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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 ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM11–6–000]

Annual Update to Fee Schedule for the Use of Government Lands by Hydropower Licensees

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; annual update to fee schedule.

SUMMARY: In accordance with the Commission's regulations, the Commission, by its designee, the Executive Director, issues this notice of the annual update to the fee schedule in Appendix A to Part 11, which lists per-acre rental fees by county (or other geographic area) for use of government lands by hydropower licensees.

DATES: This rule is effective January 20, 2015 and updates Appendix A to Part 11 with the fee schedule of per-acre rental fees by county (or other geographic area) from October 1, 2014, through September 30, 2015 (Fiscal Year 2015).

FOR FURTHER INFORMATION CONTACT: Norman Richardson, Financial Management Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6219, *Norman.Richardson@ferc.gov*.

SUPPLEMENTARY INFORMATION:

Annual Update to Fee Schedule

Section 11.2 of the Commission's regulations provides a method for computing reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands by hydropower licensees.[1] Annual charges for the use of government lands are payable in advance, and are based on an annual schedule of per-acre rental fees published in Appendix A to Part 11 of the Commission's regulations.[2] This notice updates the fee schedule in Appendix A to Part 11 for fiscal year 2015 (October 1, 2014, through September 30, 2015).

Effective Date

This Final Rule is effective January 20, 2015. The provisions of 5 U.S.C. 804, regarding Congressional review of final rules, do not apply to this Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. This Final Rule merely updates the fee schedule published in the Code of Federal Regulations to reflect scheduled adjustments, as provided for in section 11.2 of the Commission's regulations.

List of Subjects in 18 CFR Part 11

Public lands.

By the Executive Director.

Anton C. Porter,

Executive Director, Office of the Executive Director.

In consideration of the foregoing, the Commission amends Appendix A to Part 11, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 11—[AMENDED]

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 792–828c; 42 U.S.C. 7101–7352.

■ 2. Appendix A to Part 11 is revised to read as follows:

Appendix A to Part 11—Fee Schedule for FY 2015

State	County	Fee/Acre/Yr
Alabama	Autauga	$55.10
	Baldwin	92.54
	Barbour	49.84
	Bibb	63.51
	Blount	90.59
	Bullock	57.19
	Butler	60.34
	Calhoun	89.88
	Chambers	51.19
	Cherokee	61.58
	Chilton	78.56
	Choctaw	48.65
	Clarke	46.44
	Clay	66.34
	Cleburne	87.05
	Coffee	61.44
	Colbert	61.07
	Conecuh	51.90
	Coosa	59.06
	Covington	63.42
	Crenshaw	60.31
	Cullman	105.25
	Dale	59.71
	Dallas	46.67
	DeKalb	97.98
	Elmore	73.75
	Escambia	59.63
	Etowah	85.16
	Fayette	48.11
	Franklin	59.77
	Geneva	58.47
	Greene	43.75
	Hale	51.76
	Henry	51.39
	Houston	60.14
	Jackson	59.66
	Jefferson	97.21
	Lamar	40.33
	Lauderdale	65.91
	Lawrence	73.67
	Lee	85.24
	Limestone	75.25
	Lowndes	46.16
	Macon	53.26
	Madison	75.76
	Marengo	47.43
	Marion	56.97
	Marshall	104.91
	Mobile	90.48
	Monroe	50.71
	Montgomery	55.13
	Morgan	80.97
	Perry	45.25
	Pickens	53.09
	Pike	61.35
	Randolph	68.57
	Russell	61.86
	St. Clair	99.79
	Shelby	104.99
	Sumter	40.81
	Talladega	65.80
	Tallapoosa	70.07
	Tuscaloosa	69.90
	Walker	71.12
	Washington	59.83
	Wilcox	39.11
	Winston	73.24
Alaska	Aleutian Islands Area**	1.58
	Anchorage Area**	88.69
	Fairbanks Area**	19.49

[1] *Annual Charges for the Use of Government Lands,* Order No. 774, 78 FR 5256 (January 25, 2013), FERC Stats. & Regs. ¶ 31,341 (2013).

[2] 18 CFR part 11 (2014).

State	County	Fee/Acre/Yr
	Juneau Area**.	1,367.35
	Kenai Peninsula**.	33.28
	All Areas	9.81
Arizona	Apache	2.65
	Cochise	26.09
	Coconino	2.70
	Gila	5.20
	Graham	7.54
	Greenlee	32.06
	La Paz	14.85
	Maricopa	116.28
	Mohave	7.72
	Navajo	3.78
	Pima	6.10
	Pinal	49.78
	Santa Cruz	31.35
	Yavapai	24.34
	Yuma	114.41
Arkansas	Arkansas	52.13
	Ashley	57.28
	Baxter	68.46
	Benton	122.35
	Boone	67.77
	Bradley	72.01
	Calhoun	54.36
	Carroll	63.45
	Chicot	44.09
	Clark	52.11
	Clay	55.71
	Cleburne	70.64
	Cleveland	88.44
	Columbia	61.50
	Conway	63.35
	Craighead	61.02
	Crawford	81.10
	Crittenden	53.66
	Cross	49.91
	Dallas	42.42
	Desha	47.64
	Drew	49.01
	Faulkner	75.98
	Franklin	60.52
	Fulton	44.42
	Garland	91.44
	Grant	71.69
	Greene	62.32
	Hempstead	52.43
	Hot Spring	66.97
	Howard	65.39
	Independence.	53.88
	Izard	45.44
	Jackson	50.49
	Jefferson	52.78
	Johnson	63.72
	Lafayette	47.99
	Lawrence	53.93
	Lee	50.14
	Lincoln	54.28
	Little River	44.44
	Logan	64.02
	Lonoke	53.78
	Madison	74.46
	Marion	49.21
	Miller	46.69
	Mississippi	56.00
	Monroe	50.09
	Montgomery	71.71
	Nevada	51.69
	Newton	58.68
	Ouachita	57.38
	Perry	61.40
	Phillips	45.14
	Pike	57.45
	Poinsett	55.95
	Polk	73.16
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California	Alameda	30.53
	Alpine	53.94
	Amador	37.51
	Butte	59.15
	Calaveras	28.85
	Colusa	31.33
	Contra Costa	52.00
	Del Norte	53.54
	El Dorado	80.00
	Fresno	62.41
	Glenn	37.97
	Humboldt	19.35
	Imperial	41.65
	Inyo	7.49
	Kern	36.42
	Kings	43.03
	Lake	72.29
	Lassen	10.89
	Los Angeles	110.43
	Madera	53.40
	Marin	39.80
	Mariposa	12.98
	Mendocino	41.82
	Merced	56.76
	Modoc	11.49
	Mono	24.31
	Monterey	36.57
	Napa	213.53
	Nevada	57.72
	Orange	95.22
	Placer	80.21
	Plumas	14.42
	Riverside	124.12
	Sacramento	52.91
	San Benito	21.94
	San Bernardino.	24.93
	San Diego	151.53
	San Francisco.	3,599.04
	San Joaquin	80.05
	San Luis Obispo.	35.79
	San Mateo	73.53
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	Santa Clara	45.03
	Santa Cruz	176.53
	Shasta	24.86
	Sierra	20.54
	Siskiyou	19.69
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	Stanislaus	74.60
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	Tehama	25.07
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	Tulare	65.08
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Colorado	Adams	22.85
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	Washington	13.99
	Weld	29.79
	Yuma	20.09

State	County	Fee/Acre/Yr
Connecticut ..	Fairfield	389.92
	Hartford	393.84
	Litchfield	339.46
	Middlesex	463.36
	New Haven ..	357.80
	New London	320.73
	Tolland	323.84
	Windham	246.75
Delaware	Kent	277.33
	New Castle ..	332.25
	Sussex	285.93
Florida	Alachua	138.95
	Baker	122.06
	Bay	146.48
	Bradford	131.73
	Brevard	75.20
	Broward	507.65
	Calhoun	83.64
	Charlotte	61.92
	Citrus	146.42
	Clay	100.80
	Collier	114.13
	Columbia	134.94
	DeSoto	106.17
	Dixie	70.65
	Duval	169.29
	Escambia	90.64
	Flagler	76.02
	Franklin	49.02
	Gadsden	105.58
	Gilchrist	128.44
	Glades	100.34
	Gulf	90.79
	Hamilton	92.45
	Hardee	116.50
	Hendry	64.88
	Hernando	187.02
	Highlands	78.54
	Hillsborough	194.68
	Holmes	81.16
	Indian River ..	100.21
	Jackson	70.98
	Jefferson	86.13
	Lafayette	72.49
	Lake	201.48
	Lee	206.68
	Leon	73.04
	Levy	99.52
	Liberty	35.52
	Madison	87.08
	Manatee	118.57
	Marion	181.84
	Martin	115.85
	Dade	528.22
	Monroe	504.19
	Nassau	121.22
	Okaloosa	103.36
	Okeechobee	87.94
	Orange	125.60
	Osceola	48.87
	Palm Beach	78.60
	Pasco	146.96
	Pinellas	471.21
	Polk	136.49
	Putnam	101.66
	St. Johns	168.03
	St. Lucie	117.50
	Santa Rosa ..	110.47
	Sarasota	145.94
	Seminole	162.36
	Sumter	110.49
	Suwannee	118.07
	Taylor	89.70
	Union	87.96
	Volusia	188.78
	Wakulla	60.41
	Walton	86.37
	Washington ..	85.27
Georgia	Appling	72.52
	Atkinson	76.25
	Bacon	72.79
	Baker	68.74
	Baldwin	65.23
	Banks	172.47
	Barrow	170.72
	Bartow	124.43
	Ben Hill	60.57
	Berrien	75.64
	Bibb	103.00
	Bleckley	70.63
	Brantley	73.73
	Brooks	78.55
	Bryan	52.35
	Bulloch	71.89
	Burke	66.87
	Butts	97.19
	Calhoun	54.49
	Camden	48.46
	Candler	74.14
	Carroll	145.62
	Catoosa	153.18
	Charlton	58.08
	Chatham	125.25
	Chattahoochee.	66.57
	Chattooga	89.92
	Cherokee	247.16
	Clarke	134.02
	Clay	68.49
	Clayton	160.14
	Clinch	74.05
	Cobb	156.03
	Coffee	68.44
	Colquitt	79.84
	Columbia	107.68
	Cook	79.48
	Coweta	101.24
	Crawford	80.85
	Crisp	61.56
	Dade	87.07
	Dawson	189.30
	Decatur	72.88
	DeKalb	279.77
	Dodge	55.01
	Dooly	57.28
	Dougherty	70.25
	Douglas	198.98
	Early	65.72
	Echols	88.80
	Effingham	87.65
	Elbert	94.77
	Emanuel	59.56
	Evans	66.38
	Fannin	148.99
	Fayette	183.33
	Floyd	101.27
	Forsyth	228.69
	Franklin	176.72
	Fulton	152.06
	Gilmer	206.93
	Glascock	58.95
	Glynn	97.54
	Gordon	147.37
	Grady	81.92
	Greene	108.75
	Gwinnett	263.49
	Habersham ..	191.55
	Hall	203.53
	Hancock	68.98
	Haralson	112.81
	Harris	91.35
	Hart	156.88
	Heard	113.60
	Henry	164.17
	Houston	101.19
	Irwin	61.64
	Jackson	169.41
	Jasper	105.11
	Jeff Davis	61.06
	Jefferson	58.87
	Jenkins	52.49
	Johnson	53.91
	Jones	97.54
	Lamar	114.15
	Lanier	65.01
	Laurens	58.08
	Lee	68.57
	Liberty	55.69
	Lincoln	80.50
	Long	60.24
	Lowndes	101.46
	Lumpkin	179.49
	McDuffie	78.08
	McIntosh	64.22
	Macon	77.40
	Madison	138.24
	Marion	68.79
	Meriwether ...	99.68
	Miller	73.10
	Mitchell	71.67
	Monroe	88.91
	Montgomery	67.89
	Morgan	141.39
	Murray	110.21
	Muscogee	89.10
	Newton	117.58
	Oconee	149.92
	Oglethorpe ...	100.34
	Paulding	181.14
	Peach	102.45
	Pickens	180.97
	Pierce	78.25
	Pike	114.34
	Polk	116.23
	Pulaski	72.66
	Putnam	113.71
	Quitman	70.05
	Rabun	148.55
	Randolph	58.82
	Richmond	111.90
	Rockdale	150.58
	Schley	82.63
	Screven	64.57
	Seminole	62.38
	Spalding	147.95
	Stephens	140.02
	Stewart	67.34
	Sumter	64.16
	Talbot	57.88
	Taliaferro	71.78
	Tattnall	76.36
	Taylor	58.82
	Telfair	61.94
	Terrell	65.15
	Thomas	74.69
	Tift	70.77
	Toombs	58.68
	Towns	173.19
	Treutlen	60.84
	Troup	104.81
	Turner	67.94
	Twiggs	70.14

State	County	Fee/Acre/Yr
	Union	162.83
	Upson	86.96
	Walker	117.88
	Walton	159.95
	Ware	83.73
	Warren	68.55
	Washington	60.76
	Wayne	79.37
	Webster	62.11
	Wheeler	58.65
	White	197.33
	Whitfield	128.27
	Wilcox	61.26
	Wilkes	71.97
	Wilkinson	61.12
	Worth	66.41
Hawaii	Hawaii	149.02
	Honolulu	379.39
	Kauai	133.18
	Maui	175.88
Idaho	Ada	53.21
	Adams	17.06
	Bannock	19.05
	Bear Lake	16.52
	Benewah	20.58
	Bingham	22.02
	Blaine	20.42
	Boise	18.98
	Bonner	53.81
	Bonneville	25.67
	Boundary	48.32
	Butte	18.97
	Camas	15.52
	Canyon	77.58
	Caribou	13.66
	Cassia	21.09
	Clark	11.11
	Clearwater	26.24
	Custer	29.89
	Elmore	17.46
	Franklin	26.31
	Fremont	23.86
	Gem	28.61
	Gooding	50.44
	Idaho	17.86
	Jefferson	26.32
	Jerome	43.58
	Kootenai	51.41
	Latah	26.32
	Lemhi	20.10
	Lewis	19.12
	Lincoln	27.20
	Madison	34.63
	Minidoka	30.69
	Nez Perce	18.59
	Oneida	14.86
	Owyhee	17.34
	Payette	35.58
	Power	13.22
	Shoshone	73.99
	Teton	46.32
	Twin Falls	31.42
	Valley	41.74
	Washington	12.39
Illinois	Adams	101.16
	Alexander	89.22
	Bond	98.24
	Boone	142.55
	Brown	87.98
	Bureau	116.73
	Calhoun	89.65
	Carroll	106.03
	Cass	102.66
	Champaign	125.50
	Christian	120.54
	Clark	93.28
	Clay	84.72
	Clinton	109.84
	Coles	111.74
	Cook	300.62
	Crawford	94.55
	Cumberland	101.62
	DeKalb	133.64
	De Witt	120.28
	Douglas	121.32
	DuPage	216.59
	Edgar	110.27
	Edwards	80.39
	Effingham	104.13
	Fayette	84.98
	Ford	114.66
	Franklin	73.12
	Fulton	101.62
	Gallatin	85.73
	Greene	104.65
	Grundy	119.79
	Hamilton	86.56
	Hancock	95.88
	Hardin	66.11
	Henderson	99.48
	Henry	113.94
	Iroquois	116.30
	Jackson	80.71
	Jasper	95.45
	Jefferson	81.75
	Jersey	105.57
	Jo Daviess	115.46
	Johnson	67.61
	Kane	140.18
	Kankakee	124.90
	Kendall	124.84
	Knox	115.95
	Lake	182.47
	La Salle	121.18
	Lawrence	94.55
	Lee	124.41
	Livingston	119.45
	Logan	121.23
	McDonough	112.00
	McHenry	145.35
	McLean	120.60
	Macon	128.68
	Macoupin	110.59
	Madison	119.36
	Marion	90.02
	Marshall	116.65
	Mason	95.19
	Massac	73.03
	Menard	110.56
	Mercer	106.35
	Monroe	102.57
	Montgomery	109.98
	Morgan	113.47
	Moultrie	121.95
	Ogle	130.81
	Peoria	112.06
	Perry	80.88
	Piatt	125.99
	Pike	101.42
	Pope	65.56
	Pulaski	85.29
	Putnam	113.56
	Randolph	92.76
	Richland	88.67
	Rock Island	118.15
	St. Clair	109.58
	Saline	83.36
	Sangamon	112.23
	Schuyler	94.03
	Scott	103.96
	Shelby	102.40
	Stark	118.90
	Stephenson	111.54
	Tazewell	116.42
	Union	76.44
	Vermilion	113.94
	Wabash	93.48
	Warren	117.97
	Washington	97.32
	Wayne	77.79
	White	81.92
	Whiteside	110.19
	Will	162.65
	Williamson	81.75
	Winnebago	127.23
	Woodford	122.24
Indiana	Adams	125.02
	Allen	115.95
	Bartholomew	109.43
	Benton	97.50
	Blackford	79.01
	Boone	112.60
	Brown	123.90
	Carroll	118.77
	Cass	102.98
	Clark	103.12
	Clay	90.91
	Clinton	119.17
	Crawford	83.67
	Daviess	104.82
	Dearborn	110.73
	Decatur	102.66
	DeKalb	104.48
	Delaware	101.37
	Dubois	93.15
	Elkhart	159.86
	Fayette	94.25
	Floyd	133.46
	Fountain	99.41
	Franklin	105.92
	Fulton	96.61
	Gibson	90.76
	Grant	98.46
	Greene	83.76
	Hamilton	130.96
	Hancock	118.13
	Harrison	93.64
	Hendricks	118.54
	Henry	99.43
	Howard	119.52
	Huntington	99.78
	Jackson	86.58
	Jasper	96.35
	Jay	114.53
	Jefferson	98.11
	Jennings	91.89
	Johnson	128.31
	Knox	99.61
	Kosciusko	107.47
	LaGrange	146.75
	Lake	114.13
	LaPorte	105.31
	Lawrence	80.76
	Madison	107.65
	Marion	169.22
	Marshall	102.46
	Martin	93.10
	Miami	96.58
	Monroe	104.91
	Montgomery	108.19
	Morgan	112.57
	Newton	103.99

State	County	Fee/Acre/Yr
	Noble	106.49
	Ohio	102.89
	Orange	83.76
	Owen	92.52
	Parke	89.24
	Perry	76.82
	Pike	80.30
	Porter	119.89
	Posey	87.79
	Pulaski	89.41
	Putnam	103.64
	Randolph	90.79
	Ripley	100.24
	Rush	106.00
	St. Joseph	105.17
	Scott	88.98
	Shelby	109.32
	Spencer	87.88
	Starke	87.45
	Steuben	112.89
	Sullivan	86.35
	Switzerland	101.45
	Tippecanoe	113.64
	Tipton	118.71
	Union	108.22
	Vanderburgh	98.86
	Vermillion	91.60
	Vigo	88.54
	Wabash	103.09
	Warren	101.77
	Warrick	87.97
	Washington	81.37
	Wayne	94.31
	Wells	99.81
	White	110.50
	Whitley	110.07
Iowa	Adair	78.33
	Adams	73.79
	Allamakee	80.50
	Appanoose	62.40
	Audubon	100.27
	Benton	104.31
	Black Hawk	112.70
	Boone	108.59
	Bremer	114.40
	Buchanan	108.97
	Buena Vista	110.67
	Butler	101.48
	Calhoun	110.15
	Carroll	106.39
	Cass	88.73
	Cedar	106.31
	Cerro Gordo	103.71
	Cherokee	109.72
	Chickasaw	104.72
	Clarke	66.85
	Clay	104.34
	Clayton	89.83
	Clinton	98.45
	Crawford	90.03
	Dallas	96.62
	Davis	67.84
	Decatur	59.54
	Delaware	109.86
	Des Moines	95.01
	Dickinson	102.26
	Dubuque	98.13
	Emmet	103.88
	Fayette	97.52
	Floyd	107.75
	Franklin	105.27
	Fremont	88.47
	Greene	110.09
	Grundy	113.45
	Guthrie	86.57
	Hamilton	114.05
	Hancock	103.33
	Hardin	109.40
	Harrison	85.73
	Henry	88.30
	Howard	88.18
	Humboldt	108.42
	Ida	92.93
	Iowa	89.05
	Jackson	82.06
	Jasper	99.80
	Jefferson	82.26
	Johnson	108.42
	Jones	101.05
	Keokuk	85.96
	Kossuth	104.14
	Lee	78.33
	Linn	108.74
	Louisa	92.23
	Lucas	62.84
	Lyon	121.45
	Madison	85.41
	Mahaska	88.68
	Marion	84.25
	Marshall	107.64
	Mills	96.34
	Mitchell	103.53
	Monona	91.68
	Monroe	65.32
	Montgomery	84.37
	Muscatine	102.55
	O'Brien	121.54
	Osceola	112.12
	Page	78.44
	Palo Alto	104.57
	Plymouth	104.86
	Pocahontas	106.45
	Polk	111.16
	Pottawattamie	104.92
	Poweshiek	95.99
	Ringgold	65.70
	Sac	111.48
	Scott	121.57
	Shelby	92.87
	Sioux	131.05
	Story	102.87
	Tama	100.15
	Taylor	71.88
	Union	72.78
	Van Buren	71.62
	Wapello	89.20
	Warren	90.47
	Washington	106.60
	Wayne	64.72
	Webster	104.49
	Winnebago	96.86
	Winneshiek	93.94
	Woodbury	86.16
	Worth	102.35
	Wright	113.01
Kansas	Allen	28.74
	Anderson	29.14
	Atchison	38.94
	Barber	18.50
	Barton	24.06
	Bourbon	31.96
	Brown	48.61
	Butler	31.10
	Chase	27.62
	Chautauqua	25.14
	Cherokee	35.41
	Cheyenne	17.56
	Clark	18.02
	Clay	33.27
	Cloud	28.94
	Coffey	27.85
	Comanche	15.17
	Cowley	27.28
	Crawford	30.76
	Decatur	18.73
	Dickinson	30.25
	Doniphan	48.84
	Douglas	54.85
	Edwards	25.00
	Elk	28.00
	Ellis	22.07
	Ellsworth	21.52
	Finney	22.32
	Ford	20.30
	Franklin	47.12
	Geary	35.78
	Gove	17.16
	Graham	17.62
	Grant	22.81
	Gray	24.29
	Greeley	20.16
	Greenwood	27.31
	Hamilton	19.13
	Harper	21.04
	Harvey	38.91
	Haskell	30.28
	Hodgeman	16.93
	Jackson	33.67
	Jefferson	45.81
	Jewell	23.58
	Johnson	57.13
	Kearny	19.64
	Kingman	23.92
	Kiowa	17.96
	Labette	29.25
	Lane	17.05
	Leavenworth	55.62
	Lincoln	22.41
	Linn	38.26
	Logan	17.39
	Lyon	27.85
	McPherson	32.10
	Marion	28.48
	Marshall	35.92
	Meade	20.18
	Miami	58.56
	Mitchell	26.28
	Montgomery	32.56
	Morris	25.03
	Morton	16.42
	Nemaha	40.17
	Neosho	30.25
	Ness	15.39
	Norton	19.56
	Osage	34.32
	Osborne	21.64
	Ottawa	23.58
	Pawnee	24.40
	Phillips	19.90
	Pottawatomie	34.01
	Pratt	25.52
	Rawlins	18.19
	Reno	28.88
	Republic	31.62
	Rice	25.54
	Riley	35.49
	Rooks	18.73
	Rush	19.96
	Russell	18.79
	Saline	30.65
	Scott	21.21

State	County	Fee/Acre/Yr
	Sedgwick	41.17
	Seward	20.73
	Shawnee	45.56
	Sheridan	22.09
	Sherman	21.55
	Smith	22.32
	Stafford	24.72
	Stanton	21.81
	Stevens	22.52
	Sumner	26.74
	Thomas	23.29
	Trego	17.62
	Wabaunsee	27.80
	Wallace	17.76
	Washington	29.48
	Wichita	19.07
	Wilson	27.40
	Woodson	26.48
	Wyandotte	69.30
Kentucky	Adair	70.96
	Allen	80.15
	Anderson	78.00
	Ballard	73.95
	Barren	79.92
	Bath	58.01
	Bell	55.62
	Boone	141.46
	Bourbon	135.06
	Boyd	74.72
	Boyle	92.90
	Bracken	58.96
	Breathitt	43.53
	Breckinridge	60.77
	Bullitt	108.72
	Butler	55.57
	Caldwell	56.86
	Calloway	81.01
	Campbell	112.14
	Carlisle	68.20
	Carroll	68.06
	Carter	51.06
	Casey	58.21
	Christian	74.09
	Clark	96.17
	Clay	53.82
	Clinