: Existing collection in use without an OMB control number.

Affected Public: Business or other for-profit organizations, and individuals, or households.

Form 8453–FE

Estimated Number of Respondents: 2,150,000.

Estimated Time per Response: 3 hours, 5 minutes.

Estimated Total Annual Burden Hours: 6,622,000.

Form 8453–EMP

Estimated Number of Respondents: 8,538,400.

Estimated Time per Response: 2 hours, 23 minutes.

Estimated Total Annual Burden Hours: 20,406,776.

Form 8879–EMP

Estimated Number of Respondents: 8,538,400.

Estimated Time per Response: 2 hours, 53 minutes.

Estimated Total Annual Burden Hours: 24,590,592.

Totals for This Collection (All Three Forms)

Estimated Number of Respondents: 19,226,800.

Estimated Total Annual Burden Hours: 51,619,368.

The following paragraph applies to all of the collections of information covered by this notice: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 5, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–00476 Filed 1–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 12339, 12339–B, 12339–C, and 13775.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Forms 12339, Internal Revenue Service Advisory Council Membership Application; 12339–B, Information Reporting Program Advisory Committee Membership Application, 12339–C, Advisory Committee on Tax Exempt and Government Entities—Membership Application, and Form 13775, Tax Check Waiver.

DATES: Written comments should be received on or before March 16, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Membership Applications for Advisory Councils, IRSAC (Internal Revenue Service Advisory Council), and IRPAC (Information Reporting Program Advisory Committee), and Tax Check Waiver.

OMB Number: 1545–1791.

Form Numbers: 12339, 12339–B, 12339–C, & 13775.

Abstract: Form 12339–C was created to better solicit and maintain all of the applicant information for those interested in becoming members of these Advisory Councils. Form 12339 must be completed by those individuals interested in applying for IRSAC. Form 12339–B must be completed by those interested in applying for IRPAC. Each form is submitted in conjunction with Form 13775, Tax Check Waiver, which authorizes the Government Liaison Disclosure analysts to provide the tax compliance check results to the appropriate IRS officials.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and businesses or other for-profit organizations.

Estimated Number of Respondents: 550.

Estimated Time per Response: 50 min.

Estimated Total Annual Burden Hours: 492.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 5, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–00475 Filed 1–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection: Comment Request for Form 4669

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4669, Statement of Payments Received.

DATES: Written comments should be received on or before March 16, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis at Internal Revenue Service, Room 129, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Statement of Payments Received.

OMB Number: 1545–XXXX.

Form Number: 4669.

Abstract: Form 4669 is used by payors in specific situations to request relief from payment of certain required taxes. A payor who fails to withhold certain required taxes from a payee may be entitled to relief, under sections 3402(d), 3102(f)(3), 1463 or Regulations section 1.1474–4. To apply for relief, a payor must show that the payee reported the payments and paid the corresponding tax. To secure relief as described above, a payor must obtain a separate, completed Form 4669 from

each payee for each year relief is requested.

Current Actions: Request for new OMB Control Number.

Type of Review: Existing collection in use without an OMB number.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 85,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 21,250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 5, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–00477 Filed 1–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0669]

Agency Information Collection (Claim for Credit of Annual Leave) Activities under OMB Review

AGENCY: Human Resources Management, 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 Human Resources Management, Department of Veterans Affairs, has submitted 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 it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 17, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0669'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0669'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Claim for Credit of Annual Leave, VA Form 0862.

OMB Control Number: 2900–0669.

Type of Review: Revision of a currently approved collection.

Abstract: Current and former employee's who were charged annual leave on a nonworkday while on active military duty complete VA Form 0862 to request restoration of annual leave. Those employees who separated or retired from VA will receive a lump sum payment for any reaccredited annual leave. The claimant must provide documentation supporting the period that he or she were on active military duty during the time for which they were charged annual leave on a nonworkday.

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 68509, November 17, 2014.

Affected Public: Individuals or households and Federal Government.

Estimated Annual Burden: 3,375 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 13,501.

Dated: January 9, 2015.

By direction of the Secretary.

Crystal Rennie,

Department of Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–00481 Filed 1–14–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0717]

Agency Information Collection (Child Care Subsidy) Activity Under OMB Review

AGENCY: Human Resources and Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Office of Human Resources and Administration (OHR&A), 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 17, 2015.*

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0717'' in any

correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0717'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Titles:

a. Child Care Subsidy Application Form, VA Form 0730a.

b. Child Care Provider Information (For the Child Care Subsidy Program), VA Form 0730b.

OMB Control Number: 2900–0717.

Type of Review: Revision of a currently approved collection.

Abstracts:

a. VA employees complete VA Form 0730a to request participation in VA's child care subsidy program. VA will use the data collected to determine the percentage of monthly cost to be subsidized for child care.

b. VA Form 0730b is completed by the child care provider. The data will be used to determine whether the child care provider is licensed and/or regulated by the state to perform child care.

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 67241, November 12, 2014.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 0730a—500 hours.

b. VA Form 0730b—333 hours.

Estimated Average Burden per Respondent.

a. VA Form 0730a—15 minutes.

b. VA Form 0730B—10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Form 0730a—2,000.

b. VA Form 0730b—2,000.

Dated: January 9, 2015.

By direction of the Secretary.

Crystal Rennie,

Department of Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–00483 Filed 1–14–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0670]

Agency Information Collection (Fiduciary Statement in Support of Appointment): 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 17, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0670'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0670'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Fiduciary Statement in Support of Appointment, VA Form 21–0792.

OMB Control Number: 2900–0670.

Type of Review: Revision of a currently approved collection.

Abstract: Individual's seeking appointment as a fiduciary of VA beneficiaries complete VA Form 21–0792. VA uses the data collected to determine the individual's qualification as a fiduciary and to inquire about his or her credit and criminal background.

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 51652, August 29, 2014.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,875 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 7,500.

Dated: January 9, 2015.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2015–00499 Filed 1–14–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0718]

Agency Information Collection (Yellow Ribbon Agreement (Under Title 38 U.S.C. Chapter 33) 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. 3501–21), this notice announces that the Veterans Benefits Administration, 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 it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 17, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0718'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue

NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0718'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Yellow Ribbon Agreement (Under Title 38 U.S.C. Chapter 33), VA Form 22–0839.

OMB Control Number: 2900–0718.

Type of Review: Revision of a currently approved collection.

Abstract: Title 38 U.S.C. 3317 requires VA to enter into an agreement with schools wishing to participate in Yellow Ribbon Program. The agreement must state the beginning and ending dates of the academic year for which the school will provide contributions under the Yellow Ribbon Program, the maximum number of individuals for whom the school will make contributions in the specified academic year, and the maximum amount of contributions that may be provided on behalf of participating individuals during the academic year. VA is required to match each dollar provided by the school not to exceed 50 percent of the outstanding established charges. The statute further requires that VA post the information on a Web site for public viewing. VA will accept requests for participation, modifications, and withdrawals of Yellow Ribbon Program agreements during the open season enrollment period (March 15th through May 15th each calendar year) for the upcoming academic year and all future academic years unless changes are requested by VA or the institution.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 79 FR 60586, October 7, 2014.

Affected Public: Business or other for profit and Not for profit institutions.

Estimated Annual Burden: 31,710 hours.

Estimated Average Burden per Respondent: 14 hours.

Frequency of Response: One time.

Estimated Number of Respondents: 2,265.

Dated: January 9, 2015.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2015–00503 Filed 1–14–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0721]

Agency Information Collection (Exam for Housebound Status or Permanent Need for Regular Aid and Attendance): 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 17, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0721'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0721'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Exam for Housebound Status or Permanent Need for Regular Aid and Attendance, VA Form 21–2680.

OMB Control Number: 2900–0721.

Type of Review: Revision of a currently approved collection.

Abstract: VA will use VA Form 21–2680 to gather medical information that is necessary to determine beneficiaries or claimants receiving treatment from private doctors or physicians, eligibility for aid and attendance or housebound benefit.

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 59561, October 2, 2014.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 7,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 14,000.

Dated: January 9, 2015.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–00505 Filed 1–14–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0636]

Agency Information Collection (Accelerated Payment Verification of Completion Letter): 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 17, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0636'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue

NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0636'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Accelerated Payment Verification of Completion Letter, VA Form 22–0840.

OMB Control Number: 2900–0636.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants electing to receive an accelerate payment for educational assistance allowance must certify they received such payment and how the payment was used. The data collected is used to determine the claimant's entitlement to 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 60587, October 7, 2014.

Affected Public: Individuals or households.

Estimated Annual Burden: 9 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 108.

Dated: January 9, 2015.

By direction of the Secretary.

Crystal Rennie,

Department of Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–00493 Filed 1–14–15; 8:45 am]

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Part II

Department of Labor

Mine Safety and Health Administration

30 CFR Part 75

Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines; Final Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

[Docket No. MSHA–2010–0001]

RIN 1219–AB65

Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: The Mine Safety and Health Administration's (MSHA) final rule requires underground coal mine operators to equip continuous mining machines, except full-face continuous mining machines, with proximity detection systems. Miners working near continuous mining machines face pinning, crushing, and striking hazards that result in accidents involving life-threatening injuries and death. This final rule strengthens protections for miners by reducing the potential for pinning, crushing, or striking accidents in underground coal mines.

DATES: *Effective date:* The final rule is effective March 16, 2015.

Compliance dates:

- Continuous mining machines manufactured after March 16, 2015 must meet requirements no later than November 16, 2015.
- Continuous mining machines manufactured and equipped with a proximity detection system on or before March 16, 2015 must meet requirements no later than September 16, 2016.
- Continuous mining machines manufactured and not equipped with a proximity detection system on or before March 16, 2015 must meet requirements no later than March 16, 2018.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email), 202–693–9440 (voice), or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
A. Regulatory Authority
B. Background
II. Section-by-Section Analysis
A. § 75.1732(a) Machines Covered
B. § 75.1732(b) Requirements for a Proximity Detection System
C. § 75.1732(c) Proximity Detection System Checks
D. § 75.1732(d) Certifications and Records
E. New Technology
III. Regulatory Economic Analysis
A. Executive Orders 12866 and 13563: Regulatory Planning and Review
B. Population at Risk
C. Net Benefits
D. Benefits
E. Compliance Costs
IV. Feasibility
A. Technological Feasibility
B. Economic Feasibility
V. Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act
A. Definition of a Small Mine
B. Factual Basis for Certification
C. Derivation of Revenues and Costs for Mines
D. Screening Analysis for Underground Coal Mines
VI. Paperwork Reduction Act of 1995
A. Summary
B. Procedural Details
VII. Other Regulatory Considerations
A. The Unfunded Mandates Reform Act of 1995
B. Executive Order 13132: Federalism
C. The Treasury and General Government Appropriations Act of 1999: Assessment of Federal Regulations and Policies on Families
D. Executive Order 12630: Government Actions and Interference With Constitutionally Protected Property Rights
E. Executive Order 12988: Civil Justice Reform
F. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. Executive Order 13272: Proper Consideration of Small Entities in Agency Rulemaking

Availability of Information

Federal Register *Publications:* Access rulemaking documents electronically at *http://www.msha.gov/regsinfo.htm* or *http://www.regulations.gov* [Docket No. MSHA–2010–0001]. Obtain a copy of a rulemaking document from the Office of Standards, Regulations, and Variances, MSHA, by request to 202–693–9440 (voice) or 202–693–9441 (facsimile). (These are not toll-free numbers.)

Information Collection Supporting Statement: The Information Collection Supporting Statement is available at *http://www.reginfo.gov/public/do/PRAMain.* A copy of the Statement is also available from MSHA by request to Sheila McConnell at *mcconnell.sheila.a@dol.gov,* by phone request to 202–693–9440, or by facsimile to 202–693–9441.

Regulatory Economic Analysis (REA): MSHA will post the REA on *http://www.regulations.gov* and on MSHA's Web site at *http://www.msha.gov/rea.htm.* A copy of the REA also can be obtained from MSHA by request to Sheila McConnell at *mcconnell.sheila.a@dol.gov,* by phone request to 202–693–9440, or by facsimile to 202–693–9441.

Email notification: To subscribe to receive email notification when the Agency publishes rulemaking documents in the **Federal Register**, go to *http://www.msha.gov/subscriptions/subscribe.aspx.*

I. Introduction

The final rule requires mine operators to install proximity detection systems on continuous mining machines, except full-face continuous mining machines, in underground coal mines according to a phase-in schedule for newly manufactured and in-service equipment. A proximity detection system consists of machine-mounted components and any miner-wearable components. For proximity detection systems with miner-wearable components, the mine operator must provide a miner-wearable component to be worn by each miner on the working section (including producing or maintenance shifts). The final rule establishes performance and maintenance requirements for proximity detection systems and requires training for persons performing the installation and maintenance. These requirements will strengthen protections for miners by reducing the potential for pinning, crushing, or striking accidents that result in fatalities and injuries to miners who work near continuous mining machines.

A. Regulatory Authority

This final rule is issued under section 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended.

B. Background

Proximity detection is a technology that uses electronic sensors to detect motion or the location of one object relative to another. Proximity detection systems can provide a warning and stop mining machines before a pinning, crushing, or striking accident occurs that could result in injury or death to a miner. Miners are exposed to hazards from working near continuous mining machines in the confined space of an underground coal mine. Conditions in underground coal mines that contribute to these hazards include limited visibility, limited space around continuous mining machines, and uneven and slippery ground conditions that may contain loose rock or other debris.

To assess the costs and benefits of the final rule, MSHA conducted a review of fatal and nonfatal pinning, crushing, and striking accidents, which occurred in underground coal mines from 1984 through 2013, to identify those that could have been prevented by using a proximity detection system. Of the 75 preventable fatalities resulting from pinning, crushing, and striking accidents, 34 were associated with continuous mining machines. During this same time period, MSHA estimates that the use of a proximity detection system could have prevented approximately 238 nonfatal injuries associated with continuous mining machines, excluding full-face continuous mining machines. From 2010 through 2013, six underground coal miners working in close proximity to continuous mining machines died from pinning, crushing, or striking accidents.

These accidents continue to occur. In February 2014, a miner was fatally crushed by a continuous mining machine. Proximity detection systems are needed because training and outreach initiatives alone, while helpful, have not prevented these accidents from continuing to occur. These accidents are preventable and the proximity detection systems can provide necessary protections for miners.

There are four proximity detection systems approved under the existing regulations for permissibility in 30 CFR part 18. These approvals are intended to ensure that the systems will not introduce an ignition hazard when operated in potentially explosive atmospheres. MSHA's approval regulations in 30 CFR part 18 do not address how systems will perform in reducing pinning, crushing, or striking hazards.

MSHA estimates that approximately 438 of the 863 continuous mining machines in underground coal mines are not currently equipped with proximity detection systems. MSHA monitors the installation and development of proximity detection systems to maintain information on the number of proximity detection systems in use and the capabilities of the various systems. As of January 2015, 425 continuous mining machines were equipped with proximity detection systems and are being used in underground coal mines. MSHA believes the majority of these systems will meet the provisions of this final rule without much change. For example, continuous mining machines equipped with proximity detection systems may only need modification of the warning signals to meet the requirements in this final rule.

For those continuous mining machines not equipped with a proximity detection system, the phase-in schedule provides time for mine operators to schedule installation of proximity detection systems during planned rebuilds. MSHA anticipates that mine operators will equip continuous mining machines with proximity detection systems during the first planned rebuild that occurs prior to March 16, 2018.

MSHA published a Request for Information (RFI) on proximity detection systems in the **Federal Register** on February 1, 2010 (75 FR 5009) and a proposed rule on August 31, 2011 (76 FR 54163). The Agency held four public hearings. The comment period closed November 28, 2011. MSHA received comments from miners, mining associations, mining companies, manufacturers, and a federal government agency. Comments related to provisions of the final rule are addressed in the following section-by-section analysis.

II. Section-by-Section Analysis

A. § 75.1732(a) Machines Covered

Final § 75.1732(a) requires operators to equip continuous mining machines, except full-face continuous mining machines, with proximity detection systems according to a phase-in schedule. For proximity detection systems with miner-wearable components, the mine operator must provide a miner-wearable component to be worn by each miner on the working section. Together, the machine-mounted components and any miner-wearable components make up the overall proximity detection system.

Most commenters supported the use of proximity detection technology and stated that proximity detection systems are available for use on continuous mining machines. Some commenters, however, stated that MSHA should not require proximity detection systems until MSHA can assure that systems are safe and effective. A commenter stated that no proximity detection system has proven to be reliable and effective enough in an underground coal mine to be used as a safety device.

Proximity detection systems are available and are in use with continuous mining machines. MSHA has determined that working near continuous mining machines in underground coal mines exposes miners to dangers that have resulted in preventable injuries and fatalities. MSHA's experience with testing and demonstration of the four available systems shows that they are sufficiently developed to be used with continuous mining machines and perform effectively.

Final § 75.1732(a), like the proposal, requires proximity detection systems to be installed on continuous mining machines, which include both on-board operated and remote-controlled continuous mining machines, except for full-face continuous mining machines.

A full-face continuous mining machine includes integral roof bolting equipment and develops the full width of the mine entry in a single cut, generally without having to change its location.

Some commenters stated that persons working around full-face continuous mining machines should be required to use a proximity detection system for tramming because tramming a full-face continuous mining machine can put miners at risk. One commenter stated that proximity detection systems are not needed on full-face continuous mining machines because they are much larger and slower than place-changing continuous mining machines and there are few, if any, crushing injuries caused by normal movement. Other commenters stated that the final rule should also require the use of proximity detection systems on shuttle cars, loading machines, scoops, bolters, and other equipment.

After considering comments, the final rule, like the proposal, does not require mine operators to equip full-face continuous mining machines with proximity detection systems. The Agency has not found any history of accidents involving full-face continuous mining machines and there is limited experience with proximity detection systems on these machines.

The final rule does not require that operators equip other mobile machines with proximity detection systems. MSHA is addressing the use of proximity detection systems on other mobile machines in a separate rulemaking (RIN 1219–AB78).

Final § 75.1732(a), unlike the proposal, requires that, for proximity detection systems with miner-wearable components, the mine operator must provide a miner-wearable component to be worn by each miner on the working section.

In the proposal, MSHA solicited comments on which miners working around continuous mining machines should be required to have a miner-wearable component. In the preamble to the proposal, MSHA noted that the cost estimates for the miner-wearable components included in the Preliminary

Regulatory Economic Analysis (PREA) were based on miners on the working section being equipped with these components. MSHA estimated that, on average, there are seven miners on the working section and they would be provided with miner-wearable components.

Several commenters stated that any miner on the working section should be required to wear a miner-wearable component. One commenter stated that only miners who interact closely with the continuous mining machine on a daily basis should wear a miner-wearable component. This commenter noted that only the continuous mining machine operator, helper/cable handler, and maintenance personnel working on an energized continuous mining machine were fatally injured in the pinning, crushing, and striking accidents involving continuous mining machines.

Each of the four proximity detection systems approved for underground coal mines in the United States uses a miner-wearable component to determine distance between the machine and a miner. These systems cannot detect a miner who is not wearing the component and, therefore, could not stop the machine before contacting such miners.

After considering the comments, MSHA determined that all miners on a working section where the continuous mining machine is equipped with a proximity detection system must wear a miner-wearable component. Under the final rule, the mine operator must provide a miner-wearable component to be worn by each miner on the working section (including production and maintenance shifts).

In MSHA's experience, most operators who move continuous mining machines outby the working section generally use miners from the working section who would be protected by the proximity detection system. MSHA anticipates that this industry practice would continue after the final rule goes into effect.

A commenter stated that some proximity detection systems have limited ability to function properly with more than two miner-wearable components. MSHA has observed two proximity detection systems functioning properly with multiple miner-wearable components in use on the working section, demonstrating that proximity detection systems can function properly with more than two miner-wearable components. MSHA is aware that, in the past, a system has experienced some adverse effects when two or more miner-wearable components were near the machine. The adverse effects were unintended expansion of the warning and stop distances, but these effects would not prevent the system from meeting the requirements of the final rule (*e.g.,* to stop before contacting a miner). MSHA has found that advances in the technology now allow proximity detection systems to function properly with more than two miners on the working section without any adverse effects.

MSHA proposed a phase-in schedule of 3 months for continuous mining machines (except full-face continuous mining machines) manufactured after the publication date of a final rule and 18 months for machines (except full-face continuous mining machines) manufactured on or before the publication date of a final rule. Although not separately discussed under the proposal, machines equipped with a proximity detection system prior to the publication date of a final rule would have been subject to the 18-month phase-in schedule for continuous mining machines manufactured before the publication date.

Final § 75.1732(a)(1) requires continuous mining machines manufactured after March 16, 2015 to meet the requirements in this section no later than November 16, 2015. These machines must meet the requirements in this section when placed in service with a proximity detection system.

Final § 75.1732(a)(2) requires continuous mining machines manufactured and equipped with a proximity detection system on or before March 16, 2015 to meet the requirements in this section no later than September 16, 2016.

Final § 75.1732(a)(3) requires continuous mining machines manufactured and not equipped with a proximity detection system on or before March 16, 2015 to meet the requirements in this section no later than March 16, 2018. These machines must meet the requirements in this section when placed in service with a proximity detection system. A continuous mining machine is placed in service when it is equipped with a proximity detection system and placed in the underground coal mine.

MSHA solicited comments on the proposed phase-in schedule of 3 months for new machines and 18 months for in-service machines.

One commenter supported the proposed phase-in schedule of 3 months for new machines. Several commenters stated additional time is needed for new machines and suggested 6 months. A commenter stated that additional time was needed to develop manuals, train miners, and validate installations. Some commenters also stated that the proposed schedule was not sufficient to allow for the required MSHA approvals.

One commenter supported the proposed phase-in schedule of 18 months for machines manufactured before the effective date of the rule. Many commenters stated that the proposed phase-in schedule was insufficient to provide for installation of proximity detection systems on continuous mining machines. These commenters stated that additional time is necessary to allow mine operators to equip continuous mining machines manufactured before the effective date of the rule with proximity detection systems during scheduled rebuilds. Most commenters stated that retrofitting these machines on the surface is necessary to assure the quality of the installations. One commenter, however, has experience installing proximity detection systems underground and on the surface and provided estimated timeframes for installation underground, on the surface of a mine, and at the manufacturer or rebuild facility. Commenters generally recommended a 36-month timeframe before requiring installation for in-service machines. Some commenters suggested 24 months, while others suggested 48 months. MSHA agrees that it will take more time than proposed for proximity detection system manufacturers, machine manufacturers, and mine operators to obtain approval under 30 CFR part 18, and for manufacturers to produce and mine operators to install proximity detection systems.

MSHA has determined that the longer phase-in schedules in the final rule provide an appropriate amount of time for operators to engage in the necessary actions to comply with the final rule. This is based on the availability of four MSHA-approved proximity detection systems for continuous mining machines, the estimated number of continuous mining machines that would be replaced by newly manufactured machines during the phase-in period, manufacturers' capacity to produce and install proximity detection systems on machines in use, and comments received in response to the proposed rule. The compliance dates provide time for manufacturers to produce and install proximity detection systems, for mine operators to modify their existing proximity detection systems, and for mine operators to train their workforce.

MSHA considers the date of manufacture as the date identified on the machine or otherwise provided by the manufacturer. MSHA considers a

continuous mining machine to be equipped with a proximity detection system when the machine-mounted components are installed on the machine and miners are provided with the miner-wearable components.

Mine operators that obtain continuous mining machines manufactured after March 16, 2015 must comply no later than November 16, 2015. MSHA believes that these machines can be equipped with proximity detection systems during the manufacturing process. This compliance date provides time for manufacturers and mine operators to modify any MSHA approvals, if necessary; provide miners with miner-wearable components; and provide training to meet the requirements of this final rule. Continuous mining machines manufactured and equipped with the machine-mounted components of a proximity detection system after March 16, 2015 must meet the requirements of the final rule when placed in service. MSHA believes it is important for continuous mining machines equipped with a proximity detection system to meet the final rule's requirements when placed in service to assure that miners are protected from pinning, crushing, and striking hazards.

As stated earlier, under the proposal, continuous mining machines in use in underground coal mines and equipped with proximity detection systems prior to the publication date of a final rule would have been subject to the proposed 18-month phase-in schedule for continuous mining machines manufactured before the publication date. A phase-in schedule for this group of machines was not discussed separately in the proposal, as there were a limited number of continuous mining machines equipped with proximity detection systems in service in the United States when the proposal was published. However, as of January 2015, MSHA estimates that 425 continuous mining machines in use in underground coal mines were equipped with proximity detection systems.

This final rule provides 18 months after March 16, 2015 for mine operators to make modifications to the existing proximity detection systems on these machines. MSHA has determined that 18 months provides operators with enough time to obtain any MSHA approvals, to modify continuous mining machines that are equipped with a proximity detection system to meet the requirements, and to provide training. MSHA believes the majority of these machines will comply with the provisions of this final rule without much change to the systems. For example, continuous mining machines equipped with proximity detection systems may only need modification of the warning signals to meet the requirements of this final rule. MSHA expects that the systems can be modified during maintenance shifts while the machine is underground.

Most continuous mining machines equipped with proximity detection systems are operating with one miner-wearable component. This component is for the machine operator. To meet the requirements of the final rule, mine operators will need to provide miner-wearable components to additional miners on the working section.

MSHA proposed an 18-month phase-in schedule for machines manufactured before the publication date of the final rule. MSHA has determined that allowing up to 36 months after March 16, 2015 provides both operators and manufacturers with enough time to retrofit the continuous mining machines manufactured on or before March 16, 2015. MSHA recognizes that machines that are in use when the final rule goes into effect will need to be taken out of use for a period of time. The longer phase-in schedule under the final rule provides mine operators time to complete the installation during planned rebuilds or scheduled maintenance and provides time to train the workforce on proximity detection systems. MSHA anticipates that mine operators will equip continuous mining machines with proximity detection systems during the first planned rebuild that occurs prior to March 16, 2018.

Once these continuous mining machines are retrofitted with a proximity detection system, mine operators must meet the requirements of the final rule when these machines are placed in service to assure that miners are protected from pinning, crushing, and striking hazards.

MSHA acknowledges that it will take some time for operators and manufacturers to obtain MSHA approvals to equip continuous mining machines with proximity detection systems. MSHA must approve miner-wearable components and continuous mining machines with machine-mounted components of a proximity detection system as permissible equipment under existing regulations in 30 CFR part 18. The three methods to obtain MSHA approval to add the machine-mounted components of a proximity detection system to a continuous mining machine are: (1) A continuous mining machine manufacturer can apply for a Revised Approval Modification Program (RAMP) approval; (2) a mine operator can apply to the Approval and Certification Center (A&CC) for a field modification; or (3) a mine operator can notify the MSHA district manager through a district field change application.

MSHA offers an optional Proximity Detection Acceptance (PDA) program which allows a proximity detection system manufacturer to obtain MSHA acceptance for the machine-mounted components of a proximity detection system (PDA Acceptance Number). This acceptance states that the machine-mounted components of the proximity detection system have been evaluated under 30 CFR part 18 and are suitable for installation on an MSHA-approved machine. It permits the manufacturer or owner of a machine to add the machine-mounted components of a proximity detection system to a machine by requesting MSHA approval to add the acceptance number to the machine approval. MSHA believes the phase-in schedule in the final rule provides the time needed to obtain MSHA approval or acceptance.

The phase-in schedule under the final rule also allows time for the mine operators to train miners on how to use proximity detection systems. Mine operators, under existing 30 CFR part 48, must provide miners with new task training. MSHA intends that mine operators will address safety issues, such as some machines being equipped with proximity detection systems while others are not, that might arise during the phase-in period.

Some commenters stated that the final rule should not include additional or redundant training requirements. One commenter stated that initial training (new task training) and retraining should be separate from 30 CFR part 48 annual retraining requirements. This commenter also stated that retraining on proximity detection systems should be performed at least quarterly.

Commenters stated that training should include a combination of classroom and hands-on training and that MSHA should consider a cold-start period (*i.e.*, using a proximity detection system without an active stop function) to allow miners to become familiar with how proximity detection systems function. A commenter stated that, during a cold-start period, the stopping function is not yet active, which facilitates employee interpretation and exploration of the system and identification of possible variations to normal safe operating procedures. Commenters stated that training should be provided to all miners who may come in contact with a continuous mining machine.

Miners working near continuous mining machines equipped with proximity detection systems will engage in different and unfamiliar machine operating procedures resulting from new work positions, machine movements, and new visual and audible signals. Training on proximity detection systems, other than for installing and maintaining systems, is required under existing 30 CFR part 48. Existing § 48.7(a) requires that miners assigned to new work tasks as mobile equipment operators not perform new work tasks until training has been completed. In addition, § 48.7(c) requires that miners assigned a new task not covered in § 48.7(a) be instructed in the safety and health aspects and safe work procedures of the task prior to performing the task. Miners working near continuous mining machines equipped with proximity detection systems will receive new task training on the operation of the newly equipped machine and the miner-wearable components. New task training could include: General proximity detection system operation during tramming, cutting, and loading; warning and stop zone size and shape; response to warning signals; response to system malfunction; and re-charging miner-wearable components.

New task training is separate from new miner training under existing § 48.5 and annual refresher training under existing § 48.8. New task training helps assure that miners have the necessary skills to perform new tasks prior to assuming responsibility for these tasks. Mine operators should assure that training on proximity detection systems includes hands-on training during supervised non-production activities. The hands-on training allows miners to experience how the systems work and to determine the appropriate work locations. Based on Agency experience, hands-on training is most effective when provided in miners' work locations. As required by existing § 48.7(a)(3), machine operators must be instructed in safe operating procedures applicable to new or modified machines to be installed or put into operation in the mine, which require new or different operating procedures.

New task training cannot include cold-start training underground after the relevant compliance date because the system must meet the requirements of the final rule at that time (*e.g.*, stop the machine before contacting a miner, provide audible and visual warning signals).

B. § 75.1732(b) Requirements for a Proximity Detection System

Final § 75.1732(b) establishes requirements for proximity detection systems. A proximity detection system includes machine-mounted components and miner-wearable components.

Final § 75.1732(b)(1) requires that a proximity detection system cause a machine, which is tramming from place-to-place or repositioning, to stop before contacting a miner except for a miner who is in the on-board operator's compartment. This provision is changed from proposed § 75.1732(b)(1) that would have required that a proximity detection system cause a machine to stop no closer than 3 feet from a miner.

MSHA solicited comments on the proposed 3-foot stopping distance and on alternatives such as other specific stopping distances or a performance-based requirement. Performance-based requirements focus on attaining objectives, such as stopping a machine before contacting a miner, rather than being prescriptive in how the result is achieved, such as stopping within a certain distance. Some commenters stated that the Agency's proposal to require the machine to stop no closer than 3 feet from a miner would not provide flexibility to allow for mine- and machine-specific conditions. They stated that there were too many variables to be able to assure that the machine will stop consistently before getting to 3 feet from a miner. According to these commenters, these variables include the imprecision of electromagnetic technology, mine conditions, and machine relay activation time. Commenters stated that MSHA should consider a performance-based approach. One commenter, however, agreed that a proximity detection system should cause a machine to stop no closer than 3 feet from a miner.

The National Institute for Occupational Safety and Health (NIOSH) recommended that MSHA use a performance-based approach because the requirement to stop the machine no closer than 3 feet from a miner would limit future technological innovations that could improve miner safety. NIOSH stated that future ''intelligent'' systems, those that monitor workers' positions and disable only unsafe movement, may not require the entire machine to stop; rather they could restrict certain motions of the machine. NIOSH stated that there are several advantages to restricting certain motions of the machine including decreased nuisance shut-downs; flexibility in operator position when close proximity to the machine is needed; flexibility in operator position to avoid other hazards; and increased safety and productivity.

MSHA's experience with testing and observing proximity detection systems indicates that causing a machine to stop before contacting a miner provides the required performance and appropriate protection. A performance-based approach allows mine operators and manufacturers to address mine- and machine-specific conditions when determining the appropriate settings for the proximity detection system. Specific conditions include steep or slippery roadways, tramming speed of machinery, location of the miner-wearable component, and the accuracy of the proximity detection system. Mine operators are responsible for programming a proximity detection system to initiate the stop movement function at an appropriate distance from a miner to assure that the machine stops before it can contact a miner.

The final rule requires that a proximity detection system cause a continuous mining machine to stop before contacting a miner. Stopping a continuous mining machine consists of stopping the tramming and conveyor swing movements that could cause the machine to contact a miner. The machine must remain stopped while any miner is within the programmed stop zone.

Commenters stated that a proximity detection system should only stop the tram and conveyor boom swing movements and not de-energize the entire continuous mining machine.

Unexpected tramming and conveyer boom swing movements can be hazardous. Many pinning, crushing, and striking accidents occur as a result of continuous mining machine tram or conveyor boom swing functions. MSHA has determined that it is unnecessary to shut down the machine to stop all machine movement because miners are protected by stopping the tramming and conveyor swing movements. Shutting down the machine causes stress on machine components. The requirement to stop tram and conveyor boom swing movements that could contact a miner does not prohibit the use of proximity detection systems that can pinpoint a miner's location and prevent machine movements accordingly.

Final § 75.1732(b)(1) requires that the proximity detection system cause a machine, which is tramming from place-to-place or repositioning, to stop before contacting a miner except for a miner who is in the on-board operator's compartment. The final rule, like proposed § 75.1732(b)(1)(i), allows machines equipped with a proximity

detection system to move if the only miner in proximity occupies the operator's compartment. MSHA did not receive comments on proposed § 75.1732(b)(1)(i).

Final § 75.1732(b)(1) does not include proposed § 75.1732(b)(1)(ii), which would have provided an exception for a miner who is remotely operating a continuous mining machine while cutting coal or rock. The proposal would have required the machine to stop before contacting the machine operator. Commenters stated that the proposed requirement would force miners to stand in a location with a significantly higher risk of being struck by a shuttle car while cutting or loading or turning a crosscut. Other commenters stated that the proximity detection system should allow a continuous mining machine operator to be located behind the rear bumper and adjacent to the conveyor boom when cutting or loading. One commenter has experience deactivating the proximity detection system when cutting or loading. Another commenter stated that there is no history of accidents during cutting or loading. Another commenter stated that a zone must be provided to prevent forcing the continuous mining machine operator out of a safe area and into the hazardous area around another piece of equipment particularly, shuttle cars, ram cars, loading machines, and scoops.

NIOSH recommended eliminating § 75.1732(b)(1)(ii) as proposed. NIOSH and other commenters stated there is no means currently available in the MSHA-approved proximity detection systems for determining whether the continuous mining machine is cutting coal/rock or only running the cutter drum. NIOSH and other commenters also stated that other activities may require an operator or miner to be closer than 3 feet to the continuous mining machine, such as positioning the conveyor boom over the shuttle car or activating certain machine functions during maintenance.

MSHA reviewed an internal study conducted in 2002 in which MSHA studied the location of the remote-controlled continuous mining machine operator relative to the machine during production and while tramming. This internal study was included in the record for public review and comment. MSHA found that using a proximity detection system during cutting would be impractical due to where the continuous mining machine operator has to stand to safely operate the machine. The use of the proximity detection system on the continuous mining machine during cutting of coal may place the operator in the path of other equipment. The study concluded that the proximity detection system should be activated while tramming but not be activated while cutting.

MSHA agrees with commenters who identified situations during cutting when the proposed requirement, in some circumstances, may cause miners to stand in a location with a higher risk of being struck by a coal hauling machine. The continuous mining machine was tramming from place-to-place or repositioning in all 34 fatal accidents (those occurring in 1984 through 2013) that could have been prevented by the use of proximity detection systems. MSHA recognizes that there are certain mining operations where continuous mining machine operators must get close to the machine to properly perform the required tasks (*e.g.*, turning crosscuts).

Under the final rule, mine operators must use proximity detection systems that will cause a continuous mining machine, which is tramming from place-to-place or repositioning, to stop before contacting a miner (except for a miner who is in an on-board operator's compartment). Tramming from place-to-place includes moving the machine from one working face to another (*i.e.*, place-changing). Repositioning includes moving from one side of a cut to the other (commonly called setting over) and also includes cleaning up loose coal or rock when not cutting.

The final rule does not require that a proximity detection system provide a warning or stop the continuous mining machine when it is cutting coal or rock. This includes when the cutter head is used to clean up coal or rock, such as after a roof fall. MSHA intends that the proximity detection system be operational and function properly at all times when the continuous mining machine is in use. However, it is not required to provide a warning or stop machine movement when the continuous mining machine is cutting coal or rock.

In MSHA's experience, when a continuous mining machine is cutting coal or rock, the machine moves slower, reducing the hazard. This reduced hazard is reflected by the absence of fatal accidents when continuous mining machines are cutting. MSHA recognizes that if the continuous mining machine operator is forced away from the machine, the operator may be exposed to other hazards. The final rule is changed from the proposal to allow miners to work in close proximity to the continuous mining machine when it is cutting coal or rock to avoid hazards related to other mobile machines.

Based on NIOSH recommendations, comments received, and MSHA experience, MSHA is requiring proximity detection systems to cause a machine, when tramming from place-to-place or repositioning, to stop before contacting a miner. An exception is provided when relocating a continuous mining machine from an unsafe location for repair when a machine-mounted component of a proximity detection system is not functioning properly.

Final § 75.1732(b)(2) is changed from the proposal and requires that a proximity detection system provide an audible and a visual warning signal on the miner-wearable component and a visual warning signal on the machine that alert miners before the system causes a machine to stop. These warning signals must be distinguishable from other signals. The proposal would have required either an audible or visual warning signal, distinguishable from other signals, when the machine is 5 feet and closer to a miner.

One commenter stated that both an audible and visual warning is necessary when the continuous mining machine is 5 feet and closer to the miner.

After considering comments, MSHA determined that a proximity detection system must provide both an audible and visual warning signal to any miner who may be in proximity to the continuous mining machine. This provides an added margin of safety because audible signals may not always be heard and visual signals may not always be seen.

The audible and visual warnings provided by miner-wearable components allow the miner wearing the component to move away from the machine before the proximity detection system causes the machine to stop. The visual warning provided on the machine alerts the machine operator as well as all miners near the machine.

Several commenters recommended a performance-based warning signal requirement. One commenter stated that warning signals are critical to the implementation of a proximity detection system, but that a 5-foot warning is not practical for all mining conditions. This commenter stated that the existing proximity detection technology cannot guarantee a set distance from a person where the proximity detection system would provide a warning due to electromagnetic variability and environmental conditions. Several commenters stated that a warning signal is unnecessary and may be a nuisance.

MSHA agrees with commenters who stated that a warning signal requirement should be performance-based rather than the 5-foot distance in the proposal. A performance-based approach allows mine operators and manufacturers to

address mine- and machine-specific conditions, tramming speed of machinery, location of the miner-wearable component, and accuracy of the proximity detection system when determining the appropriate settings for triggering warnings. MSHA anticipates that mine operators and manufacturers will program a proximity detection system to provide warnings at a distance that will allow the miner to move away before the proximity detection system causes the machine to stop.

Final § 75.1732(b)(2) does not include proposed paragraphs (i), the exception to provide a warning signal for a miner who is in an on-board operator's compartment, and (ii), the exception to provide a warning signal for a miner who is remotely operating a continuous mining machine while cutting coal or rock. The proposed paragraphs are not needed because final § 75.1732(b)(1) requires a proximity detection system to cause a machine, which is tramming from place-to-place or repositioning, to stop before contacting a miner. For the reasons noted above, this final rule does not require the proximity detection system to cause a machine to stop before contacting a miner when cutting coal or rock as proposed. The exceptions are not needed. Final § 75.1732(b)(2) is performance-based and requires audible and visual warning signals before causing a machine to stop.

Final § 75.1732(b)(3), like the proposal, requires that a proximity detection system provide a visual signal on the machine that indicates the machine-mounted components are functioning properly.

A commenter stated that this provision should be removed because the signal could give miners a false sense of security. Another commenter stated that a proximity detection system should include a diagnostic function that provides a visual signal that the system is working properly. This commenter stated that a visual signal will allow miners to readily determine that the system is functioning properly and recommended that the signal be located where a miner can observe it from all work locations.

MSHA agrees that the required visual signal allows miners to readily determine that the machine-mounted components of a proximity detection system are functioning properly. A light-emitting diode (LED) would be an acceptable visual signal. The signal indicates that the machine-mounted components are working properly.

A commenter stated that MSHA should clarify the term functioning properly. MSHA considers the proximity detection system to be functioning properly when the system is working as designed and will: Cause the machine to stop before contacting a miner; provide audible and visual warning signals, distinguishable from other signals, that alert miners before causing the machine to stop; provide the required visual signals on the machine; and prevent movement of the machine if any machine-mounted component is not working as intended. If a miner-wearable component malfunctions during the shift, a replacement must be provided for the miner.

Final § 75.1732(b)(4), similar to the proposal, requires that a proximity detection system prevent movement of the continuous mining machine if any machine-mounted component of the system is not functioning properly. However, a system with any machine-mounted component that is not functioning properly may allow machine movement if it provides an audible or visual warning signal, distinguishable from other signals, during movement. Such movement is permitted only for purposes of relocating the machine from an unsafe location for repair.

A commenter stated that a distinct audible or visual alarm will make miners aware that the proximity detection system is not operating normally. Several commenters recommended allowing a machine with a malfunctioning proximity detection system to operate until the next maintenance shift or up to 24 hours using alternative protective measures. One commenter recommended that the rule permit a machine with a malfunctioning proximity detection system to operate until finishing the cut that is in progress. This commenter stated that completing the cut should be permitted since there is no history of accidents during cutting or loading. Another commenter supported the proposal but stated that a machine with a malfunctioning proximity detection system should only be moved under the direction of a qualified mechanic or certified electrician. A commenter stated that MSHA should allow the machine to continue moving with an audible or visual warning signal only for the time necessary to move the machine to a safe location for repair before the end of the current production shift.

The final rule is changed from the proposal to clarify that a proximity detection system must prevent movement of the continuous mining machine if any machine-mounted component of the system is not functioning properly. MSHA intends for the proximity detection system to prevent all machine movement. This includes the tramming and conveyor swing movements that could cause the machine to contact a miner, as well as other machine movements associated with cutting coal or rock. Cutting cannot continue because the tramming function, which is needed to keep the cutter head in contact with coal or rock, would be disabled when machine-mounted components malfunction. A continuous mining machine equipped with a malfunctioning machine-mounted component could expose miners to pinning, crushing, and striking hazards. When any machine-mounted component of the system is not functioning properly, preventing all machine movement helps to assure that miners are protected.

Final § 75.1732(b)(4) provides for an exception to allow a machine to be moved for repair if the system is not functioning properly; the machine is in an unsafe location; and the system provides an audible or visual warning signal, distinguishable from other signals, during movement. Overriding the proximity detection system should only occur for the time necessary to move the machine to a safe location—for example, the time needed to move a continuous mining machine from under unsupported roof to an appropriate repair location. MSHA intends that machine movement be restricted to tramming and the hydraulic functions necessary to move the continuous mining machine to a safe location. Under the final rule, this movement is allowed only to relocate the machine so repairs can be made safely.

The final rule does not require a mechanic or qualified electrician to direct the relocation of a machine with a malfunctioning proximity detection system. Mine operators must train machine operators, under existing new task training requirements, to relocate a machine to a safe location for repair.

This provision is changed from the proposal to clarify that the warning signal must be provided by the proximity detection system. Either an audible or visual signal is sufficient warning when the machine is moving while any machine-mounted component of the proximity detection system is not functioning properly. In MSHA's experience, both types of warning signals are not necessary because miners are generally aware if the machine is not functioning properly and the machine will only be moved a limited distance in a supervised environment.

Final § 75.1732(b)(5), changed from the proposal, requires that proximity detection systems be installed to prevent interference that adversely affects performance of any electrical

system. The proposed rule would have required mine operators to prevent interference with or from other electrical systems. The final rule clarifies that mine operators must prevent interference that adversely affects performance of any electrical system.

A commenter stated that if there are interference issues with a proximity detection system, the problems need to be identified, resolved, and shared with the rest of the industry. Commenters stated there are several electrical devices at risk for interference and this interference may occur when kneeling in close proximity to loops of cables, such as in low seam mines where experience with proximity detection systems is limited. A commenter stated that a final rule should require installation such that electrical interference from other devices does not affect proper functioning.

Electrical systems used in the mine, including proximity detection systems, can adversely affect the function of other electrical systems through the generation of electromagnetic interference which includes radio frequency interference. There have been instances of adverse performance of a remote-controlled system, an atmospheric monitoring system, and a machine-mounted methane monitoring system when a hand-held radio was in use near the affected systems. Electromagnetic output of approved proximity detection systems is substantially lower and uses different frequencies than other mine electrical systems, such as communication and atmospheric monitoring systems; therefore, the likelihood of encountering interference issues is less, even in low seam mines. Additionally, MSHA has not experienced issues with adverse interference, with or from other electrical systems, associated with the 425 systems in use on continuous mining machines in underground coal mines.

The final rule requires the mine operator to evaluate the proximity detection system and other electrical systems, including blasting circuits, in the mine and take adequate steps to prevent adverse interference. Steps could include design considerations, such as the addition of filters or providing adequate separation between electrical systems.

Final § 75.1732(b)(6), changed from the proposal, requires that a proximity detection system be installed and maintained in proper operating condition by a person trained in the installation and maintenance of the system.

One commenter stated that continuous mining machine operators, mechanics, and electricians should receive training at the mine from the manufacturer covering the operation, installation, and maintenance of the system. Another commenter stated that MSHA should not mandate training because either the persons can perform the work or they cannot. Another commenter stated that all miners affected by a proximity detection system should be trained as required by 30 CFR part 48 task training and, to prevent redundancy, there should not be additional training requirements.

Based on MSHA's experience with testing of proximity detection systems, the Agency has determined that proper functioning of a proximity detection system is directly related to the quality of the installation and maintenance of the systems. The training requirement in the final rule for installing and maintaining a proximity detection system is in addition to training required under existing part 48. The new training requirement helps assure that the person performing the installation and maintenance of a proximity detection system understands the system and can perform the work necessary to assure that the system operates properly. Appropriate training could include adjusting detection zones, trouble-shooting electrical connections, and replacing and adjusting machine-mounted and miner-wearable components.

MSHA anticipates that operators will assign miners to perform most maintenance activities, but representatives of the manufacturer may perform some maintenance. Based on Agency experience, operators will generally arrange for proximity detection system manufacturers to provide appropriate training to miners for installation and maintenance. Miners receiving training from manufacturers' representatives will, in most cases, provide training for other miners who may undertake installation and maintenance duties at the mine. In MSHA's experience, many mines use the train-the-trainer model for installation and maintenance activities.

The final rule is changed from the proposal to clarify that the proximity detection system must be installed and maintained in proper operating condition. A system must operate properly to protect miners near the machine. This includes the machine-mounted components and the miner-wearable components. Mine operators will be expected to demonstrate that a continuous mining machine equipped with a proximity detection system in use at their mine is installed and maintained in proper operating condition.

One method a mine operator could use to demonstrate that a proximity detection system is operating properly to cause the machine to stop before contacting a miner is to suspend a miner-wearable component from the mine roof, move the machine towards the suspended component, and after the proximity detection system causes the machine to stop movement, determine whether the machine would have contacted a miner. When making this determination, the position of the miner-wearable component on the miner and the distance from the closest surface of the continuous mining machine to the miner-wearable component should be considered. Mine- and machine-specific conditions, including steep or slippery roadways, tramming speed of machinery, location of the miner-wearable component, and the accuracy of the proximity detection system, should also be considered.

C. § 75.1732(c) Proximity Detection System Checks

Final § 75.1732(c), like the proposal, establishes requirements for checking proximity detection systems.

Final § 75.1732(c)(1) requires that operators designate a person to perform a check of machine-mounted components of the proximity detection system to verify that components are intact, that the system is functioning properly, and take action to correct defects: (i) At the beginning of each shift when the machine is to be used; or (ii) immediately prior to the time the machine is to be operated if not in use at the beginning of a shift; or (iii) within one hour of a shift change if the shift change occurs without an interruption in production. Final § 75.1732(c)(1), unlike the proposal, does not include the word ''visual'' because the check requires verification of both the audible and visual warning signals under final § 75.1732(b)(2).

A commenter stated that MSHA should require a mine operator to use MSHA-approved written examination procedures for this check. This commenter also recommended requiring a visual check by the machine operator and a certified electrician or qualified mechanic. Another commenter, however, stated that a requirement for a check was unnecessary. A commenter also stated that MSHA should allow the operator to determine how often and when the proximity detection system is checked for proper operation. Other commenters stated that the machine

hardware should be checked before each shift.

After reviewing the comments, MSHA determined that a check of the machine-mounted components of a proximity detection system should be performed before the continuous mining machine is operated each shift. MSHA anticipates that the check will be performed at the same time as the existing on-shift dust control parameter check. A check of machine-mounted components of the proximity detection system is needed to verify that components are intact and that the system is functioning properly before the machine is operated. For example, some machine-mounted components may be mounted on the outer surface of a continuous mining machine and could be damaged when the machine contacts a rib or heavy material falls against the machine. The person designated to perform the check will walk around the machine to verify that machine-mounted components are intact and the system is functioning properly. The check will also include observation of appropriate audible and visual warning signals. Operators can check that the system is functioning properly by approaching the machine with a miner-wearable component and observing changes in the system's warning signals as the miner-wearable component enters the warning and stop zones.

MSHA believes that it is unnecessary to require written procedures for the check because existing training regulations require that the person designated to perform the check be trained to check the system. The check supplements the design requirement in final § 75.1732(b)(4) that prevents movement of the machine if any machine-mounted component is not functioning properly. The system may not be able to detect all types of damage, such as detached field generators, which could affect proper function. The check helps assure that machine-mounted components are positioned correctly and mounted properly on the machine and the system will warn miners and stop movement appropriately. Under existing § 48.7, miners who perform the required check must receive training in the safety and health aspects and safe work procedures of the task.

In most cases, MSHA anticipates that the trained person designated to make the on-shift dust control parameter check, required under existing § 75.362(a)(2), will also make the check of the proximity detection system. MSHA also anticipates that both checks would be performed at the same time. Unlike the examinations and tests required under existing § 75.512 for permissible equipment, it is not essential to require a person qualified to perform electrical work to conduct this check.

Final § 75.1732(c)(2), like the proposal, requires that operators check for proper operation of miner-wearable components at the beginning of each shift that the components are to be used and correct defects before the components are used.

Commenters recommended checking the miner-wearable component at the beginning of each shift for damage. One commenter recommended checking for sufficient power to work for the duration of the shift. A commenter stated that defective miner-wearable components should be replaced before that person goes underground. A commenter stated that it should be up to the mine operator to determine how often and when the miner-wearable component is checked for proper operation. Another commenter stated that the final rule should allow an operator to designate a person to check the miner-wearable component.

After considering comments, MSHA determined that the miner-wearable components must be checked for proper operation at the beginning of each shift that the component is to be used. This requirement helps assure that the miner is protected before getting near a machine. MSHA anticipates that each miner equipped with a miner-wearable component will check the component to see that it is not damaged and has sufficient power. The proximity detection systems that use these components can only function properly if the miner-wearable components have sufficient power.

MSHA intends that this check can be similar to the check that a miner performs on a cap lamp prior to the beginning of a shift. A mine operator, however, could also designate a person to check miner-wearable components before they are used. Mine operators must provide new task training, under 30 CFR part 48, for miners who will be checking the miner-wearable components. If any defect is found, the final rule requires that it be corrected before the component is used. This helps assure that the miner-wearable component functions properly and reduces the risk of injuries and fatalities from miners' exposure to pinning, crushing, and striking hazards.

The final rule does not include proposed § 75.1732(c)(3). This proposed provision would have required the operator to designate a person under MSHA's existing standard for qualified electricians to examine proximity detection systems for conformance with the performance requirements of this section at least every seven days and that defects in the proximity detection system be corrected before the machine is returned to service.

A commenter stated that a trained, qualified maintenance person should examine the basic functions of proximity detection systems every seven days by checking zone sizes, system communication, and warning signals; examine at regular maintenance intervals and for each modification to the machine or environment; and perform the examination while the machine is not in service. This commenter stated that the maintenance person should fully understand how the system works. Other commenters stated that the electrical examination should take place on a weekly basis at the same time as the other electrical examinations required under § 75.512. A commenter also stated that requiring an examination each week is not needed.

After considering comments, MSHA concluded that the examinations of proximity detection systems will take place with other electrical examinations required under existing § 75.512. MSHA determined that the proposed requirement to designate a qualified person under existing § 75.153 to examine proximity detection systems at least every seven days and correct defects is not necessary because the machine-mounted components are electric equipment and must be examined, tested, and properly maintained under existing § 75.512. The miner-wearable components are MSHA-approved intrinsically safe equipment and do not need to be examined in accordance with existing § 75.512.

Existing § 75.512 requires electric equipment to be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. The examinations and tests required under existing § 75.512 must be made at least weekly under existing § 75.512–2, and the qualified person performing the examinations and tests must meet the requirements to perform electrical work under existing § 75.153. Under existing § 75.512, when a potentially dangerous condition is found on electric equipment, such equipment must be removed from service until such condition is corrected. The on-shift check required in final § 75.1732(c)(1) helps assure that proximity detection systems function properly between the weekly examinations required under existing § 75.512.

D. § 75.1732(d) Certifications and Records

Final § 75.1732(d), like the proposal, establishes requirements for certifications and records for proximity detection systems.

Final § 75.1732(d)(1), like the proposal, requires that at the completion of the check required under paragraph (c)(1) of this section, a certified person under existing § 75.100 certify by initials, date, and time that the check was conducted. Defects found as a result of the check under paragraph (c)(1) of this section, including corrective actions and dates of corrective actions, must be recorded.

A commenter supported the proposed requirement that the mine operator record any defect and corrective action. Another commenter recommended that the record of any defect or corrective action be made at the end of the shift and kept in a book on the surface. Another commenter, however, supported the requirement to certify the check required in paragraph (c)(1), but stated there was no safety benefit to requiring a record of defects or corrective actions. Other commenters indicated that there is no need to require records specifically for proximity detection systems and that these records would be a burden.

The certification in final paragraph (d)(1) helps assure compliance and provides miners on the section a means to confirm that the required check was made. MSHA anticipates that, in most cases, the person making the certification of the on-shift examination under existing § 75.362(g)(2) will also make the certification of this check at the same time.

The record of defects and corrective actions as a result of the check required under final paragraph (c)(1) of this section must be made by the completion of the shift, which is consistent with the requirements for records of hazardous conditions in existing § 75.363(b). If no defect is found, no record is needed. The requirement in final paragraph (d)(1) of this section requires a record of defects and corrective actions. This record can be used to show a history of machine-mounted component defects that can alert miners, representatives of miners, mine management, manufacturers, and MSHA of recurring problems.

Final § 75.1732(d)(2), like the proposal, requires the operator to record defects found as a result of the check of miner-wearable components under final paragraph (c)(2) of this section, including corrective actions and dates of corrective actions.

A commenter supported the proposed requirement that the mine operator record any defect and corrective action, but also stated that the check of the miner-wearable component must be recorded. Another commenter stated that the record of any defect or corrective action be made at the end of the shift and kept in a book on the surface. A commenter also stated there was no safety benefit to requiring a record of defects or corrective actions. Other commenters indicated that there is no need to require records specifically for proximity detection systems and that these records would be a burden.

The requirement in final § 75.1732(d)(2) provides for a record of defects and corrective actions. This record can be used to show a history of miner-wearable component defects that can alert miners, representatives of miners, mine management, manufacturers, and MSHA of recurring problems. For miner-wearable components, no record is needed unless a defect is found. A certification of the check for proper operation of miner-wearable components that is required under final § 75.1732(c)(2) is not necessary because miners can readily check to confirm that the component is working.

The final rule does not include the provisions in proposed § 75.1732(d)(3). The proposal would have required that: (1) The operator make and retain records at the completion of the weekly examination under proposed § 75.1732(c)(3); (2) the qualified person conducting the examination record and certify by signature and date that the examination was conducted; and (3) defects, including corrective actions and dates of corrective actions, be recorded.

A commenter supported the proposed requirement but also stated that a maintenance supervisor should be required to countersign the record. Another commenter indicated that the electrical examination of proximity detection systems should be recorded consistent with the recordkeeping requirement under existing § 75.512 and that it would be unnecessary and burdensome for this record to include a record of defects found and corrective actions. Another commenter stated that maintaining separate records for weekly inspections of proximity detection systems is redundant to records already being maintained. Another commenter stated this requirement would increase the paperwork burden on a mine operator.

After considering the comments, MSHA determined that a separate examination under proposed paragraph (c)(3) and existing requirements under § 75.512 are redundant. Accordingly, the corresponding record requirement under proposed paragraph (d)(3) is not required by the final rule. As required under existing § 75.512, electric equipment must be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions; and a record of this examination must be kept and made available to an authorized representative of the Secretary and to the miners. Consistent with MSHA policy, if dangerous conditions and corrective actions are not recorded, the records of weekly examinations of electric equipment are incomplete.

Final § 75.1732(d)(3), like proposed § 75.1732(d)(4), requires that the operator make and retain records of the persons trained in the installation and maintenance of proximity detection systems.

One commenter stated that a record is necessary to assure that the person assigned to install and perform maintenance on proximity detection systems has been trained. Other commenters stated that this requirement would be redundant. One of these commenters stated that it would be redundant with existing § 75.159, which requires a list of all qualified persons designated to perform duties under part 75. This commenter stated that MSHA Form 5000–23 (Certificate of Training) includes this information and that, due to this redundancy, the requirement in proposed paragraph (d)(4) of this section should not be included in the final rule. Other commenters indicated that this requirement would be impractical when the installation or maintenance is performed by a third party. Another commenter indicated this requirement would increase the paperwork burden for a mine operator.

Final § 75.1732(d)(3) requires the mine operator to make a record of persons trained to install and perform maintenance on proximity detection systems. MSHA anticipates that many mine operators will train qualified persons, as defined by existing § 75.153, to install and perform maintenance on proximity detections systems; but, the mine operator may train another miner who is not included on the list required under existing § 75.159. A mine operator may make the record of the persons trained under final paragraph (d)(3) of this section using existing MSHA Form 5000–23. Consistent with existing practice, mine operators do not need to make and retain records of training for proximity detection system manufacturers' employees who install or perform maintenance on their systems.

Final § 75.1732(d)(4), like proposed § 75.1732(d)(5), requires the operator to maintain records in a secure book or electronically in a secure computer system not susceptible to alteration.

One commenter supported the proposal. Another commenter stated that this requirement should be removed because the underlying recordkeeping requirements in proposed paragraph (d) of this section are redundant. Another commenter stated that this requirement would create another record book for mine operators to maintain and that this would increase their paperwork burden.

The records required under final §§ 75.1732(d)(1), (d)(2), and (d)(3), if recorded in a book, must be in a book designed to prevent the insertion of additional pages or the alteration of previously entered information in the record. Based on MSHA's experience with other safety and health records, the Agency believes that records should be maintained so that they cannot be altered. In addition, electronic storage of information and access through computers is increasingly a common business practice in the mining industry. This provision permits the use of electronically stored records provided they are secure, not susceptible to alteration, and able to capture the information and signatures required. Care must be taken in the use of electronic records to assure that the secure computer system will not allow information to be overwritten after being entered. MSHA believes that electronic records meeting these criteria are practical and as reliable as paper records. MSHA also believes that once records are properly completed and reviewed, mine management can use them to evaluate whether the same conditions or problems, if any, are recurring, and whether corrective measures are effective.

The final rule provides mine operators flexibility to maintain the records in a secure book or electronically in a secure computer system that they already use to satisfy existing recordkeeping requirements.

Final § 75.1732(d)(5), like proposed § 75.1732(d)(6), requires that the operator retain records for at least one year and make them available for inspection by authorized representatives of the Secretary and representatives of miners.

A commenter supported the proposal but stated that hard copies of this information must be made available if the lack of computer skills would prohibit a miner from viewing this information. Another commenter stated that this requirement should be removed because the underlying recordkeeping requirements in paragraph (d) of this section are redundant with existing requirements. This commenter stated that this requirement would increase a mine operator's paperwork burden.

This provision applies to the records required under final §§ 75.1732(d)(1), (d)(2), and (d)(3). These records must be made available for inspection to representatives of miners and MSHA. The operator may provide access electronically or by providing paper copies of records. MSHA believes that keeping records for one year provides a history of the conditions at the mine to alert miners, representatives of miners, mine management, manufacturers, and MSHA of recurring problems.

E. New Technology

The final rule does not include proposed § 75.1732(e) that would have addressed technologically advanced proximity detection systems because the final rule allows for flexibility in system design. The final rule is performance-based and does not require specific distances for stopping the machine or for warning miners. Proposed § 75.1732(e) would have provided that mine operators or manufacturers could apply to MSHA for acceptance of a proximity detection system that incorporates new technology.

A commenter stated that it was unclear whether proposed § 75.1732(e) refers to approval of a petition for modification or a way for MSHA's Approval and Certification Center (A&CC) to approve a proximity detection system. A commenter was uncertain as to how this provision would apply to manufacturers. Another commenter stated that MSHA should clarify the scope of this provision and provide testing requirements to assure proximity detection systems are safe and effective for their intended use. Commenters stated that MSHA must accept new technology if (1) it meets current permissibility requirements, (2) performs the same function as already accepted systems, or (3) is as safe as the proposed requirements.

Proposed § 75.1732(e) would have addressed technologically advanced proximity detection systems that did not meet the prescriptive requirements for causing a machine to stop no closer than 3 feet from a miner and for providing an audible or visual warning signal when the machine is 5 feet and closer to a miner. Many comments to proposed §§ 75.1732(b)(1) and (b)(2) stated the Agency should change requirements to a performance-based approach. The performance-based requirements in this final rule allow for flexibility in system design, eliminating the need for the proposed new technology provision.

III. Regulatory Economic Analysis

A. Executive Orders 12866 and 13563: Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. To comply with these Executive Orders, MSHA has prepared a Regulatory Economic Analysis (REA) for the final rule. The REA contains supporting data and explanation for the summary information presented in this preamble, including the covered mining industry, costs and benefits, feasibility, small business impacts, and Paperwork Reduction Act requirements.

On April 23, 2014, the State of West Virginia issued a rule governing proximity detection systems, effective July 1, 2014. The rule requires, among other things, that proximity detection systems be installed on place-change continuous mining machines in underground sections of coal mines according to a 34-month phase-in schedule. The regulatory economic analysis addresses cost and benefit changes to this rule due to the West Virginia Rule in Chapter 5, Summary of Adjustments for West Virginia Rule.

The Commonwealth of Virginia issued a memorandum to coal mine operators (DM–14–03, August 18, 2014) stating that, effective October 1, 2014, all remote-control operated continuous mining machines be equipped with proximity detection systems or use a designated spotter during equipment moves.

MSHA anticipates that mine operators in the Commonwealth of Virginia would opt to use a designated spotter instead of incurring the expense of installing proximity detection systems on continuous mining machines. The Agency estimates that the cost of diverting resources to assure that there is a designated spotter for those continuous mining machines during equipment moves would be de minimis. MSHA does not address Virginia's memorandum in the regulatory

economic analysis (REA) because it does not affect the impact of the final rule.

MSHA received comments on the preliminary regulatory economic analysis and those comments are addressed in the REA. The REA can be accessed electronically at *http://www.msha.gov/REGSINF5.HTM* or *http://www.regulations.gov.* A copy of the REA can be obtained from MSHA's Office of Standards, Regulations and Variances at the address in the Availability of Information section of this preamble.

Under E.O. 12866, a significant regulatory action meets at least one of the following conditions: Having an annual effect on the economy of $100 million or more, creating a serious inconsistency or interfering with an action of another agency, materially altering the budgetary impact of entitlements or the rights of entitlement recipients, or raising novel legal or policy issues. The Office of Management and Budget (OMB) has determined that this final rule would be a significant regulatory action because it raises novel legal or policy issues.

B. Population at Risk

The final rule applies to all underground coal mines in the United States. In 2013, there were approximately 326 active underground coal mines using continuous mining machines employing approximately 42,314 miners (excluding office workers).

C. Net Benefits

Under the Mine Act, MSHA is not required to use estimated net benefits as the basis for its decision. At a 7 percent discount rate over 10 years, the estimated annualized values for net benefits of this rule after adjusting for West Virginia are $1.3 million; benefits are $6.0 million and costs are $4.7 million. At a 3 percent discount rate over 10 years, the estimated annualized values for net benefits of this rule after adjusting for West Virginia are $1.8 million; benefits are $6.5 million and annualized costs are $4.7 million.

MSHA anticipates several benefits from the final rule that were not quantified due to a lack of definitive information. For example, MSHA anticipates that the final rule will result in additional savings to mine operators by avoiding the production delays typically associated with mine accidents. Pinning, crushing, or striking accidents can disrupt production at a mine during the time it takes to remove the injured miner, investigate the cause of the accident, and clear the accident site. Such delays can last for a shift or more. Factors such as lost wages, delayed production, and other miscellaneous expenses, could result in significant costs; however, MSHA has not quantified these savings due to a lack of specific information. The monetized benefits and costs are explained further in sections D and E.

D. Benefits

The final rule will significantly improve safety protections for underground coal miners by reducing their risk of being crushed, pinned, or struck by continuous mining machines.

MSHA reviewed the Agency's investigation reports for all continuous mining machine accidents that occurred from 1984 through 2013 and determined that the use of proximity detection systems could have prevented 34 fatalities and 238 nonfatal injuries involving pinning, crushing, or striking accidents with continuous mining machines. From 2010 through 2013, six underground coal miners working in close proximity to continuous mining machines died from pinning, crushing, or striking accidents. MSHA's review concluded that the latest 15 years of data was the most appropriate data to project the number of incidents over the next 10 years. Based on the data, MSHA projects that the rule will prevent approximately 49 injuries and 9 deaths over the next 10 years.

To estimate the monetary values of the reductions in deaths and nonfatal injuries, MSHA uses an analysis of the imputed values based on a Willingness-to-Pay approach. This approach relies on the theory of compensating wage differentials (*i.e.*, the wage premiums paid to workers to accept the risk associated with various jobs) in the labor market. A number of studies have shown a correlation between higher job risk and higher wages, suggesting that employees demand monetary compensation in return for incurring greater risk. The benefit of preventing a fatality is measured by what is conventionally called the Value of a Statistical Life (VSL), defined as the additional cost that individuals would be willing to bear for improvements in safety (that is, reductions in risks) that, in the aggregate, reduce the expected number of fatalities by one.

Under the proposed rule, the value of deaths and injuries prevented were based on a 2003 meta-analysis by Viscusi & Aldy. Viscusi and Aldy did an analysis of several studies that use a Willingness-to-Pay methodology to estimate the imputed value of life-saving programs. Updating the 2003 values for inflation yields an estimate in 2013 dollars of $8.7 million for each fatality prevented and $65,000 for each nonfatal injury prevented for the lowest estimate.

For the final rule, MSHA revised the Agency's approach for monetizing the value of fatalities prevented to provide a range of VSLs. The regulatory economic analysis provides more detail; but, in summary, MSHA estimated three alternatives for VSL.

Low Benefit Estimate: The low estimate of $8.7 million is from the 2003 Viscusi and Aldy estimate used in the proposed rule. However, this estimate does not include adjustments for real income changes.

Primary Benefit Estimate: MSHA used a primary estimate of $9.2 million that is based on the new research and guidance by the Department of Transportation (DOT). MSHA reviewed DOT's findings and adjusted the VSL for real income growth. With the adjustment, the VSL reaches approximately $10 million in the 10th year.

High Benefit Estimate: MSHA used a high estimate of $11.1 million based on Viscusi's 2013 article that emphasizes, when possible, that labor characteristics should be used to develop VSLs. The 2013 article includes information that mining has one of the highest fatality rates and that estimates should capture industry or occupation specific information. As in the primary estimate, MSHA also applied the real income growth each year to generate VSLs for the 10 years after the final rule is effective. This provides a final value after 10 years of approximately $12 million.

More detailed information about how MSHA estimated the primary benefits and alternate benefits estimates are available in the REA supporting this final rule.

E. Compliance Costs

MSHA estimated costs of the final rule based on the analysis of the most likely actions that operators will need to take to comply with the final rule. MSHA estimates that proximity detection systems purchases and installations in underground coal mines will occur over 3 years with 20 percent installed in the first year the rule is in effect, an additional 40 percent installed in the second year, and the remaining 40 percent installed in the third year. MSHA estimates a useful life of 10 years for all machine-mounted components of proximity detection systems and 5 years for miner-wearable components.

MSHA estimates that, after adjusting for the West Virginia Rule, the total undiscounted cost of the final rule over a 10-year period is $46.7 million, $41.3

million at a 3 percent rate, and $35.7 million at a 7 percent rate. The corresponding values annualized over 10 years are $4.7 million (undiscounted), $4.7 million (3 percent), and $4.7 million (7 percent).

IV. Feasibility

The requirements of the final rule are both technologically and economically feasible.

A. Technological Feasibility

The final rule is technologically feasible. The final rule is not technology-forcing and does not involve new scientific or engineering knowledge. The technology necessary to meet the requirements of the final rule already exists, is commercially available, and is in use in underground coal mines. By allowing mine operators to phase in the installation of proximity detection systems over a 36-month period, the final rule provides coal mine operators sufficient time to obtain necessary modification to the existing technology, obtain necessary approvals, install proximity detection systems on continuous mining machines, and train miners.

B. Economic Feasibility

MSHA has traditionally used a revenue screening test—whether the estimated compliance costs of a standard are less than one percent of revenues, or are negative (*e.g.*, provide net cost savings) to establish presumptively that compliance with the standard is economically feasible for the mining industry. Based on this test, MSHA has concluded that the requirements of the final rule are economically feasible.

The estimated annualized compliance cost to underground coal mine operators is $4.7 million. This represents less than one-tenth of one percent of total annual revenue of $23.1 billion ($4.7 million costs/$23.1 billion revenue) for all underground coal mines. Since the estimated annualized compliance cost is below one percent of estimated annual revenue, MSHA concludes that the final rule is economically feasible for the underground coal industry.

V. Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act

Under the Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), MSHA has analyzed the compliance cost impact of the final rule on small entities. Based on that analysis, MSHA certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is presented in Chapter 7, Regulatory Flexibility Analysis, of the REA and is summarized below.

A. Definition of a Small Mine

Under the RFA, in analyzing the impact of a rule on small entities, MSHA must use the Small Business Administration's (SBA's) definition for a small entity or, after consultation with the SBA Office of Advocacy, establish an alternative definition for the mining industry by publishing that definition in the **Federal Register** for notice and comment. Because the Agency has not established an alternative definition, MSHA is required to use SBA's definition. The SBA defines a small entity in the mining industry as an establishment with 500 or fewer employees.

MSHA has also examined the impact of the final rule on mines with fewer than 20 employees, which MSHA and the mining community have traditionally referred to as small mines. These small mines differ from larger mines not only in the number of employees, but also in economies of scale in material produced, in the type and amount of production equipment, and in supply inventory. Therefore, their costs of complying with MSHA's rules and the impact of the Agency's rules on them will also tend to be different.

This analysis complies with the requirements of the RFA for an analysis of the impact on ''small entities'' while continuing MSHA's traditional definition of ''small mines.''

B. Factual Basis for Certification

MSHA's analysis of the economic impact on small entities begins with a screening analysis. The screening compares the estimated yearly costs of the final rule for small entities to their estimated annual revenue. When estimated costs are less than one percent of estimated revenues for small entities, MSHA believes it is generally appropriate to conclude that the final rule will not have a significant economic impact on a substantial number of small entities. If the estimated cost is equal to or exceeds one percent of revenue, MSHA investigates whether further analysis is required.

C. Derivation of Revenues and Costs for Mines

MSHA calculated the revenue for underground coal mines from data on coal prices and production. The average open market U.S. sales price of underground coal for 2013 was $67.56 per ton (estimated from Department of Energy (DOE), Energy Information Administration (EIA), *Annual Coal Report 2012*, December 2013, pg. 48, adjusted by the 2013 GDP deflator from the Bureau of Economic Analysis (BEA)).

For mines excluding West Virginia, with 1–19 employees, 2013 underground coal revenue was $112 million (1.7 million tons × $67.56 per ton). For mines with 1–500 employees, 2013 underground coal revenue was $12 billion (175.4 million tons × $67.56 per ton). Total 2013 underground coal revenue, excluding West Virginia, was $17.5 billion. The 2013 total underground coal revenue including West Virginia was $23.1 billion.

D. Screening Analysis for Underground Coal Mines

The estimated annualized cost of the final rule for underground coal mines with 1–19 employees is approximately $0.5 million, which represents approximately 0.5 percent of annual revenues.

When applying SBA's definition of a small mine, the estimated annualized cost of the final rule for underground coal mines with 1–500 employees, excluding West Virginia, is approximately $4.1 million, which represents less than one-tenth of one percent of annual revenue.

Table 1 shows MSHA's estimate of the annualized cost of the final rule compared to mine revenue, by mine size. MSHA has provided, in the REA accompanying this final rule, a complete analysis of the cost impact.

TABLE 1—COST OF FINAL RULE COMPARED TO MINE REVENUES FOR UNDERGROUND COAL MINES (EXCLUDING WEST VIRGINIA), BY MINE SIZE

Mine size (employees)	Number of Mines	Annualized cost of final rule (in millions)	Annual revenues (in millions)	Annual cost per mine	Cost of final rule as percent of revenues
1–19	45	$0.5	$112	$11,111	0.5
1–500	209	4.1	11,848	19,617	<0.1
All Mines	220	4.7	17,518	21,364	<0.1

Based on this analysis, MSHA has determined that the final rule will not have a significant economic impact on a substantial number of small underground coal mines.

VI. Paperwork Reduction Act of 1995

A. Summary

The Paperwork Reduction Act (PRA) provides for the Federal government's collection, use, and dissemination of information. The goals of the PRA include minimizing paperwork and reporting burdens and ensuring the maximum possible utility from the information that is collected (44 U.S.C. 3501). The information collections contained in this final rule are submitted for review under the PRA to OMB, Control Number 1219–0148. The final rule contains minor adjustments to burden hours for an existing paperwork package with OMB Control Number 1219–0066. MSHA does not include estimated burden hours and the cost of revising training plans on an annual basis because this burden is accounted for under the OMB Control Number 1219–0009. Underground coal mine operators routinely revise their training plan at least yearly in accordance with 30 CFR part 48.

MSHA estimates that in the first 3 years the final rule is in effect, the mining community will incur 1,182 annual burden hours with related annual burden hour costs of approximately $115,952 and other annual costs related to the information collection of approximately $22,359. A detailed explanation of the burden hours and related costs are in the Paperwork Reduction Act section of the REA for this final rule.

B. Procedural Details

The information collection package for this final rule was submitted to OMB for review under 44 U.S.C. 3504, paragraph (h) of the Paperwork Reduction Act of 1995, as amended. MSHA requested comment on its estimates for information collection requirements in the proposal and responded to these comments earlier in the preamble and in the REA.

The regulated community is not required to respond to any collection of information unless it displays a current, valid, OMB control number. (See 5 CFR 1320.5(a) and 1320.6.) MSHA displays the OMB control numbers for the information collection requirements in its regulations in 30 CFR part 3. The total information collection burden is summarized as follows:

- Title of Collection: Testing, Evaluation, and Approval of Mining Products. OMB Control Number: 1219–0066.
- Title of Collection: Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines. OMB Control Number: 1219–0009.
- Title of Collection: Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines. OMB Control Number: 1219–0148.

TABLE 2—SUMMARY CROSSWALK OF RULE, REA COST ANALYSIS, AND OMB CONTROL NUMBER

Collection burden	OMB No.	Annual burden hours	Annual burden hours cost	Other annual costs to respondents
§ 75.1732(a)	1219–0066	189	$18,824	$22,359
§ 75.1732(d)(1)	1219–0148	958	95,417	0
§ 75.1732(d)(2)	1219–0148	33	1,654	0
§ 75.1732(d)(3)	1219–0148	2	57	0
Total		1,182	115,952	22,359

Affected Public: Private Sector Businesses or Other For-Profit Businesses.

Estimated Number of Respondents: 109.

Estimated Number of Responses: 315,333.

Estimated Number of Burden Hours: 1,182.

Estimated Hour Burden Costs: $115,952.

Estimated Annual Burden Costs (non-hours) Related to the Information Collection Package: $22,359.

MSHA received comments on the information collection requirements contained in the proposed rule. The comments are addressed in the applicable sections of Section II, the Section-by-Section Analysis of this preamble, and in the Supporting Statement for the information collection requirements accompanying this final rule. The Information Collection Supporting Statement is available at *http://www.reginfo.gov/public/do/PRAMain*, on MSHA's Web site at *http://www.msha.gov/regspwork.htm*, and at *http://www.regulations.gov*. A copy of the Supporting Statement is also available from MSHA by request to Sheila McConnell at *mcconnell.sheila.a@dol.gov*, by phone request to 202–693–9440, or by facsimile to 202–693–9441.

VII. Other Regulatory Considerations

A. The Unfunded Mandates Reform Act of 1995

MSHA has reviewed the final rule under the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*). MSHA has determined that the final

rule does not include any federal mandate that may result in increased expenditures by State, local, or tribal governments; nor does it increase private sector expenditures by more than $100 million (adjusted for inflation) in any one year or significantly or uniquely affect small governments. Accordingly, the Unfunded Mandates Reform Act of 1995 requires no further Agency action or analysis.

B. Executive Order 13132: Federalism

The final rule does not have ''federalism implications'' because it does not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Accordingly, under E.O. 13132, no further Agency action or analysis is required.

C. The Treasury and General Government Appropriations Act of 1999: Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 (5 U.S.C. 601 note) requires agencies to assess the impact of Agency action on family well-being. MSHA has determined that the final rule has no effect on family stability or safety, marital commitment, parental rights and authority, or income or poverty of families and children. Accordingly, MSHA certifies that this final rule does not impact family well-being.

D. Executive Order 12630: Government Actions and Interference With Constitutionally Protected Property Rights

The final rule does not implement a policy with takings implications. Accordingly, under E.O. 12630, no further Agency action or analysis is required.

E. Executive Order 12988: Civil Justice Reform

The final rule is written to provide a clear legal standard for affected conduct and was carefully reviewed to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. Accordingly, the final rule would meet the applicable standards provided in section 3 of E.O. 12988, Civil Justice Reform.

F. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The final rule does not adversely impact children. Accordingly, under E.O. 13045, no further Agency action or analysis is required.

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

This final rule does not have ''tribal implications'' because it does not ''have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' Accordingly, under E.O. 13175, no further Agency action or analysis is required.

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

Executive Order 13211 requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution or use. MSHA has reviewed this final rule for its energy effects because the final rule applies to the underground coal mining sector. Because this final rule results in annualized costs of approximately $4.7 million to the underground coal mining industry, relative to annual revenues of $23.1 billion in 2013, MSHA has concluded that it would not be a significant energy action because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Accordingly, under this analysis, no further Agency action or analysis is required.

I. Executive Order 13272: Proper Consideration of Small Entities in Agency Rulemaking

MSHA has reviewed the final rule to assess and take appropriate account of its potential impact on small businesses, small governmental jurisdictions, and small organizations. MSHA has determined and certified that the final rule does not have a significant economic impact on a substantial number of small entities.

List of Subjects in 30 CFR Part 75

Mine safety and health, Reporting and recordkeeping requirements, Underground coal mines.

Dated: January 8, 2015.

Joseph A. Main,

Assistant Secretary of Labor for Mine Safety and Health.

For the reasons set out in the preamble and under the authority of the Federal Mine Safety and Health Act of 1977, as amended, chapter I of title 30 of the Code of Federal Regulations is amended as follows:

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 813(h), 957.

■ 2. Add § 75.1732 to subpart R to read as follows:

§ 75.1732 Proximity detection systems.

Operators must install proximity detection systems on certain mobile machines.

(a) *Machines covered.* Operators must equip continuous mining machines, except full-face continuous mining machines, with proximity detection systems by the following dates. For proximity detection systems with miner-wearable components, the mine operator must provide a miner-wearable component to be worn by each miner on the working section by the following dates.

(1) Continuous mining machines manufactured after March 16, 2015 must meet the requirements in this section no later than November 16, 2015. These machines must meet the requirements in this section when placed in service with a proximity detection system.

(2) Continuous mining machines manufactured and equipped with a proximity detection system on or before March 16, 2015 must meet the requirements in this section no later than September 16, 2016.

(3) Continuous mining machines manufactured and not equipped with a proximity detection system on or before March 16, 2015 must meet the requirements in this section no later than March 16, 2018. These machines must meet the requirements in this section when placed in service with a proximity detection system.

(b) *Requirements for a proximity detection system.* A proximity detection system includes machine-mounted components and miner-wearable components. The system must:

(1) Cause a machine, which is tramming from place-to-place or repositioning, to stop before contacting a miner except for a miner who is in the on-board operator's compartment;

(2) Provide an audible and visual warning signal on the miner-wearable component and a visual warning signal on the machine that alert miners before the system causes a machine to stop. These warning signals must be distinguishable from other signals;

(3) Provide a visual signal on the machine that indicates the machine-mounted components are functioning properly;

(4) Prevent movement of the machine if any machine-mounted component of the system is not functioning properly. However, a system with any machine-mounted component that is not functioning properly may allow machine movement if it provides an audible or visual warning signal, distinguishable from other signals, during movement. Such movement is permitted only for purposes of relocating the machine from an unsafe location for repair;

(5) Be installed to prevent interference that adversely affects performance of any electrical system; and

(6) Be installed and maintained in proper operating condition by a person trained in the installation and maintenance of the system.

(c) *Proximity detection system checks.* Operators must:

(1) Designate a person who must perform a check of machine-mounted components of the proximity detection system to verify that components are intact, that the system is functioning properly, and take action to correct defects—

(i) At the beginning of each shift when the machine is to be used; or

(ii) Immediately prior to the time the machine is to be operated if not in use at the beginning of a shift; or

(iii) Within 1 hour of a shift change if the shift change occurs without an interruption in production.

(2) Check for proper operation of miner-wearable components at the beginning of each shift that the components are to be used and correct defects before the components are used.

(d) *Certifications and records.* The operator must make and retain certifications and records as follows:

(1) At the completion of the check of machine-mounted components required under paragraph (c)(1) of this section, a certified person under § 75.100 must certify by initials, date, and time that the check was conducted. Defects found as a result of the check, including corrective actions and dates of corrective actions, must be recorded before the end of the shift;

(2) Make a record of the defects found as a result of the check of miner-wearable components required under paragraph (c)(2) of this section, including corrective actions and dates of corrective actions;

(3) Make a record of the persons trained in the installation and maintenance of proximity detection systems required under paragraph (b)(6) of this section;

(4) Maintain records in a secure book or electronically in a secure computer system not susceptible to alteration; and

(5) Retain records for at least one year and make them available for inspection by authorized representatives of the Secretary and representatives of miners.

[FR Doc. 2015–00319 Filed 1–13–15; 4:15 pm]

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Part III

Environmental Protection Agency

40 CFR Part 81
Air Quality Designations for the 2012 Primary Annual Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS); Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2012–0918; FRL–9921–00–OAR]

RIN 2060–AR95

Air Quality Designations for the 2012 Primary Annual Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule establishes air quality designations for most areas in the United States (U.S.), including areas of Indian country, for the 2012 primary annual fine particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). Through these designations, the Environmental Protection Agency (EPA) is identifying as ''nonattainment'' those areas that are violating the 2012 $PM_{2.5}$ NAAQS based on quality-assured, certified air quality monitoring data from 2011 to 2013 or those areas that are contributing to a violation of the NAAQS in a nearby area. The EPA is initially classifying all nonattainment areas as Moderate. Also, through this final rule, the EPA is designating several areas as ''unclassifiable'' where the EPA cannot determine based on available information whether the area is meeting or not meeting the NAAQS or where the EPA has not determined whether the area contributes to a nearby violation. Additionally, the EPA is deferring initial area designations for several areas where the EPA cannot determine using available data whether the areas are meeting or are not meeting the NAAQS, but for which forthcoming data will likely result in complete and valid data needed to determine a designation. The EPA will assess these data as they become available and promulgate initial area designations for the deferred areas through a separate rulemaking action. The EPA is designating as ''unclassifiable/attainment'' all remaining areas of the country.

DATES: The effective date of this rule is April 15, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2012–0918. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue 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 Air Docket is (202) 566–1742.

In addition, the EPA has established a Web site for this rulemaking at: *http://www.epa.gov/pmdesignations/2012standards.* The Web site includes the EPA's final $PM_{2.5}$ designations, as well as state and tribal initial recommendation letters, the EPA's modification letters, technical support documents, responses to comments and other related technical information.

FOR FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Beth Palma, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Planning Division, C539–04, Research Triangle Park, NC 27711, telephone (919) 541–5432, email at *palma.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION:

Regional Office Contacts

Region 1—Alison Simcox, (617) 918–1684, *simcox.alison@epa.gov,*
Region 2—Kenneth Fradkin, (212) 637–3702, *fradkin.kenneth@epa.gov,*
Region 3—Cristina Fernandez, (215) 814–2178, *fernandez.cristina@epa.gov,*
Region 4—Joel Huey, (404) 562–9104, *huey.joel@epa.gov,*
Region 5—Carolyn Persoon, (312) 353–8290, *persoon.carolyn@epa.gov,*
Region 6—John Walser, (214) 665–7128, *walser.john@epa.gov,*
Region 7—Andy Hawkins, (913) 551–7179, *hawkins.andy@epa.gov,*
Region 8—Crystal Ostigaard, (303) 312–6602, *ostigaard.crystal@epa.gov,*
Region 9—John J. Kelly, (415) 947–4151, *kelly.johnj@epa.gov,* and
Region 10—Justin Spenillo, (206) 553–6125, *spenillo.justin@epa.gov*

The public may inspect the rule and state-specific technical support information at the following locations:

Regional offices	States
Dave Conroy, Chief, Air Programs Branch, EPA Region 1, 5 Post Office Square—Suite 100, Mail Code OEP05–02, Boston, MA 02109–3912, (617) 918–1661.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.
Richard Ruvo, Chief, Air Programs Branch, EPA Region 2, 290 Broadway, 25th Floor, New York, NY 10007–1866, (212) 637–4014.	New Jersey, New York, Puerto Rico and Virgin Islands.
Cristina Fernandez, Associate Director, Office of Air Program Planning, EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103–2187, (215) 814–2178.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia.
R. Scott Davis, Branch Chief, Air Planning Branch, EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth, Street, SW, 12th Floor, Atlanta, GA 30303–8960, (404) 562–9127.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.
John Mooney, Chief, Air Programs Branch, EPA Region 5, Ralph Metcalfe Federal Building, 77 West Jackson Street, Chicago, IL 60604–3590, (312) 886–6043.	Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.
Guy Donaldson, Chief, Air Planning Section, EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202, (214) 665–7242.	Arkansas, Louisiana, New Mexico, Oklahoma and Texas.
Joshua A. Tapp, Chief, Air Programs Branch, EPA Region 7, 11201 Renner Blvd., Lenexa, Kansas 66219, (913) 551–7606.	Iowa, Kansas, Missouri and Nebraska.
Monica Morales, Leader, Air Quality Planning Unit, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202–1129, (303) 312–6936.	Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.
Matt Lakin, Air Planning Office, EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3851.	American Samoa, Arizona, California, Guam, Hawaii, Nevada and Northern Mariana Islands.

Regional offices	States
Debra Suzuki, Manager, State and Tribal Air Programs, EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101, (206) 553–0985.	Alaska, Idaho, Oregon and Washington.

Table of Contents

The following is an outline of the Preamble.

I. Background
II. Purpose
III. What is $PM_{2.5}$ and how is it formed?
IV. What are the health and welfare concerns that the 2012 $PM_{2.5}$ NAAQS address?
V. What are the CAA requirements for air quality designations and what action has the EPA taken to meet these requirements?
VI. What air quality data is the EPA using for these designations?
VII. How do designations affect areas of Indian country?
VIII. Where can I find information forming the basis for this rule and exchanges between the EPA, states and tribes related to this rule?
IX. Environmental Justice Considerations
X. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act (PRA)
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act (CRA)
L. Judicial Review

I. Background

On December 14, 2012, the EPA promulgated a revised primary annual $PM_{2.5}$ NAAQS to provide increased protection of public health and welfare from fine particle pollution (78 FR 3086; January 15, 2013). In that action, the EPA revised the primary annual $PM_{2.5}$ standard, strengthening it from 15.0 micrograms per cubic meter ($\mu g/m^3$) to 12.0 $\mu g/m^3$, which is attained when the 3-year average of the annual arithmetic means does not exceed 12.0 $\mu g/m^3$.

Section 107(d) of the Clean Air Act (CAA), 42 U.S.C. 7407(d), governs the process for initial area designations after the EPA establishes a new or revised NAAQS. Under section 107(d), each governor is required to, and each tribal leader may, if they so choose, recommend air quality designations, including the appropriate boundaries for nonattainment areas, to the EPA by a date which cannot be later than 1 year after the promulgation of a new or revised NAAQS. The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised NAAQS. If, after careful consideration of these recommendations, public input received and the EPA's own technical analyses, the EPA believes that it is necessary to modify a state's recommendation and to promulgate a designation different from a state's recommendation, then the EPA must notify the state at least 120 days prior to promulgating the final designation and the EPA must provide the state an opportunity to demonstrate why any proposed modification is inappropriate. These modifications may relate either to the designation of an area or to the boundaries of an area.

II. Purpose

The purpose of this action is to announce and promulgate initial area designations for most areas of the country with respect to the 2012 annual $PM_{2.5}$ NAAQS in accordance with the requirements of CAA section 107(d). The EPA is designating areas as nonattainment, unclassifiable, or unclassifiable/attainment. In addition, the EPA is initially classifying all nonattainment areas as Moderate pursuant to the particulate matter-specific provisions of subpart 4 of Part D of Title I of the CAA. The tables at the end of this final rule (amendments to 40 CFR 81.301–356) list all areas that the EPA is designating in each state and in areas of Indian country.

In this action, the EPA is designating 14 areas in six states, including two multi-state areas, as nonattainment for the 2012 $PM_{2.5}$ NAAQS. The EPA is designating three areas, including the entire state of Illinois, as unclassifiable because these areas have ambient air quality monitoring sites that lack complete data for the relevant period from 2011–2013. Therefore, the EPA cannot determine, based on available information, whether or not these areas are meeting or not meeting the NAAQS, and also has not determined whether these areas contribute to a nearby violation.

The EPA is deferring initial area designations for ten areas where available data, including air quality monitoring data, are insufficient to determine whether the areas are meeting or are not meeting the NAAQS. For these areas, the EPA believes that additional air quality monitoring data will result in complete and valid data sufficient to inform a designation determination. Accordingly, the EPA is deferring designations for these areas and using the additional time available as provided under section 107(d)(1)(B) of the CAA to assess relevant information and subsequently promulgate initial designations for the identified areas through a separate rulemaking action or actions. The ten deferred areas include eight areas in the state of Georgia, including two neighboring counties in the bordering states of Alabama and South Carolina, the entire state of Tennessee, excluding three counties in the Chattanooga area, and the entire state of Florida. The EPA is designating all the remaining state areas and areas of Indian country as unclassifiable/attainment.

Consistent with the EPA's ''Policy for Establishing Separate Air Quality Designations for Areas of Indian Country'' (December 20, 2011), the EPA is designating one area of Indian country separately from its adjacent/surrounding state areas.[1] The lands of the Pechanga Band of Luiseño Mission Indians in Southern California are being designated as a separate unclassifiable/attainment area.

III. What is $PM_{2.5}$ and how is it formed?

Ambient, or outdoor, air can contain a variety of pollutants, including particulate matter (PM). Airborne PM can be comprised of either solid or liquid particles, and can be a complex mixture of particles in both solid and liquid form. The most common constituents of airborne PM include sulfate (SO_4); nitrate (NO_3); ammonium; elemental carbon; organic mass; and inorganic material, generally referred to as ''crustal'' material, which can include metals, dust, sea salt and other trace

[1] For more information, visit *http://www.epa.gov/ttncaaa1/t1/memoranda/20120117indiancountry.pdf.*

elements. Airborne PM can be of different sizes, commonly referred to as ''coarse'' or ''fine'' particles. Fine particles, in general terms, are particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (μm) in diameter. For this reason, particles of this size are referred to as $PM_{2.5}$. $PM_{2.5}$ commonly includes ''primary'' particles and ''secondary'' particles. Primary particles, or direct $PM_{2.5}$, are emitted directly into the air as solid or liquid particles by a variety of sources (*e.g.,* elemental carbon from diesel engines or wildfires, or condensable organic particles from gasoline engines). Secondary particles are formed in the atmosphere as a result of reactions between specific pollutants known as $PM_{2.5}$ precursors (*e.g.,* SO_4 and NO_3 from emissions of mobile and stationary sources of oxides of nitrogen and sulfur dioxide combined with ammonia).

IV. What are the health and welfare concerns that the 2012 $PM_{2.5}$ NAAQS address?

The human health effects associated with long- or short-term exposure to $PM_{2.5}$ are significant and include premature mortality, aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions and emergency room visits) and development of chronic respiratory disease. In addition, welfare effects associated with elevated $PM_{2.5}$ levels include visibility impairment as well as effects on sensitive ecosystems, materials damage and soiling, and climatic and radiative processes.[2]

The revised 2012 primary annual $PM_{2.5}$ standard will provide increased protection for children, older adults, persons with pre-existing heart and lung disease, and other at-risk populations against an array of $PM_{2.5}$-related adverse health effects.

V. What are the CAA requirements for air quality designations and what action has the EPA taken to meet these requirements?

When the EPA promulgates a new or revised NAAQS, the EPA is required to designate areas as nonattainment, attainment, or unclassifiable, pursuant to section 107(d)(1) of the CAA. The CAA requires the EPA to complete the initial area designation process within 2 years of promulgating the NAAQS. However, if the Administrator has insufficient information to make these designations within that time frame, the EPA has the authority to extend the deadline for designation decisions by up to 1 additional year.

The initial area designations process is one of the first steps in the state and federal partnership to implement the NAAQS and improve air quality. By no later than 1 year after the promulgation of a new or revised NAAQS, each state governor is required to recommend air quality designations, including the appropriate boundaries for areas, to the EPA. The EPA reviews those state recommendations and accepts them unless the Administrator deems that a modification is necessary. The statute does not define the term ''necessary,'' but the EPA interprets this section of the CAA to authorize the Administrator to modify designations that do not meet the statutory requirements or are otherwise inconsistent with the facts or analysis deemed appropriate by the EPA. If the EPA is considering modifications to a state's initial recommendation, the EPA is required to notify the state of any such intended modifications to its recommendation not less than 120 days prior to the EPA's promulgation of the final designation. These notifications are commonly known as the ''120-day letters.'' If the state does not agree with the EPA's intended modification(s), it then has an opportunity to respond to the EPA to demonstrate why it believes the modification(s) is (are) inappropriate. In the event that a state fails to provide any recommendation for an area, in whole or in part, the EPA is still required to promulgate a designation that the Administrator deems appropriate, pursuant to section 107(d)(1)(B)(ii).

Section 107(d)(1)(A)(i) of the CAA defines a nonattainment area as ''any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.'' If an area meets either prong of this definition, then the EPA is obligated to designate the area as ''nonattainment.'' The EPA believes that section 107(d) provides the agency with discretion to determine how best to interpret the terms in the definition of a nonattainment area (*e.g.,* ''contributes to'' and ''nearby'') for a new or revised NAAQS, given considerations such as the nature of a specific pollutant, the types of sources that may contribute to violations, the form of the standards for the pollutant, and other relevant information. In particular, the EPA believes that the statute does not require the agency to establish bright line tests or thresholds for what constitutes ''contribution'' or ''nearby'' for purposes of designations.[3] Similarly, the EPA believes that the statute permits the EPA to evaluate the appropriate application of the term ''area'' as may be appropriate for a particular NAAQS. The EPA believes that the statute permits the EPA to evaluate the appropriate application of the term ''area'' to include geographic areas based upon full or partial county boundaries, and contiguous or non-contiguous areas, as may be appropriate for a particular NAAQS. For example, section 107(d)(1)(B)(ii) explicitly provides that the EPA can make modifications to designation recommendations for an area ''or portions thereof,'' and under section 107(d)(1)(B)(iv) a designation remains in effect for an area ''or portion thereof'' until the EPA redesignates it.

Section 107(d)(1)(A)(iii) provides that any area that the EPA cannot designate on the basis of available information as meeting or not meeting the standards should be designated as ''unclassifiable.'' Historically for $PM_{2.5}$, the EPA designates the remaining areas as ''unclassifiable/attainment'' indicating that the areas either have attaining air quality monitoring data or that air quality information is not available because the areas are not monitored, and the EPA has not determined that the areas contribute to a violation in a nearby area.

Section 301(d) of the CAA authorizes the EPA to approve eligible, federally-recognized tribal governments to implement provisions of the CAA. Pursuant to section 301(d)(2), the EPA promulgated regulations, known as the Tribal Authority Rule (TAR), on February 12, 1999. 63 FR 7254, codified at 40 CFR part 49. That rule specifies those provisions of the CAA for which it is appropriate to treat tribes in a similar manner as states. Under the TAR, tribes may choose to develop and implement their own CAA programs, but are not required to do so. The TAR also establishes procedures and criteria by which tribes may request from the EPA a determination of eligibility for such treatment. The designations process contained in section 107(d) of the CAA is included among those provisions determined to be appropriate by the EPA for treatment of tribes in the same manner as states. Under the TAR, tribes generally are not subject to the same submission schedules imposed by

[2] For a complete discussion of the human health and welfare effects associated with exposure to elevated concentrations of particulate matter, *see generally* ''Integrated Science Assessment for Particulate Matter.'' U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment-RTP Division, February 10, 2010. EPA/600/R–08/139F. Available at: *http://www.epa.gov/ncea/pdfs/partmatt/Dec2009/PM_ISA_full.pdf. See* Chapter 2.

[3] This view was confirmed in *Catawba County* v. *EPA,* 571 F.3d 20 (D.C. Cir. 2009).

the CAA on states. As authorized by the TAR, tribes may seek eligibility to submit designation recommendations to the EPA. In addition, CAA section 301(d)(4) gives the EPA discretionary authority, in cases where it determines that treatment of tribes as identical to states is ''inappropriate or administratively infeasible,'' to provide for direct administration by regulation to achieve the appropriate purpose.

Seven tribes are currently eligible to submit their own recommendations under section 107(d). Nonetheless, the EPA invited all tribes to submit recommendations and supporting documentation concerning designations for the 2012 annual $PM_{2.5}$ NAAQS. Tribes could also comment on state recommendations and the EPA modifications. The EPA worked with all tribes that requested an opportunity to submit designation recommendations.

On April 16, 2013, the EPA issued a guidance memorandum to EPA Regional Administrators that provided information on the schedule and process for initially designating areas for the purpose of implementing the 2012 annual $PM_{2.5}$ NAAQS.[4] The Regional Offices were asked to share the memorandum with their state and tribal agencies. Within the memorandum, the EPA specified that consistent with the schedule in section 107(d)(1) of the CAA, as stated in the $PM_{2.5}$ NAAQS final rule, state governors were required to submit, and tribes can choose to submit, their initial designation recommendations to the EPA no later than 1 year following promulgation of the revised NAAQS, or by December 13, 2013. The memorandum identified that the EPA would use the most recent air quality monitoring data and evaluate the following five factors in making final nonattainment area boundary decisions for the revised annual $PM_{2.5}$ NAAQS: Air quality data, emissions and emissions-related data, meteorology, geography/topography, and jurisdictional boundaries.

Most states and several tribes submitted designation recommendations and supporting documentation to the EPA by December 13, 2013. On August 19, 2014, the EPA sent letters to governors and tribal leaders notifying them of the EPA's preliminary response to their designation recommendations for the 2012 primary annual $PM_{2.5}$ NAAQS.[5] These letters, commonly referred to as the ''120-day letters,'' conveyed the EPA's intended designations based on an evaluation of complete, certified, and quality-assured monitored air quality data for 2011–2013, including an evaluation of exceptional event claims. The letters also asked states to submit any additional information that they wanted the EPA to consider in its final designation decisions by October 29, 2014.

Although not required by section 107(d) of the CAA, the EPA also provided an opportunity for members of the public to comment on the EPA's August 2014 response letters to states and tribes. The EPA announced a 30-day public comment period in the **Federal Register** on August 29, 2014 (79 FR 51517). In this announcement, the EPA requested that interested parties submit their comments to the regulatory docket on or before September 29, 2014. The EPA received several requests from stakeholders for additional time to prepare their comments. Some of the requesters noted that the 30-day comment period being offered by the EPA was insufficient time to review the EPA's responses to states' and tribes' recommended designations and to compile meaningful responses due to the complexity of the issues impacting certain areas. Due to the EPA's statutory obligation to finalize the initial area designations in December 2014, the EPA did not extend the public comment period. State and tribal initial recommendations and the EPA's responses, including modifications, were posted on a publically accessible Web site (*http://www.epa.gov/pmdesignations/2012standards/regs.htm*). Timely comments from the public and the EPA's responses to significant comments are in the docket for this action.

State areas designated as nonattainment are subject to planning and emission reduction requirements as specified in the CAA. As noted previously, the EPA is classifying all nonattainment areas as Moderate, which is the initial nonattainment area classification for all areas pursuant to CAA section 188.[6] In accordance with CAA section 188(c), the attainment date for each Moderate area shall be as expeditiously as practicable, but no later than the end of the sixth calendar year after the designation. Within the next several months, the EPA intends to propose an implementation rule to assist states in the development of state implementation plans for attaining the $PM_{2.5}$ standards.

VI. What air quality data is the EPA using for these designations?

The final $PM_{2.5}$ designation decisions announced in this action are based on air quality monitoring data for calendar years 2011—2013, including an evaluation of exceptional event claims.[7] During the designations process, several states commented that the agency should delay designations to consider additional air quality data from 2014 in the designations decisions. As discussed earlier, the EPA must by law make final designation decisions within 2 years of promulgating a new or revised NAAQS, or in December 2014 based on the December 2012 promulgation of the revised annual $PM_{2.5}$ NAAQS, unless the EPA lacks sufficient information. This statutory deadline and the practical difficulties of obtaining complete, quality-assured, certified $PM_{2.5}$ data for the entirety of calendar year 2014 in December 2014 preclude the EPA from using 2014 data for this action. Under normal circumstances, such data would not be available for some time following the end of the calendar year, and, under the applicable regulations, states would not be required to certify such data until May 1, 2015. However, because designations are being promulgated near the end of calendar year 2014, and, because complete, quality-assured, certified 2014 data may become available for some areas quickly, the EPA is providing a process by which a full year of 2014 data that becomes available early in 2015 could be used in the designation process. We have provided that the final $PM_{2.5}$ designation decisions announced in this action will be effective on the date 90 days following the date of publication of this action in the **Federal Register**. If any state submits complete, quality-assured, certified 2014 data to the EPA by February 27, 2015, that suggest that a change of designation status is appropriate for any area within that state, and the EPA agrees that a change of designation status is appropriate, then we will withdraw the designation announced in this action for such area and issue another designation that

[4] Memorandum dated April 16, 2013, from Gina McCarthy, Assistant Administrator, US EPA, to Regional Administrators, Regions 1–10, titled, ''Initial Area Designations for the 2012 Revised Primary Annual Fine Particle National Ambient Air Quality Standard.'' Available at *http://www.epa.gov/pmdesignations/2012standards/docs/april2013guidance.pdf*.

[5] If the EPA believes it is necessary to make any modifications to a state's or tribe's initial recommendations, including area boundaries, then the EPA is required to notify the state or tribe of this fact by letter no later than 120 days prior to finalizing the designation.

[6] *See Natural Resources Defense Council and Sierra Club* v. *EPA,* No. 08–1250 (D.C. Cir. January 4, 2013), indicating that the provisions in subpart 4 (sections 188–190) apply to implementation of $PM_{2.5}$ NAAQS.

[7] Exceptional event claims influenced the EPA's designation decisions for areas in the state of Hawaii and for Lemhi County, Idaho.

reflects the inclusion of 2014 data. We emphasize that we will conduct this process only for those states that submit the necessary complete, quality-assured, certified data by the deadline and in those instances where we can complete the analysis and effect the change of designation status before the original effective date established by this final action.

If inclusion of 2014 data submitted by a state or tribal air agency causes an area to change from nonattainment to attainment, the EPA will change the designation for the area where it is neither monitoring a violation of the standards nor contributing to a violation of the standards in another nearby area. If inclusion of 2014 data submitted by a state or tribal air agency results in nonattainment in an area that was designated attainment, we will evaluate the reasons for the violation in the area and determine the appropriate course of action, which could include actions to change the designation to nonattainment for the area and any nearby areas that contribute to the violation. Also, the EPA commits to evaluate 2014 data for deferred areas when it receives complete, quality-assured, certified data from the state, which is due no later than May 1, 2015. At that time, the EPA will evaluate appropriate designations for such affected areas.

VII. How do designations affect areas of Indian country?

Following the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA offered consultation to tribal officials early in the initial area designations process to permit them to have meaningful and timely input. The EPA subsequently consulted with all tribes who requested consultation.

In this document, all areas of Indian country are being designated as part of their surrounding state areas, with the exception of areas of Indian country for the Pechanga Band of Luiseño Mission Indians, which is being designated as a separate unclassifiable/attainment area, consistent with the EPA's Tribal Designations Policy.[8]

VIII. Where can I find information forming the basis for this rule and exchanges between the EPA, states and tribes related to this rule?

Information providing the basis for this action are provided in several technical support documents (TSDs), a response to comments document (RTC) and other information in the docket. The TSDs, RTC, the EPA's guidance memorandum, copies of correspondence regarding this designations process between the EPA and the states, tribes and other parties, are available for review at the EPA Docket Center listed above in the **ADDRESSES** section of this document and on the agency's $PM_{2.5}$ Designations Web site at *http://www.epa.gov/pmdesignations/2012standards/regs.htm.* State-specific and area-specific information is available from the EPA Regional Offices.

IX. Environmental Justice Considerations

The CAA requires that the EPA designate as nonattainment ''any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.'' By designating as nonattainment areas where available information indicates a violation of the 2012 annual $PM_{2.5}$ NAAQS or a contribution to a nearby violation, this action protects all those residing, working, attending school, or otherwise present in those areas regardless of minority or economic status.

X. Statutory and Executive Order Reviews

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

This action is exempt from review by the Office of Management and Budget because it will respond to the CAA requirement to promulgate air quality designations after promulgation of a new or revised NAAQS.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action fulfills the non-discretionary duty for the EPA to promulgate air quality designations after promulgation of a new or revised NAAQS, and does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to the APA but is subject to CAA section 107(d)(2)(B), which does not require notice and comment rulemaking to take this action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates specifically and explicitly set forth in the CAA and fine particulate matter NAAQS (40 CFR 50.18). The CAA establishes the process whereby states take primary responsibility in developing plans to meet the $PM_{2.5}$ NAAQS.

E. Executive Order 13132: Federalism

This action does not have federalism implications. 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.

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

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. Areas of Indian country are being designated as part of this action.

The EPA offered consultation to tribal officials under the EPA Policy on Consultation and Coordination with Indian Tribes early in the process of developing this regulation to permit them to have meaningful and timely input into its development. During the designations process, the EPA consulted with all tribes who requested consultation. A summary of that consultation is provided in the docket supporting this rulemaking.

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

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

[8] *See http://www.epa.gov/ozonedesignations/2008standards/documents/20120117indiancountry.pdf* for ''Policy for Establishing Separate Air Quality Designations for Areas of Indian Country'' (December 20, 2011).

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on any population, including any minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. The results of this evaluation of environmental justice considerations is contained in section X of this preamble titled, ''Environmental Justice Considerations''.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

This final action designating areas for the 2012 annual $PM_{2.5}$ NAAQS is ''nationally applicable'' within the meaning of section 307(b)(1). This final action establishes designations for areas across the U.S. for the 2012 annual $PM_{2.5}$ NAAQS. At the core of this final action is the EPA's interpretations of the definitions of nonattainment, attainment, and unclassifiable under section 107(d)(1) of the CAA, and its application of those interpretations to areas across the country. For the same reasons, the Administrator is also determining that the final designations are of nationwide scope and effect for the purposes of section 307(b)(1). This is particularly appropriate because, in the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has a scope or effect beyond a single judicial circuit. H.R. Rep. No. 95–294 at 323, 324, *reprinted* in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of this final action extends to numerous judicial circuits since the designations apply to areas across the country. In these circumstances, section 307(b)(1) and its legislative history calls for the Administrator to find the action to be of ''nationwide scope or effect'' and for venue to be in the D.C. Circuit.

Thus, any petitions for review of final designations must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: December 18, 2014.

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 81 is amended as follows:

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. Section 81.301 is amended by adding a table entitled ''Alabama—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Alabama—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.301 Alabama.

* * * * *

ALABAMA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Autauga County		Unclassifiable/Attainment.		
Baldwin County		Unclassifiable/Attainment.		
Barbour County		Unclassifiable/Attainment.		
Bibb County		Unclassifiable/Attainment.		
Blount County		Unclassifiable/Attainment.		
Bullock County		Unclassifiable/Attainment.		
Butler County		Unclassifiable/Attainment.		
Calhoun County		Unclassifiable/Attainment.		
Chambers County		Unclassifiable/Attainment.		
Cherokee County		Unclassifiable/Attainment.		
Chilton County		Unclassifiable/Attainment.		
Choctaw County		Unclassifiable/Attainment.		
Clarke County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Cleburne County		Unclassifiable/Attainment.		
Coffee County		Unclassifiable/Attainment.		
Colbert County		Unclassifiable/Attainment.		

ALABAMA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Conecuh County	.....	Unclassifiable/Attainment.		
Coosa County	.....	Unclassifiable/Attainment.		
Covington County	.....	Unclassifiable/Attainment.		
Crenshaw County	.....	Unclassifiable/Attainment.		
Cullman County	.....	Unclassifiable/Attainment.		
Dale County	.....	Unclassifiable/Attainment.		
Dallas County	.....	Unclassifiable/Attainment.		
DeKalb County	.....	Unclassifiable/Attainment.		
Elmore County	.....	Unclassifiable/Attainment.		
Escambia County	.....	Unclassifiable/Attainment.		
Etowah County	.....	Unclassifiable/Attainment.		
Fayette County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Geneva County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
Hale County	.....	Unclassifiable/Attainment.		
Henry County	.....	Unclassifiable/Attainment.		
Houston County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Lamar County	.....	Unclassifiable/Attainment.		
Lauderdale County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Limestone County	.....	Unclassifiable/Attainment.		
Lowndes County	.....	Unclassifiable/Attainment.		
Macon County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Marengo County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Mobile County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pickens County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Randolph County	.....	Unclassifiable/Attainment.		
Russell County.				
Shelby County	.....	Unclassifiable/Attainment.		
St. Clair County	.....	Unclassifiable/Attainment.		
Sumter County	.....	Unclassifiable/Attainment.		
Talladega County	.....	Unclassifiable/Attainment.		
Tallapoosa County	.....	Unclassifiable/Attainment.		
Tuscaloosa County	.....	Unclassifiable/Attainment.		
Walker County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wilcox County	.....	Unclassifiable/Attainment.		
Winston County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 3. Section 81.302 is amended by adding a table entitled ''Alaska—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Alaska—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.302 Alaska.

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ALASKA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 08 Cook Inlet Intrastate:				

ALASKA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Anchorage Borough	.....	Unclassifiable/Attainment.		
Kenai Peninsula Borough	.....	Unclassifiable/Attainment.		
Matanuska-Susitna Borough	.....	Unclassifiable/Attainment.		
AQCR 09 Northern Alaska Intrastate:				
Denali Borough	.....	Unclassifiable/Attainment.		
Fairbanks North Star Borough	.....	Unclassifiable/Attainment.		
Nome Census Area	.....	Unclassifiable/Attainment.		
North Slope Borough	.....	Unclassifiable/Attainment.		
Northwest Arctic Borough	.....	Unclassifiable/Attainment.		
Southeast Fairbanks Census Area	.....	Unclassifiable/Attainment.		
Yukon-Koyukuk Census Area	.....	Unclassifiable/Attainment.		
AQCR 10 South Central Alaska Intrastate:				
Aleutians East Borough	.....	Unclassifiable/Attainment.		
Aleutians West Census Area	.....	Unclassifiable/Attainment.		
Bethel Census Area	.....	Unclassifiable/Attainment.		
Bristol Bay Borough	.....	Unclassifiable/Attainment.		
Dillingham Census Area	.....	Unclassifiable/Attainment.		
Kodiak Island Borough	.....	Unclassifiable/Attainment.		
Lake and Peninsula Borough	.....	Unclassifiable/Attainment.		
Valdez-Cordova Census Area	.....	Unclassifiable/Attainment.		
Wade Hampton Census Area	.....	Unclassifiable/Attainment.		
AQCR 11 Southeastern Alaska Intrastate:				
Haines Borough	.....	Unclassifiable/Attainment.		
Juneau Borough	.....	Unclassifiable/Attainment.		
Ketchikan Gateway Borough	.....	Unclassifiable/Attainment.		
Prince of Wales-Outer Ketchikan Census	.....	Unclassifiable/Attainment.		
Sitka Borough	.....	Unclassifiable/Attainment.		
Skagway-Hoonah-Angoon Census Area	.....	Unclassifiable/Attainment.		
Wrangell-Petersburg Census Area	.....	Unclassifiable/Attainment.		
Yakutat Borough	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 4. Section 81.303 is amended by adding a table entitled ''Arizona—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Arizona—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.303 Arizona.

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ARIZONA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Apache County	.....	Unclassifiable/Attainment.		
Cochise County	.....	Unclassifiable/Attainment.		
Coconino County	.....	Unclassifiable/Attainment.		
Gila County	.....	Unclassifiable/Attainment.		
Graham County	.....	Unclassifiable/Attainment.		
Greenlee County	.....	Unclassifiable/Attainment.		
La Paz County	.....	Unclassifiable/Attainment.		
Maricopa County	.....	Unclassifiable/Attainment.		
Mohave County	.....	Unclassifiable/Attainment.		
Navajo County	.....	Unclassifiable/Attainment.		
Pima County	.....	Unclassifiable/Attainment.		
Pinal County	.....	Unclassifiable/Attainment.		
Santa Cruz County	.....	Unclassifiable/Attainment.		
Yavapai County	.....	Unclassifiable/Attainment.		
Yuma County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 5. Section 81.304 is amended by adding a table entitled ''Arkansas—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Arkansas—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.304 Arkansas.

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ARKANSAS—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 016 Central Arkansas Intrastate:				
Chicot County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Cleveland County	.....	Unclassifiable/Attainment.		
Conway County	.....	Unclassifiable/Attainment.		
Dallas County	.....	Unclassifiable/Attainment.		
Desha County	.....	Unclassifiable/Attainment.		
Drew County	.....	Unclassifiable/Attainment.		
Faulkner County	.....	Unclassifiable/Attainment.		
Garland County	.....	Unclassifiable/Attainment.		
Grant County	.....	Unclassifiable/Attainment.		
Hot Spring County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Lonoke County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pope County	.....	Unclassifiable/Attainment.		
Pulaski County	.....	Unclassifiable/Attainment.		
Saline County	.....	Unclassifiable/Attainment.		
Yell County	.....	Unclassifiable/Attainment.		
AQCR 017 Metropolitan Fort Smith Interstate:				
Benton County	.....	Unclassifiable/Attainment.		
Crawford County	.....	Unclassifiable/Attainment.		
Sebastian County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
AQCR 018 Metropolitan Memphis Interstate: Crittenden County	.....	Unclassifiable/Attainment.		
AQCR 019 Monroe-El Dorado Interstate:				
Ashley County	.....	Unclassifiable/Attainment.		
Bradley County	.....	Unclassifiable/Attainment.		
Calhoun County	.....	Unclassifiable/Attainment.		
Nevada County	.....	Unclassifiable/Attainment.		
Ouachita County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
AQCR 020 Northeast Arkansas Intrastate:				
Arkansas County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Craighead County	.....	Unclassifiable/Attainment.		
Cross County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
Independence County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Mississippi County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Phillips County	.....	Unclassifiable/Attainment.		
Poinsett County	.....	Unclassifiable/Attainment.		
Prairie County	.....	Unclassifiable/Attainment.		
Randolph County	.....	Unclassifiable/Attainment.		
St. Francis County	.....	Unclassifiable/Attainment.		
Sharp County	.....	Unclassifiable/Attainment.		
White County	.....	Unclassifiable/Attainment.		
Woodruff County	.....	Unclassifiable/Attainment.		
AQCR 021 Northwest Arkansas Intrastate:				
Baxter County	.....	Unclassifiable/Attainment.		
Boone County	.....	Unclassifiable/Attainment.		
Carroll County	.....	Unclassifiable/Attainment.		
Cleburne County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Fulton County	.....	Unclassifiable/Attainment.		
Izard County	.....	Unclassifiable/Attainment.		
Johnson County	.....	Unclassifiable/Attainment.		
Logan County	.....	Unclassifiable/Attainment.		

ARKANSAS—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Madison County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Newton County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Polk County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Searcy County	.....	Unclassifiable/Attainment.		
Stone County	.....	Unclassifiable/Attainment.		
Van Buren County	.....	Unclassifiable/Attainment.		
AQCR 022 Shreveport-Texarkana-Tyler Interstate:				
Columbia County	.....	Unclassifiable/Attainment.		
Hempstead County	.....	Unclassifiable/Attainment.		
Howard County	.....	Unclassifiable/Attainment.		
Lafayette County	.....	Unclassifiable/Attainment.		
Little River County	.....	Unclassifiable/Attainment.		
Miller County	.....	Unclassifiable/Attainment.		
Sevier County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 6. Section 81.305 is amended by adding a table entitled ''California—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''California—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.305 California.

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CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Los Angeles-South Coast Air Basin, CA:				
Los Angeles County (part)	.....	Nonattainment	.....	Moderate.

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Los Angeles County which lies south and west of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the Township line common to Township 3 North and Township 2 North, San Bernardino Base and Meridian; then north along the range line common to Range 8 West and Range 9 West; then west along the Township line common to Township 4 North and Township 3 North; then north along the range line common to Range 12 West and Range 13 West to the southeast corner of Section 12, Township 5 North and Range 13 West; then west along the south boundaries of Sections 12, 11, 10, 9, 8, and 7, Township 5 North and Range 13 West to the boundary of the Angeles National Forest which is collinear with the range line common to Range 13 West and Range 14 West; then north and west along the Angeles National Forest boundary to the point of intersection with the Township line common to Township 7 North and Township 6 North (point is at the northwest corner of Section 4 in Township 6 North and Range 14 West); then west along the Township line common to Township 7 North and Township 6 North; then north along the range line common to Range 15 West and Range 16 West to the southeast corner of Section 13, Township 7 North and Range 16 West; then along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 7 North and Range 16 West; then north along the range line common to Range 16 West and Range 17 West to the north boundary of the Angeles National Forest (collinear with the Township line common to Township 8 North and Township 7 North); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.				
Orange County	.....	Nonattainment	.....	Moderate.
Riverside County (part)	.....	Nonattainment	.....	Moderate.

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Riverside County which lies to the west of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East; to the Riverside-San Bernardino County Line (excluding the lands of the Santa Rosa Band of Cahuilla Mission Indians, and excluding the lands of the Pechanga Band of Luiseño Mission Indians of the Pechanga Reservation).				
San Bernardino County (part)	.....	Nonattainment	.....	Moderate.
That portion of San Bernardino County which lies south and west of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to Range 3 East and Range 2 East, San Bernardino Base and Meridian; then west along the Township line common to Township 3 North and Township 2 North to the San Bernardino-Los Angeles County boundary.				
Imperial County, CA:				
Imperial County (part)	.....	Nonattainment	.....	Moderate.
That portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico border and the southeast corner of Township 17 South, Range 11 East, then north along the range line of the eastern edge of Range 11 East, then east along the township line of the southern edge of Township 12 South to the northeast corner of Township 13 South, Range 15 East, then south along the range line common to Range 15 East and Range 16 East, to the United States-Mexico border.				
San Joaquin Valley, CA:				
Fresno County	.....	Nonattainment	.....	Moderate.
Kern County (part)	.....	Nonattainment	.....	Moderate.

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon Land Grant boundary line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.				
Kings County	.....	Nonattainment	.....	Moderate.
Madera County	.....	Nonattainment	.....	Moderate.
Merced County	.....	Nonattainment	.....	Moderate.
San Joaquin County	.....	Nonattainment	.....	Moderate.
Stanislaus County	.....	Nonattainment	.....	Moderate.
Tulare County	.....	Nonattainment	.....	Moderate.
Plumas County, CA:				
Plumas County (part)	.....	Nonattainment	.....	Moderate.
That portion of Plumas County within the following Super Planning Watersheds (SPWS), as defined by the State of California's Department of Conservation Statewide Watershed Program: Humbug Valley (#55183301), Sulpher Creek (#55183302), Frazier Creek (#55183303), and Eureka Lake (#55183304).				
San Diego Air Basin, CA:				
San Diego County (excluding the lands of the Pechanga Band of Luiseño Mission Indians of the Pechanga Reservation).	.....	Unclassifiable/Attainment.		
North Coast Air Basin:				
Del Norte County	.....	Unclassifiable/Attainment.		
Humboldt County	.....	Unclassifiable/Attainment.		
Mendocino County	.....	Unclassifiable/Attainment.		
Sonoma County (part)	.....	Unclassifiable/Attainment.		

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Sonoma County which lies north and west of a line described as follows: Beginning at the southeast corner of the Rancho Estero Americano Land Grant on the boundary line between Marin and Sonoma Counties; then running north along the east boundary line of Rancho Estero Americano Land Grant to the northeast corner thereof, being an angle corner in the westerly boundary line of the Rancho Canada de Jonive Land Grant, then running along the boundary of the Rancho Canada de Jonive Land Grant west, north and east to its intersection with the eastern line of Graton Road; then running along the east and south line of Graton Road north and east to its intersection with the east line of Sullivan Road; then running north along the east line of Sullivan Road to the southern line of Green Valley Road; then running east along the southern line of Green Valley Road and east along the southern line of State Highway 116, to the west and north line of Vine Hill Road; then running along the west and north line of Vine Hill Road, north and east to its intersection with the west line of Laguna Road; then running north along the west line of Laguna Road and the north projection thereof to the north line of Trenton Road; then running west along the north line of Trenton Road to the east line of Trenton-Healdsburg Road to the east line of Eastside Road; then running north along the east line of Eastside Road to its intersection with the southern line of Rancho Sotoyome Land Grant; then running east along the southern line of Rancho Sotoyome Land Grant to its intersection with the Township line common to Townships 8 and 9 North, Mount Diablo Base and Meridian; then running east along the township line to its intersection with the boundary line between Sonoma and Napa Counties.				
Trinity County	.....	Unclassifiable/Attainment.		
Northeast Plateau Air Basin, CA:				
Lassen County	.....	Unclassifiable/Attainment.		
Modoc County	.....	Unclassifiable/Attainment.		
Siskiyou County	.....	Unclassifiable/Attainment.		
Lake County Air Basin, CA:				
Lake County	.....	Unclassifiable/Attainment.		
Sacramento Valley Air Basin, CA:				
Butte County	.....	Unclassifiable/Attainment.		
Colusa County	.....	Unclassifiable/Attainment.		
Glenn County	.....	Unclassifiable/Attainment.		
Placer County (part)	.....	Unclassifiable/Attainment.		
That portion of Placer County which lies west of the line described as follows: (Mount Diablo Base and Meridian) Beginning at the intersection of the Placer-El Dorado County line and the township line common to Township 12 North, Range 9 East and Township 13 North, Range 9 East, then running west along the township line common to Township 12 North, Range 9 East and Township 13 North, Range 9 East, then north along the range line common to Range 8 East and Range 9 East, to the Placer-Nevada County boundary.				
Sacramento County	.....	Unclassifiable/Attainment.		
Shasta County	.....	Unclassifiable/Attainment.		
Solano County (part)	.....	Unclassifiable/Attainment.		

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Solano County which lies north and east of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34, Township 6 North, Range 2 West, Mount Diablo Base and Meridian, then east along said ¼ section line to the east boundary of Section 36, Township 6 North, Range 2 West, then south ½ mile and east 2 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, Township 5 North, Range 1 West, then east along a line common to Township 5 North and Township 6 North to the northeast corner of Section 3, Township 5 North, Range 1 East, then south along section lines to the southeast corner of Section 10, Township 3 North, Range 1 East, then east along section lines to the south ¼ corner of Section 8, Township 3 North, Range 2 East, then east to the boundary between Solano and Sacramento Counties.				
Sutter County	.....	Unclassifiable/Attainment.		
Tehama County	.....	Unclassifiable/Attainment.		
Yolo County	.....	Unclassifiable/Attainment.		
Yuba County	.....	Unclassifiable/Attainment.		
Mountain Counties:				
Amador County	.....	Unclassifiable/Attainment.		
Calaveras County	.....	Unclassifiable/Attainment.		
El Dorado (part)	.....	Unclassifiable/Attainment.		
All portions of the county except that portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.				
Mariposa County	.....	Unclassifiable/Attainment.		
Nevada County	.....	Unclassifiable/Attainment.		
Placer (part)	.....	Unclassifiable/Attainment.		

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Placer County which is contained inside the two boundaries described as follows: 1. That portion of the county that lies east of the line described as follows: (Mount Diablo Base and Meridian) Beginning at the intersection of the Placer-El Dorado County line and the township line common to Township 12 North, Range 9 East and Township 13 North, Range 9 East, then running west along the township line common to Township 12 North, Range 9 East and Township 13 North, Range 9 East, then north along the range line common to Range 8 East and Range 9 East, to the Placer-Nevada County boundary. 2. That portion of the county that lies west of the drainage area naturally tributary to Lake Tahoe including said Lake, plus west of the boundary of that area in the vicinity of the head of the Truckee River described as follows: Commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian, and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East Mount Diablo Base and Meridian, thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, Mount Diablo Base and Meridian, to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.				
Plumas County (remainder)	.....	Unclassifiable/Attainment.		
Sierra County	.....	Unclassifiable/Attainment.		
Tuolumne County	.....	Unclassifiable/Attainment.		
Lake Tahoe Air Basin:				
El Dorado County (part)	.....	Unclassifiable/Attainment.		
That portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.				
Placer County (part)	.....	Unclassifiable/Attainment.		
That portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crestline and the line common to Township 15 North and Township 16 North, Mount Diablo Base and Meridian, and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, Mount Diablo Base and Meridian, then south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, Mount Diablo Base and Meridian, to the intersection with the said drainage area crestline, then following the said drainage area boundary in a southeasterly, then northeasterly direction to and along the Lake Tahoe Dam, then following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.				
San Francisco Bay Area Air Basin:				
Alameda County	.....	Unclassifiable/Attainment.		
Contra Costa County	.....	Unclassifiable/Attainment.		
Marin County	.....	Unclassifiable/Attainment.		

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Napa County	.....	Unclassifiable/Attainment.		
San Francisco County	.....	Unclassifiable/Attainment.		
San Mateo County	.....	Unclassifiable/Attainment.		
Santa Clara County	.....	Unclassifiable/Attainment.		
Solano County (part)	.....	Unclassifiable/Attainment.		
That portion of Solano County which lies south and west of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the ¼ section line running east and west through the center of Section 34, Township 6 North, Range 2 West, Mount Diablo Base and Meridian, then east along said ¼ section line to the east boundary of Section 36, Township 6 North, Range 2 West, then south ½ mile and east 2 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, Township 5 North, Range 1 West, then east along a line common to Township 5 North and Township 6 North to the northeast corner of Section 3, Township 5 North, Range 1 East, then south along section lines to the southeast corner of Section 10, Township 3 North, Range 1 East, then east along section lines to the south ¼ corner of Section 8, Township 3 North, Range 2 East, then east to the boundary between Solano and Sacramento Counties.				
Sonoma County (part)	.....	Unclassifiable/Attainment.		
That portion of Sonoma County which lies south and east of a line described as follows: Beginning at the southeast corner of the Rancho Estero Americano Land Grant on the boundary line between Marin and Sonoma Counties; then running north along the east boundary line of Rancho Estero Americano Land Grant to the northeast corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive Land Grant, then running along the boundary of Rancho Canada de Jonive Land Grant west, north and east to its intersection with the eastern line of Graton Road; then running along the east and south line of Graton Road north and east to its intersection with the east line of Sullivan Road; then running north along the east line of Sullivan Road to the southern line of Green Valley Road; then running east along the southern line of Green Valley Road and east along the southern line of State Highway 116, to the west and north line of Vine Hill Road; then running along the west and north line of Vine Hill Road, north and east to its intersection with the west line of Laguna Road; then running north along the west line of Laguna Road and the north projection thereof to the north line of Trenton Road; then running west along the north line of Trenton Road to the east line of Trenton-Healdsburg Road to the east line of Eastside Road; then running north along the east line of Eastside Road to its intersection with the southern line of Rancho Sotoyome Land Grant; then running east along the southern line of Rancho Sotoyome Land Grant to its intersection with the Township line common to Townships 8 and 9 North, Mount Diablo Base and Meridian; then running east along the township line to its intersection with the boundary line between Sonoma and Napa Counties.				
North Central Coast Air Basin:				

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Monterey County	.....	Unclassifiable/Attainment.		
San Benito County	.....	Unclassifiable/Attainment.		
Santa Cruz County	.....	Unclassifiable/Attainment.		
South Central Coast Air Basin:				
San Luis Obispo County	.....	Unclassifiable/Attainment.		
Santa Barbara County	.....	Unclassifiable/Attainment.		
Ventura County	.....	Unclassifiable/Attainment.		
Great Basin Valleys Air Basin:				
Alpine County	.....	Unclassifiable/Attainment.		
Inyo County	.....	Unclassifiable/Attainment.		
Mono County	.....	Unclassifiable/Attainment.		
Mojave Desert Air Basin:				
Kern County (part)	.....	Unclassifiable/Attainment.		
That portion of Kern County east and south of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon Land Grant boundary line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.				
Los Angeles County (remainder)	.....	Unclassifiable/Attainment.		
Riverside County (part)	.....	Unclassifiable/Attainment.		

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Riverside County which lies to the east of a line described as follows: That segment of the southwestern boundary line of Hydrologic Unit Number 18100100 within Riverside County, further described as follows: Beginning at the Riverside-Imperial County boundary and running north along the range line common to Range 17 East and Range 16 East, San Bernardino Base and Meridian; then northwest along the ridge line of the Chuckwalla Mountains, through Township 8 South, Range 16 East and Township 7 South, Range 16 East, until the Black Butte Mountain, Elevation 45′05″; then west and northwest along the ridge line to the southwest corner of Township 5 South, Range 14 East; then north along the range line common to Range 14 East and Range 13 East; then west and northwest along the ridge line to Monument Mountain, elevation 4834′; then southwest and then northwest along the ridge line of the Little San Bernardino Mountains to Quail Mountain, elev. 5814′; then northwest along the ridge line to the Riverside-San Bernardino County line.				
San Bernardino County (remainder)	.....	Unclassifiable/Attainment.		
Salton Sea Air Basin:				
Imperial County (remainder)	.....	Unclassifiable/Attainment.		
Riverside County (part)	.....	Unclassifiable/Attainment.		

CALIFORNIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
That portion of Riverside County (including the lands of the Santa Rosa Band of Cahuilla Mission Indians within Riverside County) which lies to the east of a line described as follows: Beginning at the Riverside—San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East;, to the Riverside-San Bernardino County line: And that portion of Riverside County which lies to the west of a line described as follows: That segment of the southwestern boundary line of Hydrologic Unit Number 18100100 within Riverside County, further described as follows: Beginning at the Riverside-Imperial County boundary and running north along the range line common to Range 17 East and Range 16 East, San Bernardino Base and Meridian; then northwest along the ridge line of the Chuckwalla Mountains, through Township 8 South, Range 16 East and Township 7 South, Range 16 East, until the Black Butte Mountain, elevation 4504′; then west and northwest along the ridge line to the southwest corner of Township 5 South, Range 14 East; then north along the range line common to Range 14 East and Range 13 East; then west and northwest along the ridge line to Monument Mountain, elevation 4834′; then southwest and then northwest along the ridge line of the Little San Bernardino Mountains to Quail Mountain, elev. 5814′; then northwest along the ridge line to the Riverside-San Bernardino County line.				
Pechanga Band of Luiseño Mission Indians	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 7. Section 81.306 is amended by adding a table entitled ''Colorado—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Colorado—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
State AQCR 01:				

COLORADO—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Logan County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
Phillips County	.....	Unclassifiable/Attainment.		
Sedgwick County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Yuma County	.....	Unclassifiable/Attainment.		
State AQCR 02:				
Larimer County	.....	Unclassifiable/Attainment.		
Weld County	.....	Unclassifiable/Attainment.		
State AQCR 03:				
Adams County	.....	Unclassifiable/Attainment.		
Arapahoe County	.....	Unclassifiable/Attainment.		
Boulder County	.....	Unclassifiable/Attainment.		
Broomfield County	.....	Unclassifiable/Attainment.		
Clear Creek County	.....	Unclassifiable/Attainment.		
Denver County	.....	Unclassifiable/Attainment.		
Douglas County	.....	Unclassifiable/Attainment.		
Gilpin County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
State AQCR 04:				
El Paso County	.....	Unclassifiable/Attainment.		
Park County	.....	Unclassifiable/Attainment.		
Teller County	.....	Unclassifiable/Attainment.		
State AQCR 05:				
Cheyenne County	.....	Unclassifiable/Attainment.		
Elbert County	.....	Unclassifiable/Attainment.		
Kit Carson County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
State AQCR 06:				
Baca County	.....	Unclassifiable/Attainment.		
Bent County	.....	Unclassifiable/Attainment.		
Crowley County	.....	Unclassifiable/Attainment.		
Kiowa County	.....	Unclassifiable/Attainment.		
Otero County	.....	Unclassifiable/Attainment.		
Prowers County	.....	Unclassifiable/Attainment.		
State AQCR 07:				
Huerfano County	.....	Unclassifiable/Attainment.		
Las Animas County	.....	Unclassifiable/Attainment.		
Pueblo County	.....	Unclassifiable/Attainment.		
State AQCR 08:				
Alamosa County	.....	Unclassifiable/Attainment.		
Conejos County	.....	Unclassifiable/Attainment.		
Costilla County	.....	Unclassifiable/Attainment.		
Mineral County	.....	Unclassifiable/Attainment.		
Rio Grande County	.....	Unclassifiable/Attainment.		
Saguache County	.....	Unclassifiable/Attainment.		
State AQCR 09:				
Archuleta County	.....	Unclassifiable/Attainment.		
Dolores County	.....	Unclassifiable/Attainment.		
La Plata County	.....	Unclassifiable/Attainment.		
Montezuma County	.....	Unclassifiable/Attainment.		
San Juan County	.....	Unclassifiable/Attainment.		
State AQCR 10:				
Delta County	.....	Unclassifiable/Attainment.		
Gunnison County	.....	Unclassifiable/Attainment.		
Hinsdale County	.....	Unclassifiable/Attainment.		
Montrose County	.....	Unclassifiable/Attainment.		
Ouray County	.....	Unclassifiable/Attainment.		
San Miguel County	.....	Unclassifiable/Attainment.		
State AQCR 11:				
Garfield County	.....	Unclassifiable/Attainment.		
Mesa County	.....	Unclassifiable/Attainment.		
Moffat County	.....	Unclassifiable/Attainment.		
Rio Blanco County	.....	Unclassifiable/Attainment.		
State AQCR 12:				
Eagle County	.....	Unclassifiable/Attainment.		
Grand County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Pitkin County	.....	Unclassifiable/Attainment.		

COLORADO—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Routt County		Unclassifiable/Attainment.		
Summit County		Unclassifiable/Attainment.		
State AQCR 13:				
Chaffee County		Unclassifiable/Attainment.		
Custer County		Unclassifiable/Attainment.		
Fremont County		Unclassifiable/Attainment.		
Lake County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 8. Section 81.307 is amended by adding a table entitled ''Connecticut—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Connecticut—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.307 Connecticut.

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CONNECTICUT—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Fairfield County		Unclassifiable/Attainment.		
Hartford County		Unclassifiable/Attainment.		
Litchfield County		Unclassifiable/Attainment.		
Middlesex County		Unclassifiable/Attainment.		
New Haven County		Unclassifiable/Attainment.		
New London County		Unclassifiable/Attainment.		
Tolland County		Unclassifiable/Attainment.		
Windham County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 9. Section 81.308 is amended by adding a table entitled ''Delaware—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Delaware—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.308 Delaware.

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DELAWARE—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Kent County		Unclassifiable/Attainment.		
New Castle County		Unclassifiable/Attainment.		
Sussex County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 10. Section 81.309 is amended by adding a table entitled ''District of Columbia—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''District of Columbia—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.309 District of Columbia.

* * * * *

DISTRICT OF COLUMBIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 047 National Capital Interstate (DC–MD–VA) (part)				
District of Columbia	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 11. Section 81.310 is amended by adding a table entitled ''Florida—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Florida—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.310 Florida.

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FLORIDA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Alachua County.				
Baker County.				
Bay County.				
Bradford County.				
Brevard County.				
Broward County.				
Calhoun County.				
Charlotte County.				
Citrus County.				
Clay County.				
Collier County.				
Columbia County.				
DeSoto County.				
Dixie County.				
Duval County.				
Escambia County.				
Flagler County.				
Franklin County.				
Gadsden County.				
Gilchrist County.				
Glades County.				
Gulf County.				
Hamilton County.				
Hardee County.				
Hendry County.				
Hernando County.				
Highlands County.				
Hillsborough County.				
Holmes County.				
Indian River County.				
Jackson County.				
Jefferson County.				
Lafayette County.				
Lake County.				
Lee County.				
Leon County.				
Levy County.				
Liberty County.				
Madison County.				
Manatee County.				
Marion County.				
Martin County.				
Miami-Dade County.				
Monroe County.				
Nassau County.				
Okaloosa County.				
Okeechobee County.				
Orange County.				
Osceola County.				

FLORIDA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Palm Beach County.				
Pasco County.				
Pinellas County.				
Polk County.				
Putnam County.				
St. Johns County.				
St. Lucie County.				
Santa Rosa County.				
Sarasota County.				
Seminole County.				
Sumter County.				
Suwannee County.				
Taylor County.				
Union County.				
Volusia County.				
Wakulla County.				
Walton County.				
Washington County.				

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 12. Section 81.311 is amended by adding a table entitled ''Georgia—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Georgia—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.311 Georgia.

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GEORGIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Appling County		Unclassifiable/Attainment.		
Atkinson County		Unclassifiable/Attainment.		
Bacon County		Unclassifiable/Attainment.		
Baker County		Unclassifiable/Attainment.		
Baldwin County		Unclassifiable/Attainment.		
Banks County		Unclassifiable/Attainment.		
Barrow County		Unclassifiable/Attainment.		
Bartow County.				
Ben Hill County		Unclassifiable/Attainment.		
Berrien County		Unclassifiable/Attainment.		
Bibb County		Unclassifiable/Attainment.		
Bleckley County		Unclassifiable/Attainment.		
Brantley County		Unclassifiable/Attainment.		
Brooks County.				
Bryan County		Unclassifiable/Attainment.		
Bulloch County		Unclassifiable/Attainment.		
Burke County		Unclassifiable/Attainment.		
Butts County		Unclassifiable/Attainment.		
Calhoun County		Unclassifiable/Attainment.		
Camden County		Unclassifiable/Attainment.		
Candler County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Catoosa County		Unclassifiable/Attainment.		
Charlton County		Unclassifiable/Attainment.		
Chatham County.				
Chattahoochee County		Unclassifiable/Attainment.		
Chattooga County		Unclassifiable/Attainment.		
Cherokee County.				
Clarke County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Clayton County.				
Clinch County		Unclassifiable/Attainment.		
Cobb County.				

GEORGIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Coffee County	.....	Unclassifiable/Attainment.		
Colquitt County	.....	Unclassifiable/Attainment.		
Columbia County.				
Cook County	.....	Unclassifiable/Attainment.		
Coweta County.				
Crawford County	.....	Unclassifiable/Attainment.		
Crisp County	.....	Unclassifiable/Attainment.		
Dade County	.....	Unclassifiable/Attainment.		
Dawson County	.....	Unclassifiable/Attainment.		
Decatur County	.....	Unclassifiable/Attainment.		
DeKalb County.				
Dodge County	.....	Unclassifiable/Attainment.		
Dooly County	.....	Unclassifiable/Attainment.		
Dougherty County.				
Douglas County.				
Early County	.....	Unclassifiable/Attainment.		
Echols County	.....	Unclassifiable/Attainment.		
Effingham County.				
Elbert County	.....	Unclassifiable/Attainment.		
Emanuel County	.....	Unclassifiable/Attainment.		
Evans County	.....	Unclassifiable/Attainment.		
Fannin County	.....	Unclassifiable/Attainment.		
Fayette County	.....	Unclassifiable/Attainment.		
Floyd County	.....	Unclassifiable/Attainment.		
Forsyth County.				
Franklin County	.....	Unclassifiable/Attainment.		
Fulton County.				
Gilmer County	.....	Unclassifiable/Attainment.		
Glascock County	.....	Unclassifiable/Attainment.		
Glynn County.				
Gordon County	.....	Unclassifiable/Attainment.		
Grady County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
Gwinnett County.				
Habersham County	.....	Unclassifiable/Attainment.		
Hall County	.....	Unclassifiable/Attainment.		
Hancock County	.....	Unclassifiable/Attainment.		
Haralson County	.....	Unclassifiable/Attainment.		
Harris County	.....	Unclassifiable/Attainment.		
Hart County	.....	Unclassifiable/Attainment.		
Heard County	.....	Unclassifiable/Attainment.		
Henry County.				
Houston County	.....	Unclassifiable/Attainment.		
Irwin County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jasper County	.....	Unclassifiable/Attainment.		
Jeff Davis County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Jenkins County	.....	Unclassifiable/Attainment.		
Johnson County	.....	Unclassifiable/Attainment.		
Jones County	.....	Unclassifiable/Attainment.		
Lamar County	.....	Unclassifiable/Attainment.		
Lanier County	.....	Unclassifiable/Attainment.		
Laurens County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Liberty County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Long County	.....	Unclassifiable/Attainment.		
Lowndes County.				
Lumpkin County	.....	Unclassifiable/Attainment.		
McDuffie County	.....	Unclassifiable/Attainment.		
McIntosh County	.....	Unclassifiable/Attainment.		
Macon County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Meriwether County	.....	Unclassifiable/Attainment.		
Miller County	.....	Unclassifiable/Attainment.		
Mitchell County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		

GEORGIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Montgomery County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
Murray County	.....	Unclassifiable/Attainment.		
Muscogee County.				
Newton County	.....	Unclassifiable/Attainment.		
Oconee County	.....	Unclassifiable/Attainment.		
Oglethorpe County	.....	Unclassifiable/Attainment.		
Paulding County.				
Peach County	.....	Unclassifiable/Attainment.		
Pickens County	.....	Unclassifiable/Attainment.		
Pierce County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Polk County	.....	Unclassifiable/Attainment.		
Pulaski County	.....	Unclassifiable/Attainment.		
Putnam County	.....	Unclassifiable/Attainment.		
Quitman County	.....	Unclassifiable/Attainment.		
Rabun County	.....	Unclassifiable/Attainment.		
Randolph County	.....	Unclassifiable/Attainment.		
Richmond County.				
Rockdale County	.....	Unclassifiable/Attainment.		
Schley County	.....	Unclassifiable/Attainment.		
Screven County	.....	Unclassifiable/Attainment.		
Seminole County	.....	Unclassifiable/Attainment.		
Spalding County	.....	Unclassifiable/Attainment.		
Stephens County	.....	Unclassifiable/Attainment.		
Stewart County	.....	Unclassifiable/Attainment.		
Sumter County	.....	Unclassifiable/Attainment.		
Talbot County	.....	Unclassifiable/Attainment.		
Taliaferro County	.....	Unclassifiable/Attainment.		
Tattnall County	.....	Unclassifiable/Attainment.		
Taylor County	.....	Unclassifiable/Attainment.		
Telfair County	.....	Unclassifiable/Attainment.		
Terrell County	.....	Unclassifiable/Attainment.		
Thomas County	.....	Unclassifiable/Attainment.		
Tift County	.....	Unclassifiable/Attainment.		
Toombs County	.....	Unclassifiable/Attainment.		
Towns County	.....	Unclassifiable/Attainment.		
Treutlen County	.....	Unclassifiable/Attainment.		
Troup County	.....	Unclassifiable/Attainment.		
Turner County	.....	Unclassifiable/Attainment.		
Twiggs County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Upson County	.....	Unclassifiable/Attainment.		
Walker County	.....	Unclassifiable/Attainment.		
Walton County	.....	Unclassifiable/Attainment.		
Ware County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County.				
Wayne County	.....	Unclassifiable/Attainment.		
Webster County	.....	Unclassifiable/Attainment.		
Wheeler County	.....	Unclassifiable/Attainment.		
White County	.....	Unclassifiable/Attainment.		
Whitfield County	.....	Unclassifiable/Attainment.		
Wilcox County	.....	Unclassifiable/Attainment.		
Wilkes County	.....	Unclassifiable/Attainment.		
Wilkinson County	.....	Unclassifiable/Attainment.		
Worth County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 13. Section 81.312 is amended by adding a table entitled ''Hawaii—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Hawaii—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.312 Hawaii.

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HAWAII—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Hawaii County	.....	Unclassifiable/Attainment.		
Honolulu County	.....	Unclassifiable/Attainment.		
Kalawao County	.....	Unclassifiable/Attainment.		
Kauai County	.....	Unclassifiable/Attainment.		
Maui County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015 unless otherwise noted.

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■ 14. Section 81.313 is amended by adding a table entitled ''Idaho—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Idaho—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.313 Idaho.

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IDAHO—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
West Silver Valley, ID:				
Shoshone County (part)	.....	Nonattainment	.....	Moderate.
That portion of Shoshone County, which is described as follows: T50N, R02E, Sections 14, 15, 22–27, 29–36; T49N, R01E, Sections 2, 11–14, 23–26, 35, 36 and Sections 10,15, 22, 27, 34 east of Kootenai County boundary; T49N, R02E, Sections 1–36; T49N, R03E, Sections 7, 13–36; T49N, R04E, Sections 19, 30, 31; T48N, R01E, Sections 1, 2, 11–14, 22–27, 34–36 and Sections 3, 10, 15 east of Kootenai County boundary; T48N, R02E, Sections 1–36;.				
T48N, R03E, Sections 2–10, 16–20, 30, 31; T48N, R03E, Section 1, NWNW, SWNW, NWSW, SWSW; T48N, R03E, Section 11, NW ¼, NE ¼, NWSW, NESW, NWSE, NESE; T48N, R03E, Section 12, NWNW, SWNW, NWSW; T47N, R01E, Sections 1–3, 10–15, 22–27; T47N, R02E, Sections 1–23, 28–30; T47N, R03E, Sections 5–8, 17, and 18..				
AQCR 61 Eastern Idaho Intrastate:				
Bannock County	.....	Unclassifiable/Attainment.		
Bear Lake County	.....	Unclassifiable/Attainment.		
Bingham County	.....	Unclassifiable/Attainment.		
Bonneville County	.....	Unclassifiable/Attainment.		
Butte County	.....	Unclassifiable/Attainment.		
Caribou County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Fremont County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Oneida County	.....	Unclassifiable/Attainment.		
Power County	.....	Unclassifiable/Attainment.		
Teton County	.....	Unclassifiable/Attainment.		
AQCR 62 E Washington-N Idaho Interstate:				
Benewah County	.....	Unclassifiable/Attainment.		
Kootenai County	.....	Unclassifiable/Attainment.		
Latah County	.....	Unclassifiable/Attainment.		
Nez Perce County	.....	Unclassifiable/Attainment.		
Shoshone County (remainder)	.....	Unclassifiable/Attainment.		
AQCR 63 Idaho Intrastate:				
Adams County	.....	Unclassifiable/Attainment.		
Blaine County	.....	Unclassifiable/Attainment.		
Boise County	.....	Unclassifiable/Attainment.		
Bonner County	.....	Unclassifiable/Attainment.		

IDAHO—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Boundary County		Unclassifiable/Attainment.		
Camas County		Unclassifiable/Attainment.		
Cassia County		Unclassifiable/Attainment.		
Clearwater County		Unclassifiable/Attainment.		
Custer County		Unclassifiable/Attainment.		
Elmore County		Unclassifiable/Attainment.		
Gem County		Unclassifiable/Attainment.		
Gooding County		Unclassifiable/Attainment.		
Idaho County		Unclassifiable/Attainment.		
Jerome County		Unclassifiable/Attainment.		
Lemhi County		Unclassifiable/Attainment.		
Lewis County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Minidoka County		Unclassifiable/Attainment.		
Owyhee County		Unclassifiable/Attainment.		
Payette County		Unclassifiable/Attainment.		
Twin Falls County		Unclassifiable/Attainment.		
Valley County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
AQCR 64 Metropolitan Boise Interstate:				
Ada County		Unclassifiable/Attainment.		
Canyon County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 15. Section 81.314 is amended by adding a table entitled ''Illinois—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Illinois—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.314 Illinois.

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ILLINOIS—2012 24-HOUR $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Chicago, IL–IN:				
Cook County		Unclassifiable.		
DuPage County		Unclassifiable.		
Grundy County (part)		Unclassifiable.		
Goose Lake and Aux Sable Townships.				
Kane County		Unclassifiable.		
Kendall County (part)		Unclassifiable.		
Oswego Township.				
Lake County		Unclassifiable.		
McHenry County		Unclassifiable.		
Will County		Unclassifiable.		
Davenport-Moline-Rock Island, IL:				
Rock Island County		Unclassifiable.		
Henry County		Unclassifiable.		
Mercer County		Unclassifiable.		
St. Louis, MO–IL:				
Madison County		Unclassifiable.		
Monroe County		Unclassifiable.		
Randolph County (part)		Unclassifiable.		
Baldwin Village.				
St. Clair County		Unclassifiable.		
Rest of State:				
Adams County		Unclassifiable.		
Alexander County		Unclassifiable.		
Bond County		Unclassifiable.		
Boone County		Unclassifiable.		
Brown County		Unclassifiable.		
Bureau County		Unclassifiable.		
Calhoun County		Unclassifiable.		
Carroll County		Unclassifiable.		

ILLINOIS—2012 24-HOUR $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Cass County		Unclassifiable.		
Champaign County		Unclassifiable.		
Christian County		Unclassifiable.		
Clark County		Unclassifiable.		
Clay County		Unclassifiable.		
Clinton County		Unclassifiable.		
Coles County		Unclassifiable.		
Crawford County		Unclassifiable.		
Cumberland County		Unclassifiable.		
DeKalb County		Unclassifiable.		
De Witt County		Unclassifiable.		
Douglas County		Unclassifiable.		
Edgar County		Unclassifiable.		
Edwards County		Unclassifiable.		
Effingham County		Unclassifiable.		
Fayette County		Unclassifiable.		
Ford County		Unclassifiable.		
Franklin County		Unclassifiable.		
Fulton County		Unclassifiable.		
Gallatin County		Unclassifiable.		
Greene County		Unclassifiable.		
Grundy County (remainder)		Unclassifiable.		
Hamilton County		Unclassifiable.		
Hancock County		Unclassifiable.		
Hardin County		Unclassifiable.		
Henderson County		Unclassifiable.		
Iroquois County		Unclassifiable.		
Jackson County		Unclassifiable.		
Jasper County		Unclassifiable.		
Jefferson County		Unclassifiable.		
Jersey County		Unclassifiable.		
Jo Daviess County		Unclassifiable.		
Johnson County		Unclassifiable.		
Kankakee County		Unclassifiable.		
Kendall County (remainder)		Unclassifiable.		
Knox County		Unclassifiable.		
La Salle County		Unclassifiable.		
Lawrence County		Unclassifiable.		
Lee County		Unclassifiable.		
Livingston County		Unclassifiable.		
Logan County		Unclassifiable.		
McDonough County		Unclassifiable.		
McLean County		Unclassifiable.		
Macon County		Unclassifiable.		
Macoupin County		Unclassifiable.		
Marion County		Unclassifiable.		
Marshall County		Unclassifiable.		
Mason County		Unclassifiable.		
Massac County		Unclassifiable.		
Menard County		Unclassifiable.		
Montgomery County		Unclassifiable.		
Morgan County		Unclassifiable.		
Moultrie County		Unclassifiable.		
Ogle County		Unclassifiable.		
Peoria County		Unclassifiable.		
Perry County		Unclassifiable.		
Piatt County		Unclassifiable.		
Pike County		Unclassifiable.		
Pope County		Unclassifiable.		
Pulaski County		Unclassifiable.		
Putnam County		Unclassifiable.		
Randolph County (remainder)		Unclassifiable.		
Richland County		Unclassifiable.		
Saline County		Unclassifiable.		
Sangamon County		Unclassifiable.		
Schuyler County		Unclassifiable.		
Scott County		Unclassifiable.		
Shelby County		Unclassifiable.		
Stark County		Unclassifiable.		

ILLINOIS—2012 24-HOUR $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Stephenson County		Unclassifiable.		
Tazewell County		Unclassifiable.		
Union County		Unclassifiable.		
Vermilion County		Unclassifiable.		
Wabash County		Unclassifiable.		
Warren County		Unclassifiable.		
Washington County		Unclassifiable.		
Wayne County		Unclassifiable.		
White County		Unclassifiable.		
Whiteside County		Unclassifiable.		
Williamson County		Unclassifiable.		
Winnebago County		Unclassifiable.		
Woodford County		Unclassifiable.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 16. Section 81.315 is amended by adding a table entitled ''Indiana—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Indiana—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.315 Indiana.

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INDIANA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Louisville, KY–IN:				
Clark County		NonAttainment	Moderate	
Floyd County		NonAttainment	Moderate	
Chicago Area, IL–IN:				
Lake County		Unclassifiable.		
Porter County		Unclassifiable.		
Rest of State:				
Adams County		Unclassifiable/Attainment.		
Allen County		Unclassifiable/Attainment.		
Bartholomew County		Unclassifiable/Attainment.		
Benton County		Unclassifiable/Attainment.		
Blackford County		Unclassifiable/Attainment.		
Boone County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Daviess County		Unclassifiable/Attainment.		
De Kalb County		Unclassifiable/Attainment.		
Dearborn County		Unclassifiable/Attainment.		
Decatur County		Unclassifiable/Attainment.		
Delaware County		Unclassifiable/Attainment.		
Dubois County		Unclassifiable/Attainment.		
Elkhart County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Fountain County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Fulton County		Unclassifiable/Attainment.		
Gibson County		Unclassifiable/Attainment.		
Grant County		Unclassifiable/Attainment.		
Greene County		Unclassifiable/Attainment.		
Hamilton County		Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		
Harrison County		Unclassifiable/Attainment.		
Hendricks County		Unclassifiable/Attainment.		
Henry County		Unclassifiable/Attainment.		
Howard County		Unclassifiable/Attainment.		

INDIANA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Huntington County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jasper County	.....	Unclassifiable/Attainment.		
Jay County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Jennings County	.....	Unclassifiable/Attainment.		
Johnson County	.....	Unclassifiable/Attainment.		
Knox County	.....	Unclassifiable/Attainment.		
Kosciusko County	.....	Unclassifiable/Attainment.		
LaGrange County	.....	Unclassifiable/Attainment.		
La Porte County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Martin County	.....	Unclassifiable/Attainment.		
Miami County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
Newton County	.....	Unclassifiable/Attainment.		
Noble County	.....	Unclassifiable/Attainment.		
Ohio County	.....	Unclassifiable/Attainment.		
Orange County	.....	Unclassifiable/Attainment.		
Owen County	.....	Unclassifiable/Attainment.		
Parke County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Posey County	.....	Unclassifiable/Attainment.		
Pulaski County	.....	Unclassifiable/Attainment.		
Putnam County	.....	Unclassifiable/Attainment.		
Randolph County	.....	Unclassifiable/Attainment.		
Ripley County	.....	Unclassifiable/Attainment.		
Rush County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Shelby County	.....	Unclassifiable/Attainment.		
Spencer County	.....	Unclassifiable/Attainment.		
St. Joseph County	.....	Unclassifiable/Attainment.		
Starke County	.....	Unclassifiable/Attainment.		
Steuben County	.....	Unclassifiable/Attainment.		
Sullivan County	.....	Unclassifiable/Attainment.		
Switzerland County	.....	Unclassifiable/Attainment.		
Tippecanoe County	.....	Unclassifiable/Attainment.		
Tipton County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Vanderburgh County	.....	Unclassifiable/Attainment.		
Vermillion County	.....	Unclassifiable/Attainment.		
Vigo County	.....	Unclassifiable/Attainment.		
Wabash County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Warrick County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Wells County	.....	Unclassifiable/Attainment.		
White County	.....	Unclassifiable/Attainment.		
Whitley County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 17. Section 81.316 is amended by adding a table entitled ''Iowa—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Iowa—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.316 Iowa.

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IOWA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Adair County		Unclassifiable/Attainment.		
Adams County		Unclassifiable/Attainment.		
Allamakee County		Unclassifiable/Attainment.		
Appanoose County		Unclassifiable/Attainment.		
Audubon County		Unclassifiable/Attainment.		
Benton County		Unclassifiable/Attainment.		
Black Hawk County		Unclassifiable/Attainment.		
Boone County		Unclassifiable/Attainment.		
Bremer County		Unclassifiable/Attainment.		
Buchanan County		Unclassifiable/Attainment.		
Buena Vista County		Unclassifiable/Attainment.		
Butler County		Unclassifiable/Attainment.		
Calhoun County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Cedar County		Unclassifiable/Attainment.		
Cerro Gordo County		Unclassifiable/Attainment.		
Cherokee County		Unclassifiable/Attainment.		
Chickasaw County		Unclassifiable/Attainment.		
Clarke County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Clayton County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Dallas County		Unclassifiable/Attainment.		
Davis County		Unclassifiable/Attainment.		
Decatur County		Unclassifiable/Attainment.		
Delaware County		Unclassifiable/Attainment.		
Des Moines County		Unclassifiable/Attainment.		
Dickinson County		Unclassifiable/Attainment.		
Dubuque County		Unclassifiable/Attainment.		
Emmet County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Floyd County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Fremont County		Unclassifiable/Attainment.		
Greene County		Unclassifiable/Attainment.		
Grundy County		Unclassifiable/Attainment.		
Guthrie County		Unclassifiable/Attainment.		
Hamilton County		Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		
Hardin County		Unclassifiable/Attainment.		
Harrison County		Unclassifiable/Attainment.		
Henry County		Unclassifiable/Attainment.		
Howard County		Unclassifiable/Attainment.		
Humboldt County		Unclassifiable/Attainment.		
Ida County		Unclassifiable/Attainment.		
Iowa County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Jasper County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Johnson County		Unclassifiable/Attainment.		
Jones County		Unclassifiable/Attainment.		
Keokuk County		Unclassifiable/Attainment.		
Kossuth County		Unclassifiable/Attainment.		
Lee County		Unclassifiable/Attainment.		
Linn County		Unclassifiable/Attainment.		
Louisa County		Unclassifiable/Attainment.		
Lucas County		Unclassifiable/Attainment.		
Lyon County		Unclassifiable/Attainment.		
Madison County		Unclassifiable/Attainment.		
Mahaska County		Unclassifiable/Attainment.		
Marion County		Unclassifiable/Attainment.		
Marshall County		Unclassifiable/Attainment.		
Mills County		Unclassifiable/Attainment.		
Mitchell County		Unclassifiable/Attainment.		
Monona County		Unclassifiable/Attainment.		
Monroe County		Unclassifiable/Attainment.		

IOWA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Montgomery County	.....	Unclassifiable/Attainment.		
Muscatine County	.....	Unclassifiable/Attainment.		
O'Brien County	.....	Unclassifiable/Attainment.		
Osceola County	.....	Unclassifiable/Attainment.		
Page County	.....	Unclassifiable/Attainment.		
Palo Alto County	.....	Unclassifiable/Attainment.		
Plymouth County	.....	Unclassifiable/Attainment.		
Pocahontas County	.....	Unclassifiable/Attainment.		
Polk County	.....	Unclassifiable/Attainment.		
Pottawattamie County	.....	Unclassifiable/Attainment.		
Poweshiek County	.....	Unclassifiable/Attainment.		
Ringgold County	.....	Unclassifiable/Attainment.		
Sac County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Shelby County	.....	Unclassifiable/Attainment.		
Sioux County	.....	Unclassifiable/Attainment.		
Story County	.....	Unclassifiable/Attainment.		
Tama County	.....	Unclassifiable/Attainment.		
Taylor County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Van Buren County	.....	Unclassifiable/Attainment.		
Wapello County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Webster County	.....	Unclassifiable/Attainment.		
Winnebago County	.....	Unclassifiable/Attainment.		
Winneshiek County	.....	Unclassifiable/Attainment.		
Woodbury County	.....	Unclassifiable/Attainment.		
Worth County	.....	Unclassifiable/Attainment.		
Wright County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 18. Section 81.317 is amended by adding a table entitled ''Kansas—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Kansas—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.317 Kansas.

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KANSAS—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Allen County		Unclassifiable/Attainment.		
Anderson County	.....	Unclassifiable/Attainment.		
Atchison County	.....	Unclassifiable/Attainment.		
Barber County	.....	Unclassifiable/Attainment.		
Barton County	.....	Unclassifiable/Attainment.		
Bourbon County	.....	Unclassifiable/Attainment.		
Brown County	.....	Unclassifiable/Attainment.		
Butler County	.....	Unclassifiable/Attainment.		
Chase County	.....	Unclassifiable/Attainment.		
Chautauqua County	.....	Unclassifiable/Attainment.		
Cherokee County	.....	Unclassifiable/Attainment.		
Cheyenne County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Cloud County	.....	Unclassifiable/Attainment.		
Coffey County	.....	Unclassifiable/Attainment.		
Comanche County	.....	Unclassifiable/Attainment.		
Cowley County	.....	Unclassifiable/Attainment.		
Crawford County	.....	Unclassifiable/Attainment.		

KANSAS—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Decatur County	.....	Unclassifiable/Attainment.		
Dickinson County	.....	Unclassifiable/Attainment.		
Doniphan County	.....	Unclassifiable/Attainment.		
Douglas County	.....	Unclassifiable/Attainment.		
Edwards County	.....	Unclassifiable/Attainment.		
Elk County	.....	Unclassifiable/Attainment.		
Ellis County	.....	Unclassifiable/Attainment.		
Ellsworth County	.....	Unclassifiable/Attainment.		
Finney County	.....	Unclassifiable/Attainment.		
Ford County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Geary County	.....	Unclassifiable/Attainment.		
Gove County	.....	Unclassifiable/Attainment.		
Graham County	.....	Unclassifiable/Attainment.		
Grant County	.....	Unclassifiable/Attainment.		
Gray County	.....	Unclassifiable/Attainment.		
Greeley County	.....	Unclassifiable/Attainment.		
Greenwood County	.....	Unclassifiable/Attainment.		
Hamilton County	.....	Unclassifiable/Attainment.		
Harper County	.....	Unclassifiable/Attainment.		
Harvey County	.....	Unclassifiable/Attainment.		
Haskell County	.....	Unclassifiable/Attainment.		
Hodgeman County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Jewell County	.....	Unclassifiable/Attainment.		
Johnson County	.....	Unclassifiable/Attainment.		
Kearny County	.....	Unclassifiable/Attainment.		
Kingman County	.....	Unclassifiable/Attainment.		
Kiowa County	.....	Unclassifiable/Attainment.		
Labette County	.....	Unclassifiable/Attainment.		
Lane County	.....	Unclassifiable/Attainment.		
Leavenworth County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Linn County	.....	Unclassifiable/Attainment.		
Logan County	.....	Unclassifiable/Attainment.		
Lyon County	.....	Unclassifiable/Attainment.		
McPherson County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Meade County	.....	Unclassifiable/Attainment.		
Miami County	.....	Unclassifiable/Attainment.		
Mitchell County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Morris County	.....	Unclassifiable/Attainment.		
Morton County	.....	Unclassifiable/Attainment.		
Nemaha County	.....	Unclassifiable/Attainment.		
Neosho County	.....	Unclassifiable/Attainment.		
Ness County	.....	Unclassifiable/Attainment.		
Norton County	.....	Unclassifiable/Attainment.		
Osage County	.....	Unclassifiable/Attainment.		
Osborne County	.....	Unclassifiable/Attainment.		
Ottawa County	.....	Unclassifiable/Attainment.		
Pawnee County	.....	Unclassifiable/Attainment.		
Phillips County	.....	Unclassifiable/Attainment.		
Pottawatomie County	.....	Unclassifiable/Attainment.		
Pratt County	.....	Unclassifiable/Attainment.		
Rawlins County	.....	Unclassifiable/Attainment.		
Reno County	.....	Unclassifiable/Attainment.		
Republic County	.....	Unclassifiable/Attainment.		
Rice County	.....	Unclassifiable/Attainment.		
Riley County	.....	Unclassifiable/Attainment.		
Rooks County	.....	Unclassifiable/Attainment.		
Rush County	.....	Unclassifiable/Attainment.		
Russell County	.....	Unclassifiable/Attainment.		
Saline County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Sedgwick County	.....	Unclassifiable/Attainment.		
Seward County	.....	Unclassifiable/Attainment.		

KANSAS—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Shawnee County	.....	Unclassifiable/Attainment.		
Sheridan County	.....	Unclassifiable/Attainment.		
Sherman County	.....	Unclassifiable/Attainment.		
Smith County	.....	Unclassifiable/Attainment.		
Stafford County	.....	Unclassifiable/Attainment.		
Stanton County	.....	Unclassifiable/Attainment.		
Stevens County	.....	Unclassifiable/Attainment.		
Sumner County	.....	Unclassifiable/Attainment.		
Thomas County	.....	Unclassifiable/Attainment.		
Trego County	.....	Unclassifiable/Attainment.		
Wabaunsee County	.....	Unclassifiable/Attainment.		
Wallace County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wichita County	.....	Unclassifiable/Attainment.		
Wilson County	.....	Unclassifiable/Attainment.		
Woodson County	.....	Unclassifiable/Attainment.		
Wyandotte County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 19. Section 81.318 is amended by adding a table entitled ''Kentucky—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Kentucky—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.318 Kentucky.

KENTUCKY—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Cincinnati-Hamilton, OH–KY:				
Boone County (part)	.....	Nonattainment	.....	Moderate.
2010 Census tracts: 701, 702, 703.01, 703.05, 703.07, 703.08, 703.09, 703.11, 703.12, 703.13, 703.14, 704.01, 704.02, 705.02, 705.03, 705.04, 706.05, 706.06, 706.07, 9801.				
Campbell County (part)	.....	Nonattainment	.....	Moderate.
2010 Census tracts: 501, 504, 505, 506, 511.01, 511.02, 512, 513, 519.01, 519.03, 519.04 521, 522, 523.01, 523.02, 524, 525, 528, 529, 531, 532, 533.01, 533.02.				
Kenton County (part)	.....	Nonattainment	.....	Moderate.
2010 Census tracts: 603, 607, 609, 610, 611, 612, 613, 614, 616, 636.03, 636.04, 636.05, 636.06, 638, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655.01, 655.02, 656, 657, 658, 659, 668, 669, 670, 671.				
Louisville, KY–IN:				
Bullitt County (part)	.....	Nonattainment	.....	Moderate.
2010 Census tracts: 201.01, 201.02, 201.03, 202.01, 202.02. 203, 204, 205, 206.01, 206.02, 207.01, 207.02, 208, 211.01 and 211.02.				
Jefferson County	.....	Nonattainment	.....	Moderate.
Rest of State:				
Adair County	.....	Unclassifiable/Attainment.		
Allen County	.....	Unclassifiable/Attainment.		
Anderson County	.....	Unclassifiable/Attainment.		
Ballard County	.....	Unclassifiable/Attainment.		
Barren County	.....	Unclassifiable/Attainment.		
Bath County	.....	Unclassifiable/Attainment.		
Bell County	.....	Unclassifiable/Attainment.		
Boone (remainder)	.....	Unclassifiable/Attainment.		
Bourbon County	.....	Unclassifiable/Attainment.		
Boyd County	.....	Unclassifiable/Attainment.		
Boyle County	.....	Unclassifiable/Attainment.		

KENTUCKY—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Bracken County	.....	Unclassifiable/Attainment.		
Breathitt County	.....	Unclassifiable/Attainment.		
Breckinridge County	.....	Unclassifiable/Attainment.		
Bullitt County (remainder)	.....	Unclassifiable/Attainment.		
Butler County	.....	Unclassifiable/Attainment.		
Caldwell County	.....	Unclassifiable/Attainment.		
Calloway County	.....	Unclassifiable/Attainment.		
Campbell County (remainder)	.....	Unclassifiable/Attainment.		
Carlisle County	.....	Unclassifiable/Attainment.		
Carroll County	.....	Unclassifiable/Attainment.		
Carter County	.....	Unclassifiable/Attainment.		
Casey County	.....	Unclassifiable/Attainment.		
Christian County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Clinton County	.....	Unclassifiable/Attainment.		
Crittenden County	.....	Unclassifiable/Attainment.		
Cumberland County	.....	Unclassifiable/Attainment.		
Daviess County	.....	Unclassifiable/Attainment.		
Edmonson County	.....	Unclassifiable/Attainment.		
Elliott County	.....	Unclassifiable/Attainment.		
Estill County	.....	Unclassifiable/Attainment.		
Fayette County	.....	Unclassifiable/Attainment.		
Fleming County	.....	Unclassifiable/Attainment.		
Floyd County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Fulton County	.....	Unclassifiable/Attainment.		
Gallatin County	.....	Unclassifiable/Attainment.		
Garrard County	.....	Unclassifiable/Attainment.		
Grant County	.....	Unclassifiable/Attainment.		
Graves County	.....	Unclassifiable/Attainment.		
Grayson County	.....	Unclassifiable/Attainment.		
Green County	.....	Unclassifiable/Attainment.		
Greenup County	.....	Unclassifiable/Attainment.		
Hancock County	.....	Unclassifiable/Attainment.		
Hardin County	.....	Unclassifiable/Attainment.		
Harlan County	.....	Unclassifiable/Attainment.		
Harrison County	.....	Unclassifiable/Attainment.		
Hart County	.....	Unclassifiable/Attainment.		
Henderson County	.....	Unclassifiable/Attainment.		
Henry County	.....	Unclassifiable/Attainment.		
Hickman County	.....	Unclassifiable/Attainment.		
Hopkins County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jessamine County	.....	Unclassifiable/Attainment.		
Johnson County	.....	Unclassifiable/Attainment.		
Kenton County (remainder)	.....	Unclassifiable/Attainment.		
Knott County	.....	Unclassifiable/Attainment.		
Knox County	.....	Unclassifiable/Attainment.		
Larue County	.....	Unclassifiable/Attainment.		
Laurel County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Leslie County	.....	Unclassifiable/Attainment.		
Letcher County	.....	Unclassifiable/Attainment.		
Lewis County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Livingston County	.....	Unclassifiable/Attainment.		
Logan County	.....	Unclassifiable/Attainment.		
Lyon County	.....	Unclassifiable/Attainment.		
McCracken County	.....	Unclassifiable/Attainment.		
McCreary County	.....	Unclassifiable/Attainment.		
McLean County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Magoffin County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Martin County	.....	Unclassifiable/Attainment.		
Mason County	.....	Unclassifiable/Attainment.		

KENTUCKY—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Meade County	.....	Unclassifiable/Attainment.		
Menifee County	.....	Unclassifiable/Attainment.		
Mercer County	.....	Unclassifiable/Attainment.		
Metcalfe County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
Muhlenberg County	.....	Unclassifiable/Attainment.		
Nelson County	.....	Unclassifiable/Attainment.		
Nicholas County	.....	Unclassifiable/Attainment.		
Ohio County	.....	Unclassifiable/Attainment.		
Oldham County	.....	Unclassifiable/Attainment.		
Owen County	.....	Unclassifiable/Attainment.		
Owsley County	.....	Unclassifiable/Attainment.		
Pendleton County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Powell County	.....	Unclassifiable/Attainment.		
Pulaski County	.....	Unclassifiable/Attainment.		
Robertson County	.....	Unclassifiable/Attainment.		
Rockcastle County	.....	Unclassifiable/Attainment.		
Rowan County	.....	Unclassifiable/Attainment.		
Russell County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Shelby County	.....	Unclassifiable/Attainment.		
Simpson County	.....	Unclassifiable/Attainment.		
Spencer County	.....	Unclassifiable/Attainment.		
Taylor County	.....	Unclassifiable/Attainment.		
Todd County	.....	Unclassifiable/Attainment.		
Trigg County	.....	Unclassifiable/Attainment.		
Trimble County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Webster County	.....	Unclassifiable/Attainment.		
Whitley County	.....	Unclassifiable/Attainment.		
Wolfe County	.....	Unclassifiable/Attainment.		
Woodford County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 20. Section 81.319 is amended by adding a table entitled ''Louisiana—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Louisiana—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.319 Louisiana.

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LOUISIANA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 019 Monroe-El Dorado Interstate:				
Caldwell Parish	.....	Unclassifiable/Attainment.		
Catahoula Parish	.....	Unclassifiable/Attainment.		
Concordia Parish	.....	Unclassifiable/Attainment.		
East Carroll Parish	.....	Unclassifiable/Attainment.		
Franklin Parish	.....	Unclassifiable/Attainment.		
La Salle Parish	.....	Unclassifiable/Attainment.		
Madison Parish	.....	Unclassifiable/Attainment.		
Morehouse Parish	.....	Unclassifiable/Attainment.		
Ouachita Parish	.....	Unclassifiable/Attainment.		
Richland Parish	.....	Unclassifiable/Attainment.		
Tensas Parish	.....	Unclassifiable/Attainment.		

LOUISIANA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Union Parish	.....	Unclassifiable/Attainment.		
West Carroll Parish	.....	Unclassifiable/Attainment.		
AQCR 022 Shreveport-Texarkana-Tyler Interstate:				
Bienville Parish	.....	Unclassifiable/Attainment.		
Bossier Parish	.....	Unclassifiable/Attainment.		
Caddo Parish	.....	Unclassifiable/Attainment.		
Claiborne Parish	.....	Unclassifiable/Attainment.		
De Soto Parish	.....	Unclassifiable/Attainment.		
Jackson Parish	.....	Unclassifiable/Attainment.		
Lincoln Parish	.....	Unclassifiable/Attainment.		
Natchitoches Parish	.....	Unclassifiable/Attainment.		
Red River Parish	.....	Unclassifiable/Attainment.		
Sabine Parish	.....	Unclassifiable/Attainment.		
Webster Parish	.....	Unclassifiable/Attainment.		
Winn Parish	.....	Unclassifiable/Attainment.		
AQCR 106 S. Louisiana-S.E. Texas Interstate:				
Acadia Parish	.....	Unclassifiable/Attainment.		
Allen Parish	.....	Unclassifiable/Attainment.		
Ascension Parish	.....	Unclassifiable/Attainment.		
Assumption Parish	.....	Unclassifiable/Attainment.		
Avoyelles Parish	.....	Unclassifiable/Attainment.		
Beauregard Parish	.....	Unclassifiable/Attainment.		
Calcasieu Parish	.....	Unclassifiable/Attainment.		
Cameron Parish	.....	Unclassifiable/Attainment.		
East Baton Rouge Parish	.....	Unclassifiable/Attainment.		
East Feliciana Parish	.....	Unclassifiable/Attainment.		
Evangeline Parish	.....	Unclassifiable/Attainment.		
Grant Parish	.....	Unclassifiable/Attainment.		
Iberia Parish	.....	Unclassifiable/Attainment.		
Iberville Parish	.....	Unclassifiable/Attainment.		
Jefferson Davis Parish	.....	Unclassifiable/Attainment.		
Jefferson Parish	.....	Unclassifiable/Attainment.		
Lafayette Parish	.....	Unclassifiable/Attainment.		
Lafourche Parish	.....	Unclassifiable/Attainment.		
Livingston Parish	.....	Unclassifiable/Attainment.		
Orleans Parish	.....	Unclassifiable/Attainment.		
Plaquemines Parish	.....	Unclassifiable/Attainment.		
Pointe Coupee Parish	.....	Unclassifiable/Attainment.		
Rapides Parish	.....	Unclassifiable/Attainment.		
St. Bernard Parish	.....	Unclassifiable/Attainment.		
St. Charles Parish	.....	Unclassifiable/Attainment.		
St. Helena Parish	.....	Unclassifiable/Attainment.		
St. James Parish	.....	Unclassifiable/Attainment.		
St. John the Baptist Parish	.....	Unclassifiable/Attainment.		
St. Landry Parish	.....	Unclassifiable/Attainment.		
St. Martin Parish	.....	Unclassifiable/Attainment.		
St. Tammany Parish	.....	Unclassifiable/Attainment.		
Tangipahoa Parish	.....	Unclassifiable/Attainment.		
Terrebonne Parish	.....	Unclassifiable/Attainment.		
Vermilion Parish	.....	Unclassifiable/Attainment.		
Vernon Parish	.....	Unclassifiable/Attainment.		
Washington Parish	.....	Unclassifiable/Attainment.		
West Baton Rouge Parish	.....	Unclassifiable/Attainment.		
West Feliciana Parish	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 21. Section 81.320 is amended by adding a table entitled ''Maine—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Maine—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.320 Maine.

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MAINE—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Androscoggin County		Unclassifiable/Attainment.		
Aroostook County		Unclassifiable/Attainment.		
Cumberland County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		
Kennebec County		Unclassifiable/Attainment.		
Knox County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Oxford County		Unclassifiable/Attainment.		
Penobscot County		Unclassifiable/Attainment.		
Piscataquis County		Unclassifiable/Attainment.		
Sagadahoc County		Unclassifiable/Attainment.		
Somerset County		Unclassifiable/Attainment.		
Waldo County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
York County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 22. Section 81.321 is amended by adding a table entitled ''Maryland—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Maryland—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.321 Maryland.

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MARYLAND—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 047 National Capital Interstate (DC-MD-VA) (part):				
Montgomery County		Unclassifiable/Attainment.		
Prince George's County		Unclassifiable/Attainment.		
Metropolitan Baltimore Intrastate AQCR:				
Anne Arundel County		Unclassifiable/Attainment.		
Baltimore County		Unclassifiable/Attainment.		
City of Baltimore		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Harford County		Unclassifiable/Attainment.		
Howard County		Unclassifiable/Attainment.		
AQCR 112 Central Maryland Intrastate:				
Frederick County		Unclassifiable/Attainment.		
AQCR 113 Cumberland-Keyser Interstate:				
Allegany County		Unclassifiable/Attainment.		
Garrett County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
AQCR 114 Eastern Shore Intrastate:				
Caroline County		Unclassifiable/Attainment.		
Cecil County		Unclassifiable/Attainment.		
Dorchester County		Unclassifiable/Attainment.		
Kent County		Unclassifiable/Attainment.		
Queen Anne's County		Unclassifiable/Attainment.		
Somerset County		Unclassifiable/Attainment.		
Talbot County		Unclassifiable/Attainment.		
Wicomico County		Unclassifiable/Attainment.		
Worcester County		Unclassifiable/Attainment.		
AQCR 116 Southern Maryland Intrastate:				
Calvert County		Unclassifiable/Attainment.		
Charles County		Unclassifiable/Attainment.		
St. Mary's County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 23. Section 81.322 is amended by adding a table entitled ''Massachusetts—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Massachusetts—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.322 Massachusetts.

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MASSACHUSETTS—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Barnstable County		Unclassifiable/Attainment.		
Berkshire County		Unclassifiable/Attainment.		
Bristol County		Unclassifiable/Attainment.		
Dukes County		Unclassifiable/Attainment.		
Essex County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Hampden County		Unclassifiable/Attainment.		
Hampshire County		Unclassifiable/Attainment.		
Middlesex County		Unclassifiable/Attainment.		
Nantucket County		Unclassifiable/Attainment.		
Norfolk County		Unclassifiable/Attainment.		
Plymouth County		Unclassifiable/Attainment.		
Suffolk County		Unclassifiable/Attainment.		
Worcester County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 24. Section 81.323 is amended by adding a table entitled ''Michigan—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Michigan—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.323 Michigan.

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MICHIGAN—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Alcona County		Unclassifiable/Attainment.		
Alger County		Unclassifiable/Attainment.		
Allegan County		Unclassifiable/Attainment.		
Alpena County		Unclassifiable/Attainment.		
Antrim County		Unclassifiable/Attainment.		
Arenac County		Unclassifiable/Attainment.		
Baraga County		Unclassifiable/Attainment.		
Barry County		Unclassifiable/Attainment.		
Bay County		Unclassifiable/Attainment.		
Benzie County		Unclassifiable/Attainment.		
Berrien County		Unclassifiable/Attainment.		
Branch County		Unclassifiable/Attainment.		
Calhoun County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Charlevoix County		Unclassifiable/Attainment.		
Cheboygan County		Unclassifiable/Attainment.		
Chippewa County		Unclassifiable/Attainment.		
Clare County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Delta County		Unclassifiable/Attainment.		
Dickinson County		Unclassifiable/Attainment.		
Eaton County		Unclassifiable/Attainment.		
Emmet County		Unclassifiable/Attainment.		
Genesee County		Unclassifiable/Attainment.		
Gladwin County		Unclassifiable/Attainment.		
Gogebic County		Unclassifiable/Attainment.		
Grand Traverse County		Unclassifiable/Attainment.		
Gratiot County		Unclassifiable/Attainment.		
Hillsdale County		Unclassifiable/Attainment.		

MICHIGAN—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued
[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Houghton County	.....	Unclassifiable/Attainment.		
Huron County	.....	Unclassifiable/Attainment.		
Ingham County	.....	Unclassifiable/Attainment.		
Ionia County	.....	Unclassifiable/Attainment.		
Iosco County	.....	Unclassifiable/Attainment.		
Iron County	.....	Unclassifiable/Attainment.		
Isabella County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Kalamazoo County	.....	Unclassifiable/Attainment.		
Kalkaska County	.....	Unclassifiable/Attainment.		
Kent County	.....	Unclassifiable/Attainment.		
Keweenaw County	.....	Unclassifiable/Attainment.		
Lake County	.....	Unclassifiable/Attainment.		
Lapeer County	.....	Unclassifiable/Attainment.		
Leelanau County	.....	Unclassifiable/Attainment.		
Lenawee County	.....	Unclassifiable/Attainment.		
Livingston County	.....	Unclassifiable/Attainment.		
Luce County	.....	Unclassifiable/Attainment.		
Mackinac County	.....	Unclassifiable/Attainment.		
Macomb County	.....	Unclassifiable/Attainment.		
Manistee County	.....	Unclassifiable/Attainment.		
Marquette County	.....	Unclassifiable/Attainment.		
Mason County	.....	Unclassifiable/Attainment.		
Mecosta County	.....	Unclassifiable/Attainment.		
Menominee County	.....	Unclassifiable/Attainment.		
Midland County	.....	Unclassifiable/Attainment.		
Missaukee County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Montcalm County	.....	Unclassifiable/Attainment.		
Montmorency County	.....	Unclassifiable/Attainment.		
Muskegon County	.....	Unclassifiable/Attainment.		
Newaygo County	.....	Unclassifiable/Attainment.		
Oakland County	.....	Unclassifiable/Attainment.		
Oceana County	.....	Unclassifiable/Attainment.		
Ogemaw County	.....	Unclassifiable/Attainment.		
Ontonagon County	.....	Unclassifiable/Attainment.		
Osceola County	.....	Unclassifiable/Attainment.		
Oscoda County	.....	Unclassifiable/Attainment.		
Otsego County	.....	Unclassifiable/Attainment.		
Ottawa County	.....	Unclassifiable/Attainment.		
Presque Isle County	.....	Unclassifiable/Attainment.		
Roscommon County	.....	Unclassifiable/Attainment.		
Saginaw County	.....	Unclassifiable/Attainment.		
St. Clair County	.....	Unclassifiable/Attainment.		
St. Joseph County	.....	Unclassifiable/Attainment.		
Sanilac County	.....	Unclassifiable/Attainment.		
Schoolcraft County	.....	Unclassifiable/Attainment.		
Shiawassee County	.....	Unclassifiable/Attainment.		
Tuscola County	.....	Unclassifiable/Attainment.		
Van Buren County	.....	Unclassifiable/Attainment.		
Washtenaw County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Wexford County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 25. Section 81.324 is amended by adding a table entitled ''Minnesota—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Minnesota—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.324 Minnesota.

* * * * *

MINNESOTA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Aitkin County		Unclassifiable/Attainment.		
Anoka County		Unclassifiable/Attainment.		
Becker County		Unclassifiable/Attainment.		
Beltrami County		Unclassifiable/Attainment.		
Benton County		Unclassifiable/Attainment.		
Big Stone County		Unclassifiable/Attainment.		
Blue Earth County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Carlton County		Unclassifiable/Attainment.		
Carver County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Chippewa County		Unclassifiable/Attainment.		
Chisago County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Clearwater County		Unclassifiable/Attainment.		
Cook County		Unclassifiable/Attainment.		
Cottonwood County		Unclassifiable/Attainment.		
Crow Wing County		Unclassifiable/Attainment.		
Dakota County		Unclassifiable/Attainment.		
Dodge County		Unclassifiable/Attainment.		
Douglas County		Unclassifiable/Attainment.		
Faribault County		Unclassifiable/Attainment.		
Fillmore County		Unclassifiable/Attainment.		
Freeborn County		Unclassifiable/Attainment.		
Goodhue County		Unclassifiable/Attainment.		
Grant County		Unclassifiable/Attainment.		
Hennepin County		Unclassifiable/Attainment.		
Houston County		Unclassifiable/Attainment.		
Hubbard County		Unclassifiable/Attainment.		
Isanti County		Unclassifiable/Attainment.		
Itasca County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Kanabec County		Unclassifiable/Attainment.		
Kandiyohi County		Unclassifiable/Attainment.		
Kittson County		Unclassifiable/Attainment.		
Koochiching County		Unclassifiable/Attainment.		
Lac qui Parle County		Unclassifiable/Attainment.		
Lake County		Unclassifiable/Attainment.		
Lake of the Woods County		Unclassifiable/Attainment.		
Le Sueur County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Lyon County		Unclassifiable/Attainment.		
McLeod County		Unclassifiable/Attainment.		
Mahnomen County		Unclassifiable/Attainment.		
Marshall County		Unclassifiable/Attainment.		
Martin County		Unclassifiable/Attainment.		
Meeker County		Unclassifiable/Attainment.		
Mille Lacs County		Unclassifiable/Attainment.		
Morrison County		Unclassifiable/Attainment.		
Mower County		Unclassifiable/Attainment.		
Murray County		Unclassifiable/Attainment.		
Nicollet County		Unclassifiable/Attainment.		
Nobles County		Unclassifiable/Attainment.		
Norman County		Unclassifiable/Attainment.		
Olmsted County		Unclassifiable/Attainment.		
Otter Tail County		Unclassifiable/Attainment.		
Pennington County		Unclassifiable/Attainment.		
Pine County		Unclassifiable/Attainment.		
Pipestone County		Unclassifiable/Attainment.		
Polk County		Unclassifiable/Attainment.		
Pope County		Unclassifiable/Attainment.		
Ramsey County		Unclassifiable/Attainment.		
Red Lake County		Unclassifiable/Attainment.		
Redwood County		Unclassifiable/Attainment.		
Renville County		Unclassifiable/Attainment.		
Rice County		Unclassifiable/Attainment.		
Rock County		Unclassifiable/Attainment.		
Roseau County		Unclassifiable/Attainment.		

MINNESOTA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
St. Louis County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Sherburne County	.....	Unclassifiable/Attainment.		
Sibley County	.....	Unclassifiable/Attainment.		
Stearns County	.....	Unclassifiable/Attainment.		
Steele County	.....	Unclassifiable/Attainment.		
Stevens County	.....	Unclassifiable/Attainment.		
Swift County	.....	Unclassifiable/Attainment.		
Todd County	.....	Unclassifiable/Attainment.		
Traverse County	.....	Unclassifiable/Attainment.		
Wabasha County	.....	Unclassifiable/Attainment.		
Wadena County	.....	Unclassifiable/Attainment.		
Waseca County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Watonwan County	.....	Unclassifiable/Attainment.		
Wilkin County	.....	Unclassifiable/Attainment.		
Winona County	.....	Unclassifiable/Attainment.		
Wright County	.....	Unclassifiable/Attainment.		
Yellow Medicine County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 26. Section 81.325 is amended by adding a table entitled ''Mississippi—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Mississippi—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.325 Mississippi.

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MISSISSIPPI—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Adams County	.....	Unclassifiable/Attainment.		
Alcorn County	.....	Unclassifiable/Attainment.		
Amite County	.....	Unclassifiable/Attainment.		
Attala County	.....	Unclassifiable/Attainment.		
Benton County	.....	Unclassifiable/Attainment.		
Bolivar County	.....	Unclassifiable/Attainment.		
Calhoun County	.....	Unclassifiable/Attainment.		
Carroll County	.....	Unclassifiable/Attainment.		
Chickasaw County	.....	Unclassifiable/Attainment.		
Choctaw County	.....	Unclassifiable/Attainment.		
Claiborne County	.....	Unclassifiable/Attainment.		
Clarke County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Coahoma County	.....	Unclassifiable/Attainment.		
Copiah County	.....	Unclassifiable/Attainment.		
Covington County	.....	Unclassifiable/Attainment.		
DeSoto County	.....	Unclassifiable/Attainment.		
Forrest County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
George County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
Grenada County	.....	Unclassifiable/Attainment.		
Hancock County	.....	Unclassifiable/Attainment.		
Harrison County	.....	Unclassifiable/Attainment.		
Hinds County	.....	Unclassifiable/Attainment.		
Holmes County	.....	Unclassifiable/Attainment.		
Humphreys County	.....	Unclassifiable/Attainment.		
Issaquena County	.....	Unclassifiable/Attainment.		
Itawamba County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jasper County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		

MISSISSIPPI—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Jefferson Davis County	.....	Unclassifiable/Attainment.		
Jones County	.....	Unclassifiable/Attainment.		
Kemper County	.....	Unclassifiable/Attainment.		
Lafayette County	.....	Unclassifiable/Attainment.		
Lamar County	.....	Unclassifiable/Attainment.		
Lauderdale County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
Leake County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Leflore County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Lowndes County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Neshoba County	.....	Unclassifiable/Attainment.		
Newton County	.....	Unclassifiable/Attainment.		
Noxubee County	.....	Unclassifiable/Attainment.		
Oktibbeha County	.....	Unclassifiable/Attainment.		
Panola County	.....	Unclassifiable/Attainment.		
Pearl River County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Pontotoc County	.....	Unclassifiable/Attainment.		
Prentiss County	.....	Unclassifiable/Attainment.		
Quitman County	.....	Unclassifiable/Attainment.		
Rankin County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Sharkey County	.....	Unclassifiable/Attainment.		
Simpson County	.....	Unclassifiable/Attainment.		
Smith County	.....	Unclassifiable/Attainment.		
Stone County	.....	Unclassifiable/Attainment.		
Sunflower County	.....	Unclassifiable/Attainment.		
Tallahatchie County	.....	Unclassifiable/Attainment.		
Tate County	.....	Unclassifiable/Attainment.		
Tippah County	.....	Unclassifiable/Attainment.		
Tishomingo County	.....	Unclassifiable/Attainment.		
Tunica County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Walthall County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Webster County	.....	Unclassifiable/Attainment.		
Wilkinson County	.....	Unclassifiable/Attainment.		
Winston County	.....	Unclassifiable/Attainment.		
Yalobusha County	.....	Unclassifiable/Attainment.		
Yazoo County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 27. Section 81.326 is amended by adding a table entitled ''Missouri—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Missouri—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.326 Missouri.

* * * * *

MISSOURI—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
St. Louis Area, MO-IL:				

MISSOURI—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Franklin County	.....	Unclassifiable.		
Jefferson County	.....	Unclassifiable.		
St. Charles County	.....	Unclassifiable.		
St. Louis County	.....	Unclassifiable.		
St. Louis City	.....	Unclassifiable.		
Rest of State:				
Adair County	.....	Unclassifiable/Attainment.		
Andrew County	.....	Unclassifiable/Attainment.		
Atchison County	.....	Unclassifiable/Attainment.		
Audrain County	.....	Unclassifiable/Attainment.		
Barry County	.....	Unclassifiable/Attainment.		
Barton County	.....	Unclassifiable/Attainment.		
Bates County	.....	Unclassifiable/Attainment.		
Benton County	.....	Unclassifiable/Attainment.		
Bollinger County	.....	Unclassifiable/Attainment.		
Boone County	.....	Unclassifiable/Attainment.		
Buchanan County	.....	Unclassifiable/Attainment.		
Butler County	.....	Unclassifiable/Attainment.		
Caldwell County	.....	Unclassifiable/Attainment.		
Callaway County	.....	Unclassifiable/Attainment.		
Camden County	.....	Unclassifiable/Attainment.		
Cape Girardeau County	.....	Unclassifiable/Attainment.		
Carroll County	.....	Unclassifiable/Attainment.		
Carter County	.....	Unclassifiable/Attainment.		
Cass County	.....	Unclassifiable/Attainment.		
Cedar County	.....	Unclassifiable/Attainment.		
Chariton County	.....	Unclassifiable/Attainment.		
Christian County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Clinton County	.....	Unclassifiable/Attainment.		
Cole County	.....	Unclassifiable/Attainment.		
Cooper County	.....	Unclassifiable/Attainment.		
Crawford County	.....	Unclassifiable/Attainment.		
Dade County	.....	Unclassifiable/Attainment.		
Dallas County	.....	Unclassifiable/Attainment.		
Daviess County	.....	Unclassifiable/Attainment.		
DeKalb County	.....	Unclassifiable/Attainment.		
Dent County	.....	Unclassifiable/Attainment.		
Douglas County	.....	Unclassifiable/Attainment.		
Dunklin County	.....	Unclassifiable/Attainment.		
Gasconade County	.....	Unclassifiable/Attainment.		
Gentry County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
Grundy County	.....	Unclassifiable/Attainment.		
Harrison County	.....	Unclassifiable/Attainment.		
Henry County	.....	Unclassifiable/Attainment.		
Hickory County	.....	Unclassifiable/Attainment.		
Holt County	.....	Unclassifiable/Attainment.		
Howard County	.....	Unclassifiable/Attainment.		
Howell County	.....	Unclassifiable/Attainment.		
Iron County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jasper County	.....	Unclassifiable/Attainment.		
Johnson County	.....	Unclassifiable/Attainment.		
Knox County	.....	Unclassifiable/Attainment.		
Laclede County	.....	Unclassifiable/Attainment.		
Lafayette County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
Lewis County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Linn County	.....	Unclassifiable/Attainment.		
Livingston County	.....	Unclassifiable/Attainment.		
McDonald County	.....	Unclassifiable/Attainment.		
Macon County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Maries County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Mercer County	.....	Unclassifiable/Attainment.		

MISSOURI—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Miller County	.....	Unclassifiable/Attainment.		
Mississippi County	.....	Unclassifiable/Attainment.		
Moniteau County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
New Madrid County	.....	Unclassifiable/Attainment.		
Newton County	.....	Unclassifiable/Attainment.		
Nodaway County	.....	Unclassifiable/Attainment.		
Oregon County	.....	Unclassifiable/Attainment.		
Osage County	.....	Unclassifiable/Attainment.		
Ozark County	.....	Unclassifiable/Attainment.		
Pemiscot County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pettis County	.....	Unclassifiable/Attainment.		
Phelps County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Platte County	.....	Unclassifiable/Attainment.		
Polk County	.....	Unclassifiable/Attainment.		
Pulaski County	.....	Unclassifiable/Attainment.		
Putnam County	.....	Unclassifiable/Attainment.		
Ralls County	.....	Unclassifiable/Attainment.		
Randolph County	.....	Unclassifiable/Attainment.		
Ray County	.....	Unclassifiable/Attainment.		
Reynolds County	.....	Unclassifiable/Attainment.		
Ripley County	.....	Unclassifiable/Attainment.		
St Clair County	.....	Unclassifiable/Attainment.		
St Genevieve County	.....	Unclassifiable/Attainment.		
St Francois County	.....	Unclassifiable/Attainment.		
Saline County	.....	Unclassifiable/Attainment.		
Schuyler County	.....	Unclassifiable/Attainment.		
Scotland County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Shannon County	.....	Unclassifiable/Attainment.		
Shelby County	.....	Unclassifiable/Attainment.		
Stoddard County	.....	Unclassifiable/Attainment.		
Stone County	.....	Unclassifiable/Attainment.		
Sullivan County	.....	Unclassifiable/Attainment.		
Taney County	.....	Unclassifiable/Attainment.		
Texas County	.....	Unclassifiable/Attainment.		
Vernon County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Webster County	.....	Unclassifiable/Attainment.		
Worth County	.....	Unclassifiable/Attainment.		
Wright County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 28. Section 81.327 is amended by adding a table entitled ''Montana—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Montana—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.327 Montana.

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MONTANA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Beaverhead County	.....	Unclassifiable/Attainment.		
Big Horn County	.....	Unclassifiable/Attainment.		
Blaine County	.....	Unclassifiable/Attainment.		

MONTANA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Broadwater County	.....	Unclassifiable/Attainment.		
Carbon County	.....	Unclassifiable/Attainment.		
Carter County	.....	Unclassifiable/Attainment.		
Cascade County	.....	Unclassifiable/Attainment.		
Chouteau County	.....	Unclassifiable/Attainment.		
Custer County	.....	Unclassifiable/Attainment.		
Daniels County	.....	Unclassifiable/Attainment.		
Dawson County	.....	Unclassifiable/Attainment.		
Deer Lodge County	.....	Unclassifiable/Attainment.		
Fallon County	.....	Unclassifiable/Attainment.		
Fergus County	.....	Unclassifiable/Attainment.		
Flathead County	.....	Unclassifiable/Attainment.		
Gallatin County	.....	Unclassifiable/Attainment.		
Garfield County	.....	Unclassifiable/Attainment.		
Glacier County	.....	Unclassifiable/Attainment.		
Golden Valley County	.....	Unclassifiable/Attainment.		
Granite County	.....	Unclassifiable/Attainment.		
Hill County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Judith Basin County	.....	Unclassifiable/Attainment.		
Lake County	.....	Unclassifiable/Attainment.		
Lewis and Clark County	.....	Unclassifiable/Attainment.		
Liberty County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
McCone County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Meagher County	.....	Unclassifiable/Attainment.		
Mineral County	.....	Unclassifiable/Attainment.		
Missoula County	.....	Unclassifiable/Attainment.		
Musselshell County	.....	Unclassifiable/Attainment.		
Park County	.....	Unclassifiable/Attainment.		
Petroleum County	.....	Unclassifiable/Attainment.		
Phillips County	.....	Unclassifiable/Attainment.		
Pondera County	.....	Unclassifiable/Attainment.		
Powder River County	.....	Unclassifiable/Attainment.		
Powell County	.....	Unclassifiable/Attainment.		
Prairie County	.....	Unclassifiable/Attainment.		
Ravalli County	.....	Unclassifiable/Attainment.		
Richland County	.....	Unclassifiable/Attainment.		
Roosevelt County	.....	Unclassifiable/Attainment.		
Rosebud County	.....	Unclassifiable/Attainment.		
Sanders County	.....	Unclassifiable/Attainment.		
Sheridan County	.....	Unclassifiable/Attainment.		
Silver Bow County	.....	Unclassifiable/Attainment.		
Stillwater County	.....	Unclassifiable/Attainment.		
Sweet Grass County	.....	Unclassifiable/Attainment.		
Teton County	.....	Unclassifiable/Attainment.		
Toole County	.....	Unclassifiable/Attainment.		
Treasure County	.....	Unclassifiable/Attainment.		
Valley County	.....	Unclassifiable/Attainment.		
Wheatland County	.....	Unclassifiable/Attainment.		
Wibaux County	.....	Unclassifiable/Attainment.		
Yellowstone County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 29. Section 81.328 is amended by adding a table entitled ''Nebraska—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Nebraska—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.328 Nebraska.

* * * * *

NEBRASKA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Adams County		Unclassifiable/Attainment.		
Antelope County		Unclassifiable/Attainment.		
Arthur County		Unclassifiable/Attainment.		
Banner County		Unclassifiable/Attainment.		
Blaine County		Unclassifiable/Attainment.		
Boone County		Unclassifiable/Attainment.		
Box Butte County		Unclassifiable/Attainment.		
Boyd County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Buffalo County		Unclassifiable/Attainment.		
Burt County		Unclassifiable/Attainment.		
Butler County		Unclassifiable/Attainment.		
Cass County		Unclassifiable/Attainment.		
Cedar County		Unclassifiable/Attainment.		
Chase County		Unclassifiable/Attainment.		
Cherry County		Unclassifiable/Attainment.		
Cheyenne County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Colfax County		Unclassifiable/Attainment.		
Cuming County		Unclassifiable/Attainment.		
Custer County		Unclassifiable/Attainment.		
Dakota County		Unclassifiable/Attainment.		
Dawes County		Unclassifiable/Attainment.		
Dawson County		Unclassifiable/Attainment.		
Deuel County		Unclassifiable/Attainment.		
Dixon County		Unclassifiable/Attainment.		
Dodge County		Unclassifiable/Attainment.		
Douglas County		Unclassifiable/Attainment.		
Dundy County		Unclassifiable/Attainment.		
Fillmore County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Frontier County		Unclassifiable/Attainment.		
Furnas County		Unclassifiable/Attainment.		
Gage County		Unclassifiable/Attainment.		
Garden County		Unclassifiable/Attainment.		
Garfield County		Unclassifiable/Attainment.		
Gosper County		Unclassifiable/Attainment.		
Grant County		Unclassifiable/Attainment.		
Greeley County		Unclassifiable/Attainment.		
Hall County		Unclassifiable/Attainment.		
Hamilton County		Unclassifiable/Attainment.		
Harlan County		Unclassifiable/Attainment.		
Hayes County		Unclassifiable/Attainment.		
Hitchcock County		Unclassifiable/Attainment.		
Holt County		Unclassifiable/Attainment.		
Hooker County		Unclassifiable/Attainment.		
Howard County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Johnson County		Unclassifiable/Attainment.		
Kearney County		Unclassifiable/Attainment.		
Keith County		Unclassifiable/Attainment.		
Keya Paha County		Unclassifiable/Attainment.		
Kimball County		Unclassifiable/Attainment.		
Knox County		Unclassifiable/Attainment.		
Lancaster County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Logan County		Unclassifiable/Attainment.		
Loup County		Unclassifiable/Attainment.		
McPherson County		Unclassifiable/Attainment.		
Madison County		Unclassifiable/Attainment.		
Merrick County		Unclassifiable/Attainment.		
Morrill County		Unclassifiable/Attainment.		
Nance County		Unclassifiable/Attainment.		
Nemaha County		Unclassifiable/Attainment.		
Nuckolls County		Unclassifiable/Attainment.		
Otoe County		Unclassifiable/Attainment.		
Pawnee County		Unclassifiable/Attainment.		
Perkins County		Unclassifiable/Attainment.		

NEBRASKA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Phelps County		Unclassifiable/Attainment.		
Pierce County		Unclassifiable/Attainment.		
Platte County		Unclassifiable/Attainment.		
Polk County		Unclassifiable/Attainment.		
Red Willow County		Unclassifiable/Attainment.		
Richardson County		Unclassifiable/Attainment.		
Rock County		Unclassifiable/Attainment.		
Saline County		Unclassifiable/Attainment.		
Sarpy County		Unclassifiable/Attainment.		
Saunders County		Unclassifiable/Attainment.		
Scotts Bluff County		Unclassifiable/Attainment.		
Seward County		Unclassifiable/Attainment.		
Sheridan County		Unclassifiable/Attainment.		
Sherman County		Unclassifiable/Attainment.		
Sioux County		Unclassifiable/Attainment.		
Stanton County		Unclassifiable/Attainment.		
Thayer County		Unclassifiable/Attainment.		
Thomas County		Unclassifiable/Attainment.		
Thurston County		Unclassifiable/Attainment.		
Valley County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
Wayne County		Unclassifiable/Attainment.		
Webster County		Unclassifiable/Attainment.		
Wheeler County		Unclassifiable/Attainment.		
York County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 30. Section 81.329 is amended by adding a table entitled ''Nevada—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Nevada—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.329 Nevada.

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NEVADA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide [3]		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.
[3] Statewide refers to hydrographic areas as shown on the State of Nevada Division of Water Resources' map titled ''Water Resources and Inter-basin Flows'' (September 1971), as revised to include a division of Carson Desert (area 101) into two areas, a smaller area 101 and area 101A, and a division of Boulder Flat (area 61) into an Upper Unit 61 and a Lower Unit 61. See also 67 FR 12474 (March 19, 2002).

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■ 31. Section 81.330 is amended by adding a table entitled ''New Hampshire—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''New Hampshire—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.330 New Hampshire.

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NEW HAMPSHIRE—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Belknap County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Cheshire County		Unclassifiable/Attainment.		
Coos County		Unclassifiable/Attainment.		

NEW HAMPSHIRE—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Grafton County		Unclassifiable/Attainment.		
Hillsborough County		Unclassifiable/Attainment.		
Merrimack County		Unclassifiable/Attainment.		
Rockingham County		Unclassifiable/Attainment.		
Strafford County		Unclassifiable/Attainment.		
Sullivan County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 32. Section 81.331 is amended by adding a table entitled ''New Jersey—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''New Jersey—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.331 New Jersey.

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NEW JERSEY—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
New York-N. New Jersey-Long Island, NY-NJ-CT:				
Bergen County		Unclassifiable/Attainment.		
Essex County		Unclassifiable/Attainment.		
Hudson County		Unclassifiable/Attainment.		
Mercer County		Unclassifiable/Attainment.		
Middlesex County		Unclassifiable/Attainment.		
Monmouth County		Unclassifiable/Attainment.		
Morris County		Unclassifiable/Attainment.		
Passaic County		Unclassifiable/Attainment.		
Somerset County		Unclassifiable/Attainment.		
Union County		Unclassifiable/Attainment.		
Philadelphia-Wilmington, PA-NJ-DE:				
Burlington County		Unclassifiable/Attainment.		
Camden County		Unclassifiable/Attainment.		
Gloucester County		Unclassifiable/Attainment.		
New York-N. New Jersey-Long Island, NY-NJ-CT:				
Hunterdon County		Unclassifiable/Attainment.		
Sussex County		Unclassifiable/Attainment.		
Warren County		Unclassifiable/Attainment.		
Atlantic City, NJ:				
Atlantic County		Unclassifiable/Attainment.		
Cape May County		Unclassifiable/Attainment.		
Cumberland County		Unclassifiable/Attainment.		
Ocean County		Unclassifiable/Attainment.		
Salem County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 33. Section 81.332 is amended by adding a table entitled ''New Mexico—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''New Mexico—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.332 New Mexico.

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NEW MEXICO—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 012 New Mexico-Southern Border Intrastate:				
Grant County		Unclassifiable/Attainment.		
Hidalgo County		Unclassifiable/Attainment.		

NEW MEXICO—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Luna County	.....	Unclassifiable/Attainment.		
AQCR 014 Four Corners Interstate (see 40 CFR 81.121):				
McKinley County (part)	.....	Unclassifiable/Attainment.		
Río Arriba County (part)	.....	Unclassifiable/Attainment.		
Sandoval County (part)	.....	Unclassifiable/Attainment.		
San Juan County	.....	Unclassifiable/Attainment.		
Valencia County (part)	.....	Unclassifiable/Attainment.		
AQCR 152 Albuquerque-Mid Rio Grande Intrastate:				
Bernalillo County	.....	Unclassifiable/Attainment.		
Sandoval County (part) see 40 CFR 81.83	.....	Unclassifiable/Attainment.		
Valencia County (part) see 40 CFR 81.83	.....	Unclassifiable/Attainment.		
AQCR 153 El Paso-Las Cruces-Alamogordo:				
Doña Ana County (part)	.....	Unclassifiable/Attainment.		
(Sunland Park Area) The area bounded by the New Mexico-Texas State line on the east, New Mexico-Mexico international line on the south, the range 3E-Range 2E line on the west, and the N3200 latitude line on the north..				
Doña Ana County (remainder)	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Otero County	.....	Unclassifiable/Attainment.		
Sierra County	.....	Unclassifiable/Attainment.		
AQCR 154 Northeastern Plains Intrastate:				
Colfax County	.....	Unclassifiable/Attainment.		
Guadalupe County	.....	Unclassifiable/Attainment.		
Harding County	.....	Unclassifiable/Attainment.		
Mora County	.....	Unclassifiable/Attainment.		
San Miguel County	.....	Unclassifiable/Attainment.		
Torrance County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
AQCR 155 Pecos-Permian Basin Intrastate:				
Chaves County	.....	Unclassifiable/Attainment.		
Curry County	.....	Unclassifiable/Attainment.		
De Baca County	.....	Unclassifiable/Attainment.		
Eddy County	.....	Unclassifiable/Attainment.		
Lea County	.....	Unclassifiable/Attainment.		
Quay County	.....	Unclassifiable/Attainment.		
Roosevelt County	.....	Unclassifiable/Attainment.		
AQCR 156 SW Mountains-Augustine Plains:				
Catron County	.....	Unclassifiable/Attainment.		
Cibola County	.....	Unclassifiable/Attainment.		
McKinley County (part) see 40 CFR 81.241	.....	Unclassifiable/Attainment.		
Socorro County	.....	Unclassifiable/Attainment.		
Valencia County (part) see 40 CFR 81.241	.....	Unclassifiable/Attainment.		
AQCR 157 Upper Rio Grande Valley Intrastate:				
Los Alamos County	.....	Unclassifiable/Attainment.		
Río Arriba County (part) see 40 CFR 81.239	.....	Unclassifiable/Attainment.		
Santa Fe County	.....	Unclassifiable/Attainment.		
Taos County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 34. Section 81.333 is amended by adding a table entitled ''New York—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''New York—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.333 New York.

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NEW YORK—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Albany-Schenectady-Troy, NY:				
Albany County	.....	Unclassifiable/Attainment.		

NEW YORK—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Greene County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Rensselaer County	.....	Unclassifiable/Attainment.		
Saratoga County	.....	Unclassifiable/Attainment.		
Schenectady County	.....	Unclassifiable/Attainment.		
Schoharie County	.....	Unclassifiable/Attainment.		
Buffalo-Niagara Falls, NY:				
Erie County	.....	Unclassifiable/Attainment.		
Niagara County	.....	Unclassifiable/Attainment.		
Essex County, NY:				
Essex County	.....	Unclassifiable/Attainment.		
Jamestown, NY:				
Chautauqua County	.....	Unclassifiable/Attainment.		
Jefferson County, NY:				
Jefferson County	.....	Unclassifiable/Attainment.		
New York-N. New Jersey-Long Island, NY-NJ-CT:				
Bronx County	.....	Unclassifiable/Attainment.		
Kings County	.....	Unclassifiable/Attainment.		
Nassau County	.....	Unclassifiable/Attainment.		
New York County	.....	Unclassifiable/Attainment.		
Orange County	.....	Unclassifiable/Attainment.		
Queens County	.....	Unclassifiable/Attainment.		
Richmond County	.....	Unclassifiable/Attainment.		
Rockland County	.....	Unclassifiable/Attainment.		
Suffolk County	.....	Unclassifiable/Attainment.		
Westchester County	.....	Unclassifiable/Attainment.		
Poughkeepsie, NY:				
Dutchess County	.....	Unclassifiable/Attainment.		
Putnam County	.....	Unclassifiable/Attainment.		
Rochester, NY:				
Genesee County	.....	Unclassifiable/Attainment.		
Livingston County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Ontario County	.....	Unclassifiable/Attainment.		
Orleans County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Syracuse, NY:				
Cayuga County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Onondaga County	.....	Unclassifiable/Attainment.		
Oswego County	.....	Unclassifiable/Attainment.		
AQCR 158 Central New York Intrastate (remainder of):				
Cortland County	.....	Unclassifiable/Attainment.		
Herkimer County	.....	Unclassifiable/Attainment.		
Lewis County	.....	Unclassifiable/Attainment.		
Oneida County	.....	Unclassifiable/Attainment.		
AQCR 159 Champlain Valley Interstate (remainder of):				
Clinton County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Hamilton County	.....	Unclassifiable/Attainment.		
St. Lawrence County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
AQCR 160 Finger Lake Intrastate:				
Seneca County	.....	Unclassifiable/Attainment.		
Wyoming County	.....	Unclassifiable/Attainment.		
Yates County	.....	Unclassifiable/Attainment.		
AQCR 161 Hudson Valley Intrastate (remainder of):				
Columbia County	.....	Unclassifiable/Attainment.		
Fulton County	.....	Unclassifiable/Attainment.		
Ulster County	.....	Unclassifiable/Attainment.		
AQCR 163 Southern Tier East Intrastate:				
Broome County	.....	Unclassifiable/Attainment.		
Chenango County	.....	Unclassifiable/Attainment.		
Delaware County	.....	Unclassifiable/Attainment.		
Otsego County	.....	Unclassifiable/Attainment.		
Sullivan County	.....	Unclassifiable/Attainment.		
Tioga County	.....	Unclassifiable/Attainment.		
AQCR 164 Southern Tier West Intrastate:				

NEW YORK—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Allegany County	.....	Unclassifiable/Attainment.		
Cattaraugus County	.....	Unclassifiable/Attainment.		
Chemung County	.....	Unclassifiable/Attainment.		
Schuyler County	.....	Unclassifiable/Attainment.		
Steuben County	.....	Unclassifiable/Attainment.		
Tompkins County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 35. Section 81.334 is amended by adding a table entitled ''North Carolina—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''North Carolina—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.334 North Carolina.

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NORTH CAROLINA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Alamance County	.....	Unclassifiable/Attainment.		
Alexander County	.....	Unclassifiable/Attainment.		
Alleghany County	.....	Unclassifiable/Attainment.		
Anson County	.....	Unclassifiable/Attainment.		
Ashe County	.....	Unclassifiable/Attainment.		
Avery County	.....	Unclassifiable/Attainment.		
Beaufort County	.....	Unclassifiable/Attainment.		
Bertie County	.....	Unclassifiable/Attainment.		
Bladen County	.....	Unclassifiable/Attainment.		
Brunswick County	.....	Unclassifiable/Attainment.		
Buncombe County	.....	Unclassifiable/Attainment.		
Burke County	.....	Unclassifiable/Attainment.		
Cabarrus County	.....	Unclassifiable/Attainment.		
Caldwell County	.....	Unclassifiable/Attainment.		
Camden County	.....	Unclassifiable/Attainment.		
Carteret County	.....	Unclassifiable/Attainment.		
Caswell County	.....	Unclassifiable/Attainment.		
Catawba County	.....	Unclassifiable/Attainment.		
Chatham County	.....	Unclassifiable/Attainment.		
Cherokee County	.....	Unclassifiable/Attainment.		
Chowan County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Cleveland County	.....	Unclassifiable/Attainment.		
Columbus County	.....	Unclassifiable/Attainment.		
Craven County	.....	Unclassifiable/Attainment.		
Cumberland County	.....	Unclassifiable/Attainment.		
Currituck County	.....	Unclassifiable/Attainment.		
Dare County	.....	Unclassifiable/Attainment.		
Davidson County	.....	Unclassifiable/Attainment.		
Davie County	.....	Unclassifiable/Attainment.		
Duplin County	.....	Unclassifiable/Attainment.		
Durham County	.....	Unclassifiable/Attainment.		
Edgecombe County	.....	Unclassifiable/Attainment.		
Forsyth County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Gaston County	.....	Unclassifiable/Attainment.		
Gates County	.....	Unclassifiable/Attainment.		
Graham County	.....	Unclassifiable/Attainment.		
Granville County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
Guilford County	.....	Unclassifiable/Attainment.		
Halifax County	.....	Unclassifiable/Attainment.		
Harnett County	.....	Unclassifiable/Attainment.		
Haywood County	.....	Unclassifiable/Attainment.		
Henderson County	.....	Unclassifiable/Attainment.		

NORTH CAROLINA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Hertford County	.....	Unclassifiable/Attainment.		
Hoke County	.....	Unclassifiable/Attainment.		
Hyde County	.....	Unclassifiable/Attainment.		
Iredell County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Johnston County	.....	Unclassifiable/Attainment.		
Jones County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Lenoir County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
McDowell County	.....	Unclassifiable/Attainment.		
Macon County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Martin County	.....	Unclassifiable/Attainment.		
Mecklenburg County	.....	Unclassifiable/Attainment.		
Mitchell County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Moore County	.....	Unclassifiable/Attainment.		
Nash County	.....	Unclassifiable/Attainment.		
New Hanover County	.....	Unclassifiable/Attainment.		
Northampton County	.....	Unclassifiable/Attainment.		
Onslow County	.....	Unclassifiable/Attainment.		
Orange County	.....	Unclassifiable/Attainment.		
Pamlico County	.....	Unclassifiable/Attainment.		
Pasquotank County	.....	Unclassifiable/Attainment.		
Pender County	.....	Unclassifiable/Attainment.		
Perquimans County	.....	Unclassifiable/Attainment.		
Person County	.....	Unclassifiable/Attainment.		
Pitt County	.....	Unclassifiable/Attainment.		
Polk County	.....	Unclassifiable/Attainment.		
Randolph County	.....	Unclassifiable/Attainment.		
Richmond County	.....	Unclassifiable/Attainment.		
Robeson County	.....	Unclassifiable/Attainment.		
Rockingham County	.....	Unclassifiable/Attainment.		
Rowan County	.....	Unclassifiable/Attainment.		
Rutherford County	.....	Unclassifiable/Attainment.		
Sampson County	.....	Unclassifiable/Attainment.		
Scotland County	.....	Unclassifiable/Attainment.		
Stanly County	.....	Unclassifiable/Attainment.		
Stokes County	.....	Unclassifiable/Attainment.		
Surry County	.....	Unclassifiable/Attainment.		
Swain County	.....	Unclassifiable/Attainment.		
Transylvania County	.....	Unclassifiable/Attainment.		
Tyrrell County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Vance County	.....	Unclassifiable/Attainment.		
Wake County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Watauga County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Wilkes County	.....	Unclassifiable/Attainment.		
Wilson County	.....	Unclassifiable/Attainment.		
Yadkin County	.....	Unclassifiable/Attainment.		
Yancey County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 36. Section 81.335 is amended by adding a table entitled ''North Dakota—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''North Dakota—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.335 North Dakota.

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NORTH DAKOTA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 130 Metropolitan Fargo-Moorhead Interstate:				
Cass County		Unclassifiable/Attainment.		
Rest of State, AQCR 172:				
Adams County		Unclassifiable/Attainment.		
Barnes County		Unclassifiable/Attainment.		
Benson County		Unclassifiable/Attainment.		
Billings County		Unclassifiable/Attainment.		
Bottineau County		Unclassifiable/Attainment.		
Bowman County		Unclassifiable/Attainment.		
Burke County		Unclassifiable/Attainment.		
Burleigh County		Unclassifiable/Attainment.		
Cavalier County		Unclassifiable/Attainment.		
Dickey County		Unclassifiable/Attainment.		
Divide County		Unclassifiable/Attainment.		
Dunn County		Unclassifiable/Attainment.		
Eddy County		Unclassifiable/Attainment.		
Emmons County		Unclassifiable/Attainment.		
Foster County		Unclassifiable/Attainment.		
Golden Valley County		Unclassifiable/Attainment.		
Grand Forks County		Unclassifiable/Attainment.		
Grant County		Unclassifiable/Attainment.		
Griggs County		Unclassifiable/Attainment.		
Hettinger County		Unclassifiable/Attainment.		
Kidder County		Unclassifiable/Attainment.		
LaMoure County		Unclassifiable/Attainment.		
Logan County		Unclassifiable/Attainment.		
McHenry County		Unclassifiable/Attainment.		
McIntosh County		Unclassifiable/Attainment.		
McKenzie County		Unclassifiable/Attainment.		
McLean County		Unclassifiable/Attainment.		
Mercer County		Unclassifiable/Attainment.		
Morton County		Unclassifiable/Attainment.		
Mountrail County		Unclassifiable/Attainment.		
Nelson County		Unclassifiable/Attainment.		
Oliver County		Unclassifiable/Attainment.		
Pembina County		Unclassifiable/Attainment.		
Pierce County		Unclassifiable/Attainment.		
Ramsey County		Unclassifiable/Attainment.		
Ransom County		Unclassifiable/Attainment.		
Renville County		Unclassifiable/Attainment.		
Richland County		Unclassifiable/Attainment.		
Rolette County		Unclassifiable/Attainment.		
Sargent County		Unclassifiable/Attainment.		
Sheridan County		Unclassifiable/Attainment.		
Sioux County		Unclassifiable/Attainment.		
Slope County		Unclassifiable/Attainment.		
Stark County		Unclassifiable/Attainment.		
Steele County		Unclassifiable/Attainment.		
Stutsman County		Unclassifiable/Attainment.		
Towner County		Unclassifiable/Attainment.		
Traill County		Unclassifiable/Attainment.		
Walsh County		Unclassifiable/Attainment.		
Ward County		Unclassifiable/Attainment.		
Wells County		Unclassifiable/Attainment.		
Williams County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 37. Section 81.336 is amended by adding a table entitled ''Ohio—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Ohio—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.336 Ohio.

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OHIO—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Canton-Massillon, OH:				
Stark County		Nonattainment		Moderate.
Summit County		Nonattainment		Moderate.
Wayne County (part)		Nonattainment		Moderate.
Baughman Township, Chippewa Township, Green Township, Milton Township, and Norton City.				
Cincinnati-Hamilton, OH:				
Butler County		Nonattainment		Moderate.
Clermont County		Nonattainment		Moderate.
Hamilton County		Nonattainment		Moderate.
Warren County (part)		Nonattainment		Moderate.
Clearcreek Township, Deerfield Township, Franklin Township, Hamilton Township, Turtlecreek Township, Union Township, Lebanon City, Loveland City, and Mason City.				
Cleveland, OH:				
Cuyahoga County		Nonattainment		Moderate.
Lorain County		Nonattainment		Moderate.
Rest of State:				
Adams County		Unclassifiable/Attainment.		
Allen County		Unclassifiable/Attainment.		
Ashland County		Unclassifiable/Attainment.		
Ashtabula County		Unclassifiable/Attainment.		
Athens County		Unclassifiable/Attainment.		
Auglaize County		Unclassifiable/Attainment.		
Belmont County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Carroll County		Unclassifiable/Attainment.		
Champaign County		Unclassifiable/Attainment.		
Clark County		Unclassifiable/Attainment.		
Clinton County		Unclassifiable/Attainment.		
Columbiana County		Unclassifiable/Attainment.		
Coshocton County		Unclassifiable/Attainment.		
Crawford County		Unclassifiable/Attainment.		
Darke County		Unclassifiable/Attainment.		
Defiance County		Unclassifiable/Attainment.		
Delaware County		Unclassifiable/Attainment.		
Erie County		Unclassifiable/Attainment.		
Fairfield County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Fulton County		Unclassifiable/Attainment.		
Gallia County		Unclassifiable/Attainment.		
Geauga County		Unclassifiable/Attainment.		
Greene County		Unclassifiable/Attainment.		
Guernsey County		Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		
Hardin County		Unclassifiable/Attainment.		
Harrison County		Unclassifiable/Attainment.		
Henry County		Unclassifiable/Attainment.		
Highland County		Unclassifiable/Attainment.		
Hocking County		Unclassifiable/Attainment.		
Holmes County		Unclassifiable/Attainment.		
Huron County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Knox County		Unclassifiable/Attainment.		
Lake County		Unclassifiable/Attainment.		
Lawrence County		Unclassifiable/Attainment.		
Licking County		Unclassifiable/Attainment.		
Logan County		Unclassifiable/Attainment.		
Lucas County		Unclassifiable/Attainment.		
Madison County		Unclassifiable/Attainment.		
Mahoning County		Unclassifiable/Attainment.		
Marion County		Unclassifiable/Attainment.		
Medina County		Unclassifiable/Attainment.		
Meigs County		Unclassifiable/Attainment.		
Mercer County		Unclassifiable/Attainment.		
Miami County		Unclassifiable/Attainment.		

OHIO—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Monroe County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
Morrow County	.....	Unclassifiable/Attainment.		
Muskingum County	.....	Unclassifiable/Attainment.		
Noble County	.....	Unclassifiable/Attainment.		
Ottawa County	.....	Unclassifiable/Attainment.		
Paulding County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		
Pickaway County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Portage County	.....	Unclassifiable/Attainment.		
Preble County	.....	Unclassifiable/Attainment.		
Putnam County	.....	Unclassifiable/Attainment.		
Richland County	.....	Unclassifiable/Attainment.		
Ross County	.....	Unclassifiable/Attainment.		
Sandusky County	.....	Unclassifiable/Attainment.		
Scioto County	.....	Unclassifiable/Attainment.		
Seneca County	.....	Unclassifiable/Attainment.		
Shelby County	.....	Unclassifiable/Attainment.		
Trumbull County	.....	Unclassifiable/Attainment.		
Tuscarawas County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Van Wert County	.....	Unclassifiable/Attainment.		
Vinton County	.....	Unclassifiable/Attainment.		
Warren County (remainder)	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wayne County (remainder)	.....	Unclassifiable/Attainment.		
Williams County	.....	Unclassifiable/Attainment.		
Wood County	.....	Unclassifiable/Attainment.		
Wyandot County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 38. Section 81.337 is amended by adding a table entitled ''Oklahoma—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Oklahoma—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.337 Oklahoma.

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OKLAHOMA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 017 Metropolitan Fort Smith Interstate:				
Adair County	.....	Unclassifiable/Attainment.		
Cherokee County	.....	Unclassifiable/Attainment.		
Le Flore County	.....	Unclassifiable/Attainment.		
Sequoyah County	.....	Unclassifiable/Attainment.		
AQCR 022 Shreveport-Texarkana-Tyler Intrastate:				
McCurtain County	.....	Unclassifiable/Attainment.		
AQCR 184 Central Oklahoma Intrastate:				
Canadian County	.....	Unclassifiable/Attainment.		
Cleveland County	.....	Unclassifiable/Attainment.		
Grady County	.....	Unclassifiable/Attainment.		
Kingfisher County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Logan County	.....	Unclassifiable/Attainment.		
McClain County	.....	Unclassifiable/Attainment.		
Oklahoma County	.....	Unclassifiable/Attainment.		
Pottawatomie County	.....	Unclassifiable/Attainment.		
AQCR 185 North Central Oklahoma Intrastate:				
Garfield County	.....	Unclassifiable/Attainment.		
Grant County	.....	Unclassifiable/Attainment.		

OKLAHOMA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Kay County	.....	Unclassifiable/Attainment.		
Noble County	.....	Unclassifiable/Attainment.		
Payne County	.....	Unclassifiable/Attainment.		
AQCR 186 Northeastern Oklahoma Intrastate:				
Craig County	.....	Unclassifiable/Attainment.		
Creek County	.....	Unclassifiable/Attainment.		
Delaware County	.....	Unclassifiable/Attainment.		
Mayes County	.....	Unclassifiable/Attainment.		
Muskogee County	.....	Unclassifiable/Attainment.		
Nowata County	.....	Unclassifiable/Attainment.		
Okmulgee County	.....	Unclassifiable/Attainment.		
Osage County	.....	Unclassifiable/Attainment.		
Ottawa County	.....	Unclassifiable/Attainment.		
Pawnee County	.....	Unclassifiable/Attainment.		
Rogers County	.....	Unclassifiable/Attainment.		
Tulsa County	.....	Unclassifiable/Attainment.		
Wagoner County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
AQCR 187 Northwestern Oklahoma Intrastate:				
Alfalfa County	.....	Unclassifiable/Attainment.		
Beaver County	.....	Unclassifiable/Attainment.		
Blaine County	.....	Unclassifiable/Attainment.		
Cimarron County	.....	Unclassifiable/Attainment.		
Custer County	.....	Unclassifiable/Attainment.		
Dewey County	.....	Unclassifiable/Attainment.		
Ellis County	.....	Unclassifiable/Attainment.		
Harper County	.....	Unclassifiable/Attainment.		
Major County	.....	Unclassifiable/Attainment.		
Roger Mills County	.....	Unclassifiable/Attainment.		
Texas County	.....	Unclassifiable/Attainment.		
Woods County	.....	Unclassifiable/Attainment.		
Woodward County	.....	Unclassifiable/Attainment.		
AQCR 188 Southeastern Oklahoma Intrastate:				
Atoka County	.....	Unclassifiable/Attainment.		
Bryan County	.....	Unclassifiable/Attainment.		
Carter County	.....	Unclassifiable/Attainment.		
Choctaw County	.....	Unclassifiable/Attainment.		
Coal County	.....	Unclassifiable/Attainment.		
Garvin County	.....	Unclassifiable/Attainment.		
Haskell County	.....	Unclassifiable/Attainment.		
Hughes County	.....	Unclassifiable/Attainment.		
Johnston County	.....	Unclassifiable/Attainment.		
Latimer County	.....	Unclassifiable/Attainment.		
Love County	.....	Unclassifiable/Attainment.		
McIntosh County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Murray County	.....	Unclassifiable/Attainment.		
Okfuskee County	.....	Unclassifiable/Attainment.		
Pittsburg County	.....	Unclassifiable/Attainment.		
Pontotoc County	.....	Unclassifiable/Attainment.		
Pushmataha County	.....	Unclassifiable/Attainment.		
Seminole County	.....	Unclassifiable/Attainment.		
AQCR 189 Southwestern Oklahoma Intrastate:				
Beckham County	.....	Unclassifiable/Attainment.		
Caddo County	.....	Unclassifiable/Attainment.		
Comanche County	.....	Unclassifiable/Attainment.		
Cotton County	.....	Unclassifiable/Attainment.		
Greer County	.....	Unclassifiable/Attainment.		
Harmon County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Kiowa County	.....	Unclassifiable/Attainment.		
Stephens County	.....	Unclassifiable/Attainment.		
Tillman County	.....	Unclassifiable/Attainment.		
Washita County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 39. Section 81.338 is amended by adding a table entitled ''Oregon—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Oregon—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.338 Oregon.

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OREGON—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 190 Central Oregon Intrastate				
Crook County		Unclassifiable/Attainment.		
Deschutes County		Unclassifiable/Attainment.		
Hood River County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Klamath County		Unclassifiable/Attainment.		
Lake County		Unclassifiable/Attainment.		
Sherman County		Unclassifiable/Attainment.		
Wasco County		Unclassifiable/Attainment.		
AQCR 191 Eastern Oregon Intrastate				
Baker County		Unclassifiable/Attainment.		
Gilliam County		Unclassifiable/Attainment.		
Grant County		Unclassifiable/Attainment.		
Harney County		Unclassifiable/Attainment.		
Malheur County		Unclassifiable/Attainment.		
Morrow County		Unclassifiable/Attainment.		
Umatilla County		Unclassifiable/Attainment.		
Union County		Unclassifiable/Attainment.		
Wallowa County		Unclassifiable/Attainment.		
Wheeler County		Unclassifiable/Attainment.		
AQCR 192 Northwest Oregon Intrastate				
Clatsop County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Tillamook County		Unclassifiable/Attainment.		
AQCR 193 Portland Interstate (Oregon Portion)				
Benton County		Unclassifiable/Attainment.		
Clackamas County		Unclassifiable/Attainment.		
Columbia County		Unclassifiable/Attainment.		
Lane County		Unclassifiable/Attainment.		
Linn County		Unclassifiable/Attainment.		
Marion County		Unclassifiable/Attainment.		
Multnomah County		Unclassifiable/Attainment.		
Polk County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
Yamhill County		Unclassifiable/Attainment.		
AQCR 194 Southwest Oregon Intrastate				
Coos County		Unclassifiable/Attainment.		
Curry County		Unclassifiable/Attainment.		
Douglas County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Josephine County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 40. Section 81.339 is amended by adding a table entitled ''Pennsylvania—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Pennsylvania—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.339 Pennsylvania.

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PENNSYLVANIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area[1]	Designation		Classification	
	Date[2]	Type	Date[2]	Type
Allegheny County, PA:				
Allegheny County		Nonattainment		Moderate.
Allentown, PA:				
Lehigh County		Nonattainment		Moderate.
Northampton County		Nonattainment		Moderate.

PENNSYLVANIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area[1]	Designation		Classification	
	Date[2]	Type	Date[2]	Type
Delaware County, PA:				
Delaware County	.....	Nonattainment	.....	Moderate.
Johnstown, PA:				
Cambria County	.....	Nonattainment	.....	Moderate.
Indiana County (part)	.....	Nonattainment	.....	Moderate.
Townships of West Wheatfield, Center, East Wheatfield, and Armagh Borough and Homer City Borough.				
Lebanon County, PA:.				
Lebanon County	.....	Nonattainment	.....	Moderate.
Rest of State:				
AQCR 151 Northeast Pennsylvania-Upper Delaware Valley Interstate:				
Berks County	.....	Unclassifiable/Attainment.		
Bradford County	.....	Unclassifiable/Attainment.		
Carbon County	.....	Unclassifiable/Attainment.		
Lackawanna County	.....	Unclassifiable/Attainment.		
Luzerne County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Pike County	.....	Unclassifiable/Attainment.		
Schuylkill County	.....	Unclassifiable/Attainment.		
Sullivan County	.....	Unclassifiable/Attainment.		
Susquehanna County	.....	Unclassifiable/Attainment.		
Tioga County	.....	Unclassifiable/Attainment.		
Wayne County	.....	Unclassifiable/Attainment.		
Wyoming County	.....	Unclassifiable/Attainment.		
AQCR 178 Northwest Pennsylvania-Youngstown Interstate:				
Cameron County	.....	Unclassifiable/Attainment.		
Clarion County	.....	Unclassifiable/Attainment.		
Clearfield County	.....	Unclassifiable/Attainment.		
Crawford County	.....	Unclassifiable/Attainment.		
Elk County	.....	Unclassifiable/Attainment.		
Erie County	.....	Unclassifiable/Attainment.		
Forest County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
McKean County	.....	Unclassifiable/Attainment.		
Mercer County	.....	Unclassifiable/Attainment.		
Potter County	.....	Unclassifiable/Attainment.		
Venango County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
AQCR 45 Metropolitan Philadelphia Intrastate:				
Bucks County	.....	Unclassifiable/Attainment.		
Chester County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Philadelphia County	.....	Unclassifiable/Attainment.		
AQCR 195 Central Pennsylvania Intrastate:				
Bedford County	.....	Unclassifiable/Attainment.		
Blair County	.....	Unclassifiable/Attainment.		
Centre County	.....	Unclassifiable/Attainment.		
Clinton County	.....	Unclassifiable/Attainment.		
Columbia County	.....	Unclassifiable/Attainment.		
Fulton County	.....	Unclassifiable/Attainment.		
Huntingdon County	.....	Unclassifiable/Attainment.		
Juniata County	.....	Unclassifiable/Attainment.		
Lycoming County	.....	Unclassifiable/Attainment.		
Mifflin County	.....	Unclassifiable/Attainment.		
Montour County	.....	Unclassifiable/Attainment.		
Northumberland County	.....	Unclassifiable/Attainment.		
Snyder County	.....	Unclassifiable/Attainment.		
Somerset County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
AQCR 196 South Central Pennsylvania Intrastate:				
Adams County	.....	Unclassifiable/Attainment.		
Cumberland County	.....	Unclassifiable/Attainment.		
Dauphin County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Lancaster County	.....	Unclassifiable/Attainment.		
Perry County	.....	Unclassifiable/Attainment.		

PENNSYLVANIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area[1]	Designation		Classification	
	Date[2]	Type	Date[2]	Type
York County		Unclassifiable/Attainment.		
AQCR 197 Southwest Pennsylvania Intrastate:				
Allegheny County (remainder)		Unclassifiable/Attainment.		
Armstrong County		Unclassifiable/Attainment.		
Beaver County		Unclassifiable/Attainment.		
Butler County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Greene County		Unclassifiable/Attainment.		
Indiana County (remainder)		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
Westmoreland County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 41. Section 81.340 is amended by adding a table entitled ''Rhode Island—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Rhode Island—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.340 Rhode Island.

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RHODE ISLAND—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area[1]	Designation		Classification	
	Date[2]	Type	Date[2]	Type
Statewide:				
Bristol County		Unclassifiable/Attainment.		
Kent County		Unclassifiable/Attainment.		
Newport County		Unclassifiable/Attainment.		
Providence County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 42. Section 81.341 is amended by adding a table entitled ''South Carolina—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''South Carolina—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.341 South Carolina.

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SOUTH CAROLINA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area[1]	Designation		Classification	
	Date[2]	Type	Date[2]	Type
Statewide:				
Abbeville County		Unclassifiable/Attainment.		
Aiken County.				
Allendale County		Unclassifiable/Attainment.		
Anderson County		Unclassifiable/Attainment.		
Bamberg County		Unclassifiable/Attainment.		
Barnwell County		Unclassifiable/Attainment.		
Beaufort County		Unclassifiable/Attainment.		
Berkeley County		Unclassifiable/Attainment.		
Calhoun County		Unclassifiable/Attainment.		
Charleston County		Unclassifiable/Attainment.		
Cherokee County		Unclassifiable/Attainment.		
Chester County		Unclassifiable/Attainment.		
Chesterfield County		Unclassifiable/Attainment.		
Clarendon County		Unclassifiable/Attainment.		
Colleton County		Unclassifiable/Attainment.		
Darlington County		Unclassifiable/Attainment.		

SOUTH CAROLINA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Dillon County	.....	Unclassifiable/Attainment.		
Dorchester County	.....	Unclassifiable/Attainment.		
Edgefield County	.....	Unclassifiable/Attainment.		
Fairfield County	.....	Unclassifiable/Attainment.		
Florence County	.....	Unclassifiable/Attainment.		
Georgetown County	.....	Unclassifiable/Attainment.		
Greenwood County	.....	Unclassifiable/Attainment.		
Greenville County	.....	Unclassifiable/Attainment.		
Hampton County	.....	Unclassifiable/Attainment.		
Horry County	.....	Unclassifiable/Attainment.		
Jasper County	.....	Unclassifiable/Attainment.		
Kershaw County	.....	Unclassifiable/Attainment.		
Lancaster County	.....	Unclassifiable/Attainment.		
Laurens County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Lexington County	.....	Unclassifiable/Attainment.		
McCormick County	.....	Unclassifiable/Attainment.		
Marion County	.....	Unclassifiable/Attainment.		
Marlboro County	.....	Unclassifiable/Attainment.		
Newberry County	.....	Unclassifiable/Attainment.		
Oconee County	.....	Unclassifiable/Attainment.		
Orangeburg County	.....	Unclassifiable/Attainment.		
Pickens County	.....	Unclassifiable/Attainment.		
Richland County	.....	Unclassifiable/Attainment.		
Saluda County	.....	Unclassifiable/Attainment.		
Spartanburg County	.....	Unclassifiable/Attainment.		
Sumter County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Williamsburg County	.....	Unclassifiable/Attainment.		
York County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 43. Section 81.342 is amended by adding a table entitled ''South Dakota—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''South Dakota—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.342 South Dakota.

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SOUTH DAKOTA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Aurora County	.....	Unclassifiable/Attainment.		
Beadle County	.....	Unclassifiable/Attainment.		
Bennett County	.....	Unclassifiable/Attainment.		
Bon Homme County	.....	Unclassifiable/Attainment.		
Brookings County	.....	Unclassifiable/Attainment.		
Brown County	.....	Unclassifiable/Attainment.		
Brule County	.....	Unclassifiable/Attainment.		
Buffalo County	.....	Unclassifiable/Attainment.		
Butte County	.....	Unclassifiable/Attainment.		
Campbell County	.....	Unclassifiable/Attainment.		
Charles Mix County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Clay County	.....	Unclassifiable/Attainment.		
Codington County	.....	Unclassifiable/Attainment.		
Corson County	.....	Unclassifiable/Attainment.		
Custer County	.....	Unclassifiable/Attainment.		
Davison County	.....	Unclassifiable/Attainment.		
Day County	.....	Unclassifiable/Attainment.		
Deuel County	.....	Unclassifiable/Attainment.		
Dewey County	.....	Unclassifiable/Attainment.		

SOUTH DAKOTA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Douglas County	.....	Unclassifiable/Attainment.		
Edmunds County	.....	Unclassifiable/Attainment.		
Fall River County	.....	Unclassifiable/Attainment.		
Faulk County	.....	Unclassifiable/Attainment.		
Grant County	.....	Unclassifiable/Attainment.		
Gregory County	.....	Unclassifiable/Attainment.		
Haakon County	.....	Unclassifiable/Attainment.		
Hamlin County	.....	Unclassifiable/Attainment.		
Hand County	.....	Unclassifiable/Attainment.		
Hanson County	.....	Unclassifiable/Attainment.		
Harding County	.....	Unclassifiable/Attainment.		
Hughes County	.....	Unclassifiable/Attainment.		
Hutchinson County	.....	Unclassifiable/Attainment.		
Hyde County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jerauld County	.....	Unclassifiable/Attainment.		
Jones County	.....	Unclassifiable/Attainment.		
Kingsbury County	.....	Unclassifiable/Attainment.		
Lake County	.....	Unclassifiable/Attainment.		
Lawrence County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Lyman County	.....	Unclassifiable/Attainment.		
McCook County	.....	Unclassifiable/Attainment.		
McPherson County	.....	Unclassifiable/Attainment.		
Marshall County	.....	Unclassifiable/Attainment.		
Meade County	.....	Unclassifiable/Attainment.		
Mellette County	.....	Unclassifiable/Attainment.		
Miner County	.....	Unclassifiable/Attainment.		
Minnehaha County	.....	Unclassifiable/Attainment.		
Moody County	.....	Unclassifiable/Attainment.		
Pennington County	.....	Unclassifiable/Attainment.		
Perkins County	.....	Unclassifiable/Attainment.		
Potter County	.....	Unclassifiable/Attainment.		
Roberts County	.....	Unclassifiable/Attainment.		
Sanborn County	.....	Unclassifiable/Attainment.		
Shannon County	.....	Unclassifiable/Attainment.		
Spink County	.....	Unclassifiable/Attainment.		
Stanley County	.....	Unclassifiable/Attainment.		
Sully Count	.....	Unclassifiable/Attainment.		
Todd County	.....	Unclassifiable/Attainment.		
Tripp County	.....	Unclassifiable/Attainment.		
Turner County	.....	Unclassifiable/Attainment.		
Union County	.....	Unclassifiable/Attainment.		
Walworth County	.....	Unclassifiable/Attainment.		
Yankton County	.....	Unclassifiable/Attainment.		
Ziebach County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 44. Section 81.343 is amended by adding a table entitled ''Tennessee—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Tennessee—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.343 Tennessee.

* * * * *

TENNESSEE—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Anderson County.				
Bedford County.				
Benton County.				
Bledsoe County.				

TENNESSEE—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Blount County.				
Bradley County.				
Campbell County.				
Cannon County.				
Carroll County.				
Carter County.				
Cheatham County.				
Chester County.				
Claiborne County.				
Clay County.				
Cocke County.				
Coffee County.				
Crockett County.				
Cumberland County.				
Davidson County.				
Decatur County.				
DeKalb County.				
Dickson County.				
Dyer County.				
Fayette County.				
Fentress County.				
Franklin County.				
Gibson County.				
Giles County.				
Grainger County.				
Greene County.				
Grundy County.				
Hamblen County.				
Hamilton County	.....	Unclassifiable/Attainment.		
Hancock County.				
Hardeman County.				
Hardin County.				
Hawkins County.				
Haywood County.				
Henderson County.				
Henry County.				
Hickman County.				
Houston County.				
Humphreys County.				
Jackson County.				
Jefferson County.				
Johnson County.				
Knox County.				
Lake County.				
Lauderdale County.				
Lawrence County.				
Lewis County.				
Lincoln County.				
Loudon County.				
McMinn County.				
McNairy County.				
Macon County.				
Madison County.				
Marion County	.....	Unclassifiable/Attainment.		
Marshall County.				
Maury County.				
Meigs County.				
Monroe County.				
Montgomery County.				
Moore County.				
Morgan County.				
Obion County.				
Overton County.				
Perry County.				
Pickett County.				
Polk County.				
Putnam County.				
Rhea County.				
Roane County.				

TENNESSEE—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Robertson County.				
Rutherford County.				
Scott County.				
Sequatchie County	.....	Unclassifiable/Attainment.		
Sevier County.				
Shelby County.				
Smith County.				
Stewart County.				
Sullivan County.				
Sumner County.				
Tipton County.				
Trousdale County.				
Unicoi County.				
Union County.				
Van Buren County.				
Warren County.				
Washington County.				
Wayne County.				
Weakley County.				
White County.				
Williamson County.				
Wilson County.				

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 45. Section 81.344 is amended by adding a table entitled ''Texas—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Texas—1997 Annual $PM_{2.5}$ NAAQS (Primary and secondary)'' to read as follows:

§ 81.344 Texas.

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TEXAS—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 022 Shreveport-Texarkana-Tyler Interstate:				
Anderson County	.....	Unclassifiable/Attainment	.....	
Bowie County	.....	Unclassifiable/Attainment	.....	
Camp County	.....	Unclassifiable/Attainment	.....	
Cass County	.....	Unclassifiable/Attainment	.....	
Cherokee County	.....	Unclassifiable/Attainment	.....	
Delta County	.....	Unclassifiable/Attainment	.....	
Franklin County	.....	Unclassifiable/Attainment	.....	
Gregg County	.....	Unclassifiable/Attainment	.....	
Harrison County	.....	Unclassifiable/Attainment	.....	
Hopkins County	.....	Unclassifiable/Attainment	.....	
Lamar County	.....	Unclassifiable/Attainment	.....	
Marion County	.....	Unclassifiable/Attainment	.....	
Morris County	.....	Unclassifiable/Attainment	.....	
Panola County	.....	Unclassifiable/Attainment	.....	
Rains County	.....	Unclassifiable/Attainment	.....	
Red River County	.....	Unclassifiable/Attainment	.....	
Rusk County	.....	Unclassifiable/Attainment	.....	
Smith County	.....	Unclassifiable/Attainment	.....	
Titus County	.....	Unclassifiable/Attainment	.....	
Upshur County	.....	Unclassifiable/Attainment	.....	
Van Zandt County	.....	Unclassifiable/Attainment	.....	
Wood County	.....	Unclassifiable/Attainment	.....	
AQCR 106 S Louisiana-SE Texas Interstate:				
Angelina County	.....	Unclassifiable/Attainment.		
Hardin County	.....	Unclassifiable/Attainment.		
Houston County	.....	Unclassifiable/Attainment.		
Jasper County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Nacogdoches County	.....	Unclassifiable/Attainment.		

TEXAS—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Newton County		Unclassifiable/Attainment.		
Orange County		Unclassifiable/Attainment.		
Polk County		Unclassifiable/Attainment.		
Sabine County		Unclassifiable/Attainment.		
San Augustine County		Unclassifiable/Attainment.		
San Jacinto County		Unclassifiable/Attainment.		
Shelby County		Unclassifiable/Attainment.		
Trinity County		Unclassifiable/Attainment.		
Tyler County		Unclassifiable/Attainment.		
AQCR 153 El Paso-Las Cruces-Alamogordo Interstate:				
Brewster County		Unclassifiable/Attainment.		
Culberson County		Unclassifiable/Attainment.		
El Paso County		Unclassifiable/Attainment.		
Hudspeth County		Unclassifiable/Attainment.		
Jeff Davis County		Unclassifiable/Attainment.		
Presidio County		Unclassifiable/Attainment.		
AQCR 210 Abilene-Wichita Falls Intrastate:				
Archer County		Unclassifiable/Attainment.		
Baylor County		Unclassifiable/Attainment.		
Brown County		Unclassifiable/Attainment.		
Callahan County		Unclassifiable/Attainment.		
Clay County		Unclassifiable/Attainment.		
Coleman County		Unclassifiable/Attainment.		
Comanche County		Unclassifiable/Attainment.		
Cottle County		Unclassifiable/Attainment.		
Eastland County		Unclassifiable/Attainment.		
Fisher County		Unclassifiable/Attainment.		
Foard County		Unclassifiable/Attainment.		
Hardeman County		Unclassifiable/Attainment.		
Haskell County		Unclassifiable/Attainment.		
Jack County		Unclassifiable/Attainment.		
Jones County		Unclassifiable/Attainment.		
Kent County		Unclassifiable/Attainment.		
Knox County		Unclassifiable/Attainment.		
Mitchell County		Unclassifiable/Attainment.		
Montague County		Unclassifiable/Attainment.		
Nolan County		Unclassifiable/Attainment.		
Runnels County		Unclassifiable/Attainment.		
Scurry County		Unclassifiable/Attainment.		
Shackelford County		Unclassifiable/Attainment.		
Stephens County		Unclassifiable/Attainment.		
Stonewall County		Unclassifiable/Attainment.		
Taylor County		Unclassifiable/Attainment.		
Throckmorton County		Unclassifiable/Attainment.		
Wichita County		Unclassifiable/Attainment.		
Wilbarger County		Unclassifiable/Attainment.		
Young County		Unclassifiable/Attainment.		
AQCR 211 Amarillo-Lubbock Intrastate:				
Armstrong County		Unclassifiable/Attainment.		
Bailey County		Unclassifiable/Attainment.		
Briscoe County		Unclassifiable/Attainment.		
Carson County		Unclassifiable/Attainment.		
Castro County		Unclassifiable/Attainment.		
Childress County		Unclassifiable/Attainment.		
Cochran County		Unclassifiable/Attainment.		
Collingsworth County		Unclassifiable/Attainment.		
Crosby County		Unclassifiable/Attainment.		
Dallam County		Unclassifiable/Attainment.		
Deaf Smith County		Unclassifiable/Attainment.		
Dickens County		Unclassifiable/Attainment.		
Donley County		Unclassifiable/Attainment.		
Floyd County		Unclassifiable/Attainment.		
Garza County		Unclassifiable/Attainment.		
Gray County		Unclassifiable/Attainment.		
Hale County		Unclassifiable/Attainment.		
Hall County		Unclassifiable/Attainment.		
Hansford County		Unclassifiable/Attainment.		
Hartley County		Unclassifiable/Attainment.		
Hemphill County		Unclassifiable/Attainment.		

TEXAS—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Hockley County	.....	Unclassifiable/Attainment.		
Hutchinson County	.....	Unclassifiable/Attainment.		
King County	.....	Unclassifiable/Attainment.		
Lamb County	.....	Unclassifiable/Attainment.		
Lipscomb County	.....	Unclassifiable/Attainment.		
Lubbock County	.....	Unclassifiable/Attainment.		
Lynn County	.....	Unclassifiable/Attainment.		
Moore County	.....	Unclassifiable/Attainment.		
Motley County	.....	Unclassifiable/Attainment.		
Ochiltree County	.....	Unclassifiable/Attainment.		
Oldham County	.....	Unclassifiable/Attainment.		
Parmer County	.....	Unclassifiable/Attainment.		
Potter County	.....	Unclassifiable/Attainment.		
Randall County	.....	Unclassifiable/Attainment.		
Roberts County	.....	Unclassifiable/Attainment.		
Sherman County	.....	Unclassifiable/Attainment.		
Swisher County	.....	Unclassifiable/Attainment.		
Terry County	.....	Unclassifiable/Attainment.		
Wheeler County	.....	Unclassifiable/Attainment.		
Yoakum County	.....	Unclassifiable/Attainment.		
AQCR 212 Austin-Waco Intrastate:				
Bastrop County	.....	Unclassifiable/Attainment.		
Bell County	.....	Unclassifiable/Attainment.		
Blanco County	.....	Unclassifiable/Attainment.		
Bosque County	.....	Unclassifiable/Attainment.		
Brazos County	.....	Unclassifiable/Attainment.		
Burleson County	.....	Unclassifiable/Attainment.		
Burnet County	.....	Unclassifiable/Attainment.		
Caldwell County	.....	Unclassifiable/Attainment.		
Coryell County	.....	Unclassifiable/Attainment.		
Falls County	.....	Unclassifiable/Attainment.		
Fayette County	.....	Unclassifiable/Attainment.		
Freestone County	.....	Unclassifiable/Attainment.		
Grimes County	.....	Unclassifiable/Attainment.		
Hamilton County	.....	Unclassifiable/Attainment.		
Hays County	.....	Unclassifiable/Attainment.		
Hill County	.....	Unclassifiable/Attainment.		
Lampasas County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Leon County	.....	Unclassifiable/Attainment.		
Limestone County	.....	Unclassifiable/Attainment.		
Llano County	.....	Unclassifiable/Attainment.		
McLennan County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Milam County	.....	Unclassifiable/Attainment.		
Mills County	.....	Unclassifiable/Attainment.		
Robertson County	.....	Unclassifiable/Attainment.		
San Saba County	.....	Unclassifiable/Attainment.		
Travis County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Williamson County	.....	Unclassifiable/Attainment.		
AQCR 213 Brownsville-Laredo Intrastate:				
Cameron County	.....	Unclassifiable/Attainment.		
Hidalgo County	.....	Unclassifiable/Attainment.		
Jim Hogg County	.....	Unclassifiable/Attainment.		
Starr County	.....	Unclassifiable/Attainment.		
Webb County	.....	Unclassifiable/Attainment.		
Willacy County	.....	Unclassifiable/Attainment.		
Zapata County	.....	Unclassifiable/Attainment.		
AQCR 214 Corpus Christi-Victoria Intrastate:				
Aransas County	.....	Unclassifiable/Attainment.		
Bee County	.....	Unclassifiable/Attainment.		
Brooks County	.....	Unclassifiable/Attainment.		
Calhoun County	.....	Unclassifiable/Attainment.		
DeWitt County	.....	Unclassifiable/Attainment.		
Duval County	.....	Unclassifiable/Attainment.		
Goliad County	.....	Unclassifiable/Attainment.		
Gonzales County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		

TEXAS—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Jim Wells County	.....	Unclassifiable/Attainment.		
Kenedy County	.....	Unclassifiable/Attainment.		
Kleberg County	.....	Unclassifiable/Attainment.		
Lavaca County	.....	Unclassifiable/Attainment.		
Live Oak County	.....	Unclassifiable/Attainment.		
McMullen County	.....	Unclassifiable/Attainment.		
Nueces County	.....	Unclassifiable/Attainment.		
Refugio County	.....	Unclassifiable/Attainment.		
San Patricio County	.....	Unclassifiable/Attainment.		
Victoria County	.....	Unclassifiable/Attainment.		
AQCR 215 Metro Dallas-Fort Worth Intrastate:				
Collin County	.....	Unclassifiable/Attainment.		
Cooke County	.....	Unclassifiable/Attainment.		
Dallas County	.....	Unclassifiable/Attainment.		
Denton County	.....	Unclassifiable/Attainment.		
Ellis County	.....	Unclassifiable/Attainment.		
Erath County	.....	Unclassifiable/Attainment.		
Fannin County	.....	Unclassifiable/Attainment.		
Grayson County	.....	Unclassifiable/Attainment.		
Henderson County	.....	Unclassifiable/Attainment.		
Hood County	.....	Unclassifiable/Attainment.		
Hunt County	.....	Unclassifiable/Attainment.		
Johnson County	.....	Unclassifiable/Attainment.		
Kaufman County	.....	Unclassifiable/Attainment.		
Navarro County	.....	Unclassifiable/Attainment.		
Palo Pinto County	.....	Unclassifiable/Attainment.		
Parker County	.....	Unclassifiable/Attainment.		
Rockwall County	.....	Unclassifiable/Attainment.		
Somervell County	.....	Unclassifiable/Attainment.		
Tarrant County	.....	Unclassifiable/Attainment.		
Wise County	.....	Unclassifiable/Attainment.		
AQCR 216 Metro Houston-Galveston Intrastate:				
Austin County	.....	Unclassifiable/Attainment.		
Brazoria County	.....	Unclassifiable/Attainment.		
Chambers County	.....	Unclassifiable/Attainment.		
Colorado County	.....	Unclassifiable/Attainment.		
Fort Bend County	.....	Unclassifiable/Attainment.		
Galveston County	.....	Unclassifiable/Attainment.		
Harris County	.....	Unclassifiable/Attainment.		
Liberty County	.....	Unclassifiable/Attainment.		
Matagorda County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Walker County	.....	Unclassifiable/Attainment.		
Waller County	.....	Unclassifiable/Attainment.		
Wharton County	.....	Unclassifiable/Attainment.		
AQCR 217 Metro San Antonio Intrastate:				
Atascosa County	.....	Unclassifiable/Attainment.		
Bandera County	.....	Unclassifiable/Attainment.		
Bexar County	.....	Unclassifiable/Attainment.		
Comal County	.....	Unclassifiable/Attainment.		
Dimmit County	.....	Unclassifiable/Attainment.		
Edwards County	.....	Unclassifiable/Attainment.		
Frio County	.....	Unclassifiable/Attainment.		
Guadalupe County	.....	Unclassifiable/Attainment.		
Gillespie County	.....	Unclassifiable/Attainment.		
Karnes County	.....	Unclassifiable/Attainment.		
Kendall County	.....	Unclassifiable/Attainment.		
Kerr County	.....	Unclassifiable/Attainment.		
Kinney County	.....	Unclassifiable/Attainment.		
La Salle County	.....	Unclassifiable/Attainment.		
Maverick County	.....	Unclassifiable/Attainment.		
Medina County	.....	Unclassifiable/Attainment.		
Real County	.....	Unclassifiable/Attainment.		
Uvalde County	.....	Unclassifiable/Attainment.		
Val Verde County	.....	Unclassifiable/Attainment.		
Wilson County	.....	Unclassifiable/Attainment.		
Zavala County	.....	Unclassifiable/Attainment.		
AQCR 218 Midland-Odessa-San Angelo Intrastate:				
Andrews County	.....	Unclassifiable/Attainment.		

TEXAS—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Borden County	.....	Unclassifiable/Attainment.		
Coke County	.....	Unclassifiable/Attainment.		
Concho County	.....	Unclassifiable/Attainment.		
Crane County	.....	Unclassifiable/Attainment.		
Crockett County	.....	Unclassifiable/Attainment.		
Dawson County	.....	Unclassifiable/Attainment.		
Ector County	.....	Unclassifiable/Attainment.		
Gaines County	.....	Unclassifiable/Attainment.		
Glasscock County	.....	Unclassifiable/Attainment.		
Howard County	.....	Unclassifiable/Attainment.		
Irion County	.....	Unclassifiable/Attainment.		
Kimble County	.....	Unclassifiable/Attainment.		
Loving County	.....	Unclassifiable/Attainment.		
McCulloch County	.....	Unclassifiable/Attainment.		
Martin County	.....	Unclassifiable/Attainment.		
Mason County	.....	Unclassifiable/Attainment.		
Menard County	.....	Unclassifiable/Attainment.		
Midland County	.....	Unclassifiable/Attainment.		
Pecos County	.....	Unclassifiable/Attainment.		
Reagan County	.....	Unclassifiable/Attainment.		
Reeves County	.....	Unclassifiable/Attainment.		
Schleicher County	.....	Unclassifiable/Attainment.		
Sterling County	.....	Unclassifiable/Attainment.		
Sutton County	.....	Unclassifiable/Attainment.		
Terrell County	.....	Unclassifiable/Attainment.		
Tom Green County	.....	Unclassifiable/Attainment.		
Upton County	.....	Unclassifiable/Attainment.		
Ward County	.....	Unclassifiable/Attainment.		
Winkler County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 46. Section 81.345 is amended by adding a table entitled ''Utah—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Utah—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.345 Utah.

* * * * *

UTAH—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Beaver County	.....	Unclassifiable/Attainment.		
Box Elder County	.....	Unclassifiable/Attainment.		
Cache County	.....	Unclassifiable/Attainment.		
Carbon County	.....	Unclassifiable/Attainment.		
Daggett County	.....	Unclassifiable/Attainment.		
Davis County	.....	Unclassifiable/Attainment.		
Duchesne County	.....	Unclassifiable/Attainment.		
Emery County	.....	Unclassifiable/Attainment.		
Garfield County	.....	Unclassifiable/Attainment.		
Grand County	.....	Unclassifiable/Attainment.		
Iron County	.....	Unclassifiable/Attainment.		
Juab County	.....	Unclassifiable/Attainment.		
Kane County	.....	Unclassifiable/Attainment.		
Millard County	.....	Unclassifiable/Attainment.		
Morgan County	.....	Unclassifiable/Attainment.		
Piute County	.....	Unclassifiable/Attainment.		
Rich County	.....	Unclassifiable/Attainment.		
Salt Lake County	.....	Unclassifiable/Attainment.		
San Juan County	.....	Unclassifiable/Attainment.		
Sanpete County	.....	Unclassifiable/Attainment.		
Sevier County	.....	Unclassifiable/Attainment.		

UTAH—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Summit County		Unclassifiable/Attainment.		
Tooele County		Unclassifiable/Attainment.		
Uintah County		Unclassifiable/Attainment.		
Utah County		Unclassifiable/Attainment.		
Wasatch County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
Wayne County		Unclassifiable/Attainment.		
Weber County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 47. Section 81.346 is amended by adding a table entitled ''Vermont—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Vermont—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.346 Vermont.

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VERMONT—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Addison County		Unclassifiable/Attainment.		
Bennington County		Unclassifiable/Attainment.		
Caledonia County		Unclassifiable/Attainment.		
Chittenden County		Unclassifiable/Attainment.		
Essex County		Unclassifiable/Attainment.		
Franklin County		Unclassifiable/Attainment.		
Grand Isle County		Unclassifiable/Attainment.		
Lamoille County		Unclassifiable/Attainment.		
Orange County		Unclassifiable/Attainment.		
Orleans County		Unclassifiable/Attainment.		
Rutland County		Unclassifiable/Attainment.		
Washington County		Unclassifiable/Attainment.		
Windham County		Unclassifiable/Attainment.		
Windsor County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 48. Section 81.347 is amended by adding a table entitled ''Virginia—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Virginia—1997 Annual $PM_{2.5}$ NAAQS (Primary and secondary)'' to read as follows:

§ 81.347 Virginia.

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VIRGINIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 047 National Capital Interstate (DC–MD–VA):				
Arlington County		Unclassifiable/Attainment.		
Fairfax County		Unclassifiable/Attainment.		
Loudoun County		Unclassifiable/Attainment.		
Prince William County		Unclassifiable/Attainment.		
Alexandria City		Unclassifiable/Attainment.		
Fairfax City		Unclassifiable/Attainment.		
Falls Church City		Unclassifiable/Attainment.		
Manassas City		Unclassifiable/Attainment.		
Manassas Park City		Unclassifiable/Attainment.		
AQCR 207 Eastern Tennessee-SW Virginia Interstate:				

VIRGINIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Bland County	.....	Unclassifiable/Attainment.		
Buchanan County	.....	Unclassifiable/Attainment.		
Carroll County	.....	Unclassifiable/Attainment.		
Dickenson County	.....	Unclassifiable/Attainment.		
Grayson County	.....	Unclassifiable/Attainment.		
Lee County	.....	Unclassifiable/Attainment.		
Russell County	.....	Unclassifiable/Attainment.		
Scott County	.....	Unclassifiable/Attainment.		
Smyth County	.....	Unclassifiable/Attainment.		
Tazewell County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Wise County	.....	Unclassifiable/Attainment.		
Wythe County	.....	Unclassifiable/Attainment.		
Bristol City	.....	Unclassifiable/Attainment.		
Galax City	.....	Unclassifiable/Attainment.		
Norton City	.....	Unclassifiable/Attainment.		
AQCR 222 Central Virginia Intrastate:				
Amelia County	.....	Unclassifiable/Attainment.		
Amherst County	.....	Unclassifiable/Attainment.		
Appomattox County	.....	Unclassifiable/Attainment.		
Bedford County	.....	Unclassifiable/Attainment.		
Brunswick County	.....	Unclassifiable/Attainment.		
Buckingham County	.....	Unclassifiable/Attainment.		
Campbell County	.....	Unclassifiable/Attainment.		
Charlotte County	.....	Unclassifiable/Attainment.		
Cumberland County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Halifax County	.....	Unclassifiable/Attainment.		
Henry County	.....	Unclassifiable/Attainment.		
Lunenburg County	.....	Unclassifiable/Attainment.		
Mecklenburg County	.....	Unclassifiable/Attainment.		
Nottoway County	.....	Unclassifiable/Attainment.		
Patrick County	.....	Unclassifiable/Attainment.		
Pittsylvania County	.....	Unclassifiable/Attainment.		
Prince Edward County	.....	Unclassifiable/Attainment.		
Bedford City	.....	Unclassifiable/Attainment.		
Danville City	.....	Unclassifiable/Attainment.		
Lynchburg City	.....	Unclassifiable/Attainment.		
Martinsville City	.....	Unclassifiable/Attainment.		
South Boston City	.....	Unclassifiable/Attainment.		
AQCR 223 Hampton Roads Intrastate:				
Isle of Wight County	.....	Unclassifiable/Attainment.		
James City County	.....	Unclassifiable/Attainment.		
Nansemond County	.....	Unclassifiable/Attainment.		
Southampton County	.....	Unclassifiable/Attainment.		
York County	.....	Unclassifiable/Attainment.		
Chesapeake City	.....	Unclassifiable/Attainment.		
Franklin City	.....	Unclassifiable/Attainment.		
Hampton City	.....	Unclassifiable/Attainment.		
Newport News City	.....	Unclassifiable/Attainment.		
Norfolk City	.....	Unclassifiable/Attainment.		
Poquoson City	.....	Unclassifiable/Attainment.		
Portsmouth City	.....	Unclassifiable/Attainment.		
Suffolk City	.....	Unclassifiable/Attainment.		
Virginia Beach City	.....	Unclassifiable/Attainment.		
Williamsburg City	.....	Unclassifiable/Attainment.		
AQCR 224 NE Virginia Intrastate:				
Accomack County	.....	Unclassifiable/Attainment.		
Albemarle County	.....	Unclassifiable/Attainment.		
Caroline County	.....	Unclassifiable/Attainment.		
Culpeper County	.....	Unclassifiable/Attainment.		
Essex County	.....	Unclassifiable/Attainment.		
Fauquier County	.....	Unclassifiable/Attainment.		
Fluvanna County	.....	Unclassifiable/Attainment.		
Gloucester County	.....	Unclassifiable/Attainment.		
Greene County	.....	Unclassifiable/Attainment.		
King and Queen County	.....	Unclassifiable/Attainment.		
King George County	.....	Unclassifiable/Attainment.		
King William County	.....	Unclassifiable/Attainment.		

VIRGINIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Lancaster County	.....	Unclassifiable/Attainment.		
Louisa County	.....	Unclassifiable/Attainment.		
Madison County	.....	Unclassifiable/Attainment.		
Mathews County	.....	Unclassifiable/Attainment.		
Middlesex County	.....	Unclassifiable/Attainment.		
Nelson County	.....	Unclassifiable/Attainment.		
Northampton County	.....	Unclassifiable/Attainment.		
Northumberland County	.....	Unclassifiable/Attainment.		
Orange County	.....	Unclassifiable/Attainment.		
Rappahannock County	.....	Unclassifiable/Attainment.		
Richmond County	.....	Unclassifiable/Attainment.		
Spotsylvania County	.....	Unclassifiable/Attainment.		
Stafford County	.....	Unclassifiable/Attainment.		
Westmoreland County	.....	Unclassifiable/Attainment.		
Charlottesville City	.....	Unclassifiable/Attainment.		
City of Fredericksburg	.....	Unclassifiable/Attainment.		
AQCR 225 State Capital Intrastate:				
Charles City County	.....	Unclassifiable/Attainment.		
Chesterfield County	.....	Unclassifiable/Attainment.		
Dinwiddie County	.....	Unclassifiable/Attainment.		
Goochland County	.....	Unclassifiable/Attainment.		
Greensville County	.....	Unclassifiable/Attainment.		
Hanover County	.....	Unclassifiable/Attainment.		
Henrico County	.....	Unclassifiable/Attainment.		
New Kent County	.....	Unclassifiable/Attainment.		
Powhatan County	.....	Unclassifiable/Attainment.		
Prince George County	.....	Unclassifiable/Attainment.		
Surry County	.....	Unclassifiable/Attainment.		
Sussex County	.....	Unclassifiable/Attainment.		
Colonial Heights City	.....	Unclassifiable/Attainment.		
Emporia City	.....	Unclassifiable/Attainment.		
Hopewell City	.....	Unclassifiable/Attainment.		
Petersburg City	.....	Unclassifiable/Attainment.		
Richmond City	.....	Unclassifiable/Attainment.		
AQCR 226 Valley of Virginia Intrastate:				
Alleghany County	.....	Unclassifiable/Attainment.		
Augusta County	.....	Unclassifiable/Attainment.		
Bath County	.....	Unclassifiable/Attainment.		
Botetourt County	.....	Unclassifiable/Attainment.		
Clarke County	.....	Unclassifiable/Attainment.		
Craig County	.....	Unclassifiable/Attainment.		
Floyd County	.....	Unclassifiable/Attainment.		
Frederick County	.....	Unclassifiable/Attainment.		
Giles County	.....	Unclassifiable/Attainment.		
Highland County	.....	Unclassifiable/Attainment.		
Montgomery County	.....	Unclassifiable/Attainment.		
Page County	.....	Unclassifiable/Attainment.		
Pulaski County	.....	Unclassifiable/Attainment.		
Roanoke County	.....	Unclassifiable/Attainment.		
Rockbridge County	.....	Unclassifiable/Attainment.		
Rockingham County	.....	Unclassifiable/Attainment.		
Shenandoah County	.....	Unclassifiable/Attainment.		
Warren County	.....	Unclassifiable/Attainment.		
Buena Vista City	.....	Unclassifiable/Attainment.		
Clifton Forge City	.....	Unclassifiable/Attainment.		
Covington City	.....	Unclassifiable/Attainment.		
Harrisonburg City	.....	Unclassifiable/Attainment.		
Lexington City	.....	Unclassifiable/Attainment.		
Radford City	.....	Unclassifiable/Attainment.		
Roanoke City	.....	Unclassifiable/Attainment.		
Salem City	.....	Unclassifiable/Attainment.		
Staunton City	.....	Unclassifiable/Attainment.		
Waynesboro City	.....	Unclassifiable/Attainment.		
Winchester City	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 49. Section 81.348 is amended by adding a table entitled ''Washington—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Washington—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.348 Washington.

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WASHINGTON—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Adams County	.....	Unclassifiable/Attainment.		
Asotin County	.....	Unclassifiable/Attainment.		
Benton County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Clallam County	.....	Unclassifiable/Attainment.		
Columbia County	.....	Unclassifiable/Attainment.		
Cowlitz County	.....	Unclassifiable/Attainment.		
Douglas County	.....	Unclassifiable/Attainment.		
Ferry County	.....	Unclassifiable/Attainment.		
Franklin County	.....	Unclassifiable/Attainment.		
Garfield County	.....	Unclassifiable/Attainment.		
Grant County	.....	Unclassifiable/Attainment.		
Grays Harbor County	.....	Unclassifiable/Attainment.		
Island County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
King County	.....	Unclassifiable/Attainment.		
Kitsap County	.....	Unclassifiable/Attainment.		
Kittitas County	.....	Unclassifiable/Attainment.		
Klickitat County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Mason County	.....	Unclassifiable/Attainment.		
Okanogan County	.....	Unclassifiable/Attainment.		
Pacific County	.....	Unclassifiable/Attainment.		
Pend Oreille County	.....	Unclassifiable/Attainment.		
Pierce County	.....	Unclassifiable/Attainment.		
San Juan County	.....	Unclassifiable/Attainment.		
Skagit County	.....	Unclassifiable/Attainment.		
Skamania County	.....	Unclassifiable/Attainment.		
Snohomish County	.....	Unclassifiable/Attainment.		
Spokane County	.....	Unclassifiable/Attainment.		
Stevens County	.....	Unclassifiable/Attainment.		
Thurston County	.....	Unclassifiable/Attainment.		
Wahkiakum County	.....	Unclassifiable/Attainment.		
Walla Walla County	.....	Unclassifiable/Attainment.		
Whatcom County	.....	Unclassifiable/Attainment.		
Whitman County	.....	Unclassifiable/Attainment.		
Yakima County	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 50. Section 81.349 is amended by adding a table entitled ''West Virginia—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''West Virginia—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.349 West Virginia.

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WEST VIRGINIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Barbour County	.....	Unclassifiable/Attainment.		
Berkley County	.....	Unclassifiable/Attainment.		
Boone County	.....	Unclassifiable/Attainment.		
Braxton County	.....	Unclassifiable/Attainment.		
Brooke County	.....	Unclassifiable/Attainment.		
Cabell County	.....	Unclassifiable/Attainment.		
Calhoun County	.....	Unclassifiable/Attainment.		

WEST VIRGINIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Clay County		Unclassifiable/Attainment.		
Doddridge County		Unclassifiable/Attainment.		
Fayette County		Unclassifiable/Attainment.		
Gilmer County		Unclassifiable/Attainment.		
Grant County		Unclassifiable/Attainment.		
Greenbrier County		Unclassifiable/Attainment.		
Hampshire County		Unclassifiable/Attainment.		
Hancock County		Unclassifiable/Attainment.		
Hardy County		Unclassifiable/Attainment.		
Harrison County		Unclassifiable/Attainment.		
Jackson County		Unclassifiable/Attainment.		
Jefferson County		Unclassifiable/Attainment.		
Kanawha County		Unclassifiable/Attainment.		
Lewis County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Logan County		Unclassifiable/Attainment.		
McDowell County		Unclassifiable/Attainment.		
Mason County		Unclassifiable/Attainment.		
Marion County		Unclassifiable/Attainment.		
Marshall County		Unclassifiable/Attainment.		
Mercer County		Unclassifiable/Attainment.		
Mineral County		Unclassifiable/Attainment.		
Mingo County		Unclassifiable/Attainment.		
Monongalia County		Unclassifiable/Attainment.		
Monroe County		Unclassifiable/Attainment.		
Morgan County		Unclassifiable/Attainment.		
Nicholas County		Unclassifiable/Attainment.		
Ohio County		Unclassifiable/Attainment.		
Pendleton County		Unclassifiable/Attainment.		
Pleasants County		Unclassifiable/Attainment.		
Pocahontas County		Unclassifiable/Attainment.		
Preston County		Unclassifiable/Attainment.		
Putnam County		Unclassifiable/Attainment.		
Raleigh County		Unclassifiable/Attainment.		
Randolph County		Unclassifiable/Attainment.		
Ritchie County		Unclassifiable/Attainment.		
Roane County		Unclassifiable/Attainment.		
Summers County		Unclassifiable/Attainment.		
Taylor County		Unclassifiable/Attainment.		
Tucker County		Unclassifiable/Attainment.		
Tyler County		Unclassifiable/Attainment.		
Upshur County		Unclassifiable/Attainment.		
Wayne County		Unclassifiable/Attainment.		
Webster County		Unclassifiable/Attainment.		
Wetzel County		Unclassifiable/Attainment.		
Wirt County		Unclassifiable/Attainment.		
Wood County		Unclassifiable/Attainment.		
Wyoming County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 51. Section 81.350 is amended by adding a table entitled ''Wisconsin—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Wisconsin—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.350 Wisconsin.

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WISCONSIN—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Adams County		Unclassifiable/Attainment.		
Ashland County		Unclassifiable/Attainment.		

WISCONSIN—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Barron County	.....	Unclassifiable/Attainment.		
Bayfield County	.....	Unclassifiable/Attainment.		
Brown County	.....	Unclassifiable/Attainment.		
Buffalo County	.....	Unclassifiable/Attainment.		
Burnett County	.....	Unclassifiable/Attainment.		
Calumet County	.....	Unclassifiable/Attainment.		
Chippewa County	.....	Unclassifiable/Attainment.		
Clark County	.....	Unclassifiable/Attainment.		
Columbia County	.....	Unclassifiable/Attainment.		
Crawford County	.....	Unclassifiable/Attainment.		
Dane County	.....	Unclassifiable/Attainment.		
Dodge County	.....	Unclassifiable/Attainment.		
Door County	.....	Unclassifiable/Attainment.		
Douglas County	.....	Unclassifiable/Attainment.		
Dunn County	.....	Unclassifiable/Attainment.		
Eau Claire County	.....	Unclassifiable/Attainment.		
Florence County	.....	Unclassifiable/Attainment.		
Fond du Lac County	.....	Unclassifiable/Attainment.		
Forest County	.....	Unclassifiable/Attainment.		
Grant County	.....	Unclassifiable/Attainment.		
Green County	.....	Unclassifiable/Attainment.		
Green Lake County	.....	Unclassifiable/Attainment.		
Iowa County	.....	Unclassifiable/Attainment.		
Iron County	.....	Unclassifiable/Attainment.		
Jackson County	.....	Unclassifiable/Attainment.		
Jefferson County	.....	Unclassifiable/Attainment.		
Juneau County	.....	Unclassifiable/Attainment.		
Kenosha County	.....	Unclassifiable/Attainment.		
Kewaunee County	.....	Unclassifiable/Attainment.		
La Crosse County	.....	Unclassifiable/Attainment.		
Lafayette County	.....	Unclassifiable/Attainment.		
Langlade County	.....	Unclassifiable/Attainment.		
Lincoln County	.....	Unclassifiable/Attainment.		
Manitowoc County	.....	Unclassifiable/Attainment.		
Marathon County	.....	Unclassifiable/Attainment.		
Marinette County	.....	Unclassifiable/Attainment.		
Marquette County	.....	Unclassifiable/Attainment.		
Menominee County	.....	Unclassifiable/Attainment.		
Milwaukee County	.....	Unclassifiable/Attainment.		
Monroe County	.....	Unclassifiable/Attainment.		
Oconto County	.....	Unclassifiable/Attainment.		
Oneida County	.....	Unclassifiable/Attainment.		
Outagamie County	.....	Unclassifiable/Attainment.		
Ozaukee County	.....	Unclassifiable/Attainment.		
Pepin County	.....	Unclassifiable/Attainment.		
Pierce County	.....	Unclassifiable/Attainment.		
Polk County	.....	Unclassifiable/Attainment.		
Portage County	.....	Unclassifiable/Attainment.		
Price County	.....	Unclassifiable/Attainment.		
Racine County	.....	Unclassifiable/Attainment.		
Richland County	.....	Unclassifiable/Attainment.		
Rock County	.....	Unclassifiable/Attainment.		
Rusk County	.....	Unclassifiable/Attainment.		
St. Croix County	.....	Unclassifiable/Attainment.		
Sauk County	.....	Unclassifiable/Attainment.		
Sawyer County	.....	Unclassifiable/Attainment.		
Shawano County	.....	Unclassifiable/Attainment.		
Sheboygan County	.....	Unclassifiable/Attainment.		
Taylor County	.....	Unclassifiable/Attainment.		
Trempealeau County	.....	Unclassifiable/Attainment.		
Vernon County	.....	Unclassifiable/Attainment.		
Vilas County	.....	Unclassifiable/Attainment.		
Walworth County	.....	Unclassifiable/Attainment.		
Washburn County	.....	Unclassifiable/Attainment.		
Washington County	.....	Unclassifiable/Attainment.		
Waukesha County	.....	Unclassifiable/Attainment.		
Waupaca County	.....	Unclassifiable/Attainment.		
Waushara County	.....	Unclassifiable/Attainment.		
Winnebago County	.....	Unclassifiable/Attainment.		

WISCONSIN—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Wood County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 52. Section 81.351 is amended by adding a table entitled ''Wyoming—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Wyoming—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.351 Wyoming.

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WYOMING—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Albany County		Unclassifiable/Attainment.		
Big Horn County		Unclassifiable/Attainment.		
Campbell County		Unclassifiable/Attainment.		
Carbon County		Unclassifiable/Attainment.		
Converse County		Unclassifiable/Attainment.		
Crook County		Unclassifiable/Attainment.		
Fremont County		Unclassifiable/Attainment.		
Goshen County		Unclassifiable/Attainment.		
Hot Springs County		Unclassifiable/Attainment.		
Johnson County		Unclassifiable/Attainment.		
Laramie County		Unclassifiable/Attainment.		
Lincoln County		Unclassifiable/Attainment.		
Natrona County		Unclassifiable/Attainment.		
Niobrara County		Unclassifiable/Attainment.		
Park County		Unclassifiable/Attainment.		
Platte County		Unclassifiable/Attainment.		
Sheridan County		Unclassifiable/Attainment.		
Sublette County		Unclassifiable/Attainment.		
Sweetwater County		Unclassifiable/Attainment.		
Teton County		Unclassifiable/Attainment.		
Uinta County		Unclassifiable/Attainment.		
Washakie County		Unclassifiable/Attainment.		
Weston County		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 53. Section 81.352 is amended by adding a table entitled ''American Samoa—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''American Samoa—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.352 American Samoa.

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AMERICAN SAMOA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Territory wide:				
Eastern District		Unclassifiable/Attainment.		
Manu'a District		Unclassifiable/Attainment.		
Rose Island		Unclassifiable/Attainment.		
Swains Island		Unclassifiable/Attainment.		
Western District		Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 54. Section 81.353 is amended by adding a table entitled ''Guam—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Guam—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.353 Guam.

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GUAM—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Territory wide:				
Guam	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 55. Section 81.354 is amended by adding a table entitled ''Northern Mariana Islands—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Northern Mariana Islands—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.354 Northern Mariana Islands.

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NORTHERN MARIANA ISLANDS—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Territory wide:				
Northern Islands Municipality	.....	Unclassifiable/Attainment.		
Rota Municipality	.....	Unclassifiable/Attainment.		
Saipan Municipality	.....	Unclassifiable/Attainment.		
Tinian Municipality	.....	Unclassifiable/Attainment.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 56. Section 81.355 is amended by adding a table entitled ''Puerto Rico—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Puerto Rico—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.355 Puerto Rico.

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PUERTO RICO—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Territory wide:				
Adjuntas Municipio	.....	Unclassifiable.		
Aguada Municipio	.....	Unclassifiable.		
Aguadilla Municipio	.....	Unclassifiable.		
Aguas Buenas Municipio	.....	Unclassifiable.		
Aibonito Municipio	.....	Unclassifiable.		
Añasco Municipio	.....	Unclassifiable.		
Arecibo Municipio	.....	Unclassifiable.		
Arroyo Municipio	.....	Unclassifiable.		
Barceloneta Municipio	.....	Unclassifiable.		
Barranquitas Municipio	.....	Unclassifiable.		
Bayamón County	.....	Unclassifiable.		
Cabo Rojo Municipio	.....	Unclassifiable.		
Caguas Municipio	.....	Unclassifiable.		
Camuy Municipio	.....	Unclassifiable.		
Canóvanas Municipio	.....	Unclassifiable.		
Carolina Municipio	.....	Unclassifiable.		
Cataño County	.....	Unclassifiable.		
Cayey Municipio	.....	Unclassifiable.		
Ceiba Municipio	.....	Unclassifiable.		
Ciales Municipio	.....	Unclassifiable.		
Cidra Municipio	.....	Unclassifiable.		

PUERTO RICO—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Coamo Municipio		Unclassifiable.		
Comerío Municipio		Unclassifiable.		
Corozal Municipio		Unclassifiable.		
Culebra Municipio		Unclassifiable.		
Dorado Municipio		Unclassifiable.		
Fajardo Municipio		Unclassifiable.		
Florida Municipio		Unclassifiable.		
Guánica Municipio		Unclassifiable.		
Guayama Municipio		Unclassifiable.		
Guayanilla Municipio		Unclassifiable.		
Guaynabo County		Unclassifiable.		
Gurabo Municipio		Unclassifiable.		
Hatillo Municipio		Unclassifiable.		
Hormigueros Municipio		Unclassifiable.		
Humacao Municipio		Unclassifiable.		
Isabela Municipio		Unclassifiable.		
Jayuya Municipio		Unclassifiable.		
Juana Díaz Municipio		Unclassifiable.		
Juncos Municipio		Unclassifiable.		
Lajas Municipio		Unclassifiable.		
Lares Municipio		Unclassifiable.		
Las Marías Municipio		Unclassifiable.		
Las Piedras Municipio		Unclassifiable.		
Loíza Municipio		Unclassifiable.		
Luquillo Municipio		Unclassifiable.		
Manatí Municipio		Unclassifiable.		
Maricao Municipio		Unclassifiable.		
Maunabo Municipio		Unclassifiable.		
Mayagnez Municipio		Unclassifiable.		
Moca Municipio		Unclassifiable.		
Morovis Municipio		Unclassifiable.		
Naguabo Municipio		Unclassifiable.		
Naranjito Municipio		Unclassifiable.		
Orocovis Municipio		Unclassifiable.		
Patillas Municipio		Unclassifiable.		
Peñuelas Municipio		Unclassifiable.		
Ponce Municipio		Unclassifiable.		
Quebradillas Municipio		Unclassifiable.		
Rincón Municipio		Unclassifiable.		
Río Grande Municipio		Unclassifiable.		
Sabana Grande Municipio		Unclassifiable.		
Salinas Municipio		Unclassifiable.		
San Germán Municipio		Unclassifiable.		
San Juan Municipio		Unclassifiable.		
San Lorenzo Municipio		Unclassifiable.		
San Sebastián Municipio		Unclassifiable.		
Santa Isabel Municipio		Unclassifiable.		
Toa Alta Municipio		Unclassifiable.		
Toa Baja County		Unclassifiable.		
Trujillo Alto Municipio		Unclassifiable.		
Utuado Municipio		Unclassifiable.		
Vega Alta Municipio		Unclassifiable.		
Vega Baja Municipio		Unclassifiable.		
Vieques Municipio		Unclassifiable.		
Villalba Municipio		Unclassifiable.		
Yabucoa Municipio		Unclassifiable.		
Yauco Municipio		Unclassifiable.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

* * * * *

■ 57. Section 81.356 is amended by adding a table entitled ''Virgin Islands—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' following the table ''Virgin Islands—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' to read as follows:

§ 81.356 Virgin Islands.

* * * * *

VIRGIN ISLANDS—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Territory wide:				
St. Croix	.....	Unclassifiable.		
St. John	.....	Unclassifiable.		
St. Thomas	.....	Unclassifiable.		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

* * * * *

[FR Doc. 2015–00021 Filed 1–14–15; 8:45 am]

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Federal Register

Vol. 80, No. 10

Thursday, January 15, 2015

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FEDERAL REGISTER PAGES AND DATE, JANUARY

1–142	2
143–394	5
395–822	6
823–1004	7
1005–1328	8
1329–1470	9
1471–1582	12
1583–1846	13
1847–1996	14
1997–2284	15

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9224 823
9225 825
9226 827

Executive Orders:
13687 819

5 CFR

Proposed Rules:
890 ..... 929, 931

7 CFR

718 114
1400 114
1421 114
1425 114
1427 114
1434 114
1435 114
1494 1847

Proposed Rules:
210 2037
215 2037
220 2037
226 2037
900 2060
1150 2060
1160 2060
1205 2060
1206 2060
1207 2060
1208 2060
1209 2060
1210 2060
1212 2060
1214 2060
1215 2060
1216 2060
1217 2060
1218 2060
1219 2060
1220 2060
1221 2060
1222 2060
1230 2060
1250 2060
1260 2060
1280 2060

9 CFR

Proposed Rules:
51 6
71 6
75 6
78 6
85 6
86 6

10 CFR

70 143
429 144
430 404
431 1583

Proposed Rules:
50 1476
430 792
431 ..... 1172, 1477

12 CFR

Proposed Rules:
Ch. I 2061
Ch. II 2061
Ch. III 2061

14 CFR

5 ..... 1308, 1584
39 ..... 153, 155, 157, 1997, 1999
61 2001
97 ..... 2002, 2005, 2007, 2009
119 ..... 1308, 1584
141 2001
251 161

Proposed Rules:
39 ..... 419, 422, 1008
93 1274
440 1590

16 CFR

429 1329

17 CFR

Proposed Rules:
1 200
15 200
17 200
19 200
32 200
37 200
38 200
140 200
150 200

18 CFR

Proposed Rules:
284 1478

20 CFR

404 ..... 1, 395
416 395

21 CFR

Proposed Rules:
112 ..... 1478, 1852, 1855
573 422

22 CFR

171 1847

23 CFR

Proposed Rules:
490 326

24 CFR

Proposed Rules:
5 ..... 423, 2062

200.....1855
232.....1855
574.....423
880.....1860
881.....1860
883.....1860
884.....1860
886.....1860
891.....1860
960.....423
966.....423
982.....423
983.....423
990.....423

25 CFR

Proposed Rules:
256.....13

26 CFR

1.....166

27 CFR

9.....400

28 CFR

0.....1005
90.....1005

Proposed Rules:
523.....1380
544.....1380

29 CFR

4022.....2010

30 CFR

75.....2188

Proposed Rules:
1202.....608
1206.....608

31 CFR

Proposed Rules:
148.....966

33 CFR

110.....2011
117.....2, 1334
165 .....829, 1336, 1338, 1341, 1344, 1471, 2013

Proposed Rules:
117.....21
165.....1382

34 CFR

685.....1848

36 CFR

230.....402

Proposed Rules:
13.....2065
242.....1868

37 CFR

1.....1346

Proposed Rules:
383.....2065

38 CFR

17.....1357
71.....1357

39 CFR

Proposed Rules:
111.....1872

40 CFR

52 .....832, 1471, 1849, 2016
260.....1694
261.....1694
81.....2206
1800.....1584

Proposed Rules:
49.....436
50.....278
52 .....201, 449, 834, 838, 1481, 1608, 1816
63.....2067
81 .....436, 1482, 1816
721.....845, 2068
745.....1873

42 CFR

Proposed Rules:
136.....1880

46 CFR

Proposed Rules:
105.....204

47 CFR

1.....1238, 1586
17.....1238
51.....1586
54.....167
63.....1586
64.....1007
73.....168

Proposed Rules:
51.....450
73.....1615, 2077
76.....2078

48 CFR

212.....2018
225.....2018
245.....2018
502.....1589

Proposed Rules:
1602.....926
1615.....926
1652.....926

49 CFR

171.....1076
172.....1076
173.....1076
175.....1076
176.....1076
178.....1076
180.....1076
192.....168
193.....168
195.....168
198.....168
199.....168
234.....746

Proposed Rules:
1250.....473

50 CFR

648.....2021
679 .....188, 192, 194, 1378
697.....2028

Proposed Rules:
17.....1491
100.....1868
223.....1616
226.....1618
660.....678
665.....1881
679.....936

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 29, 2014

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H.R. 26/P.L. 114–1
Terrorism Risk Insurance Program Reauthorization Act of 2015 (Jan. 12, 2015; 129 Stat. 3)

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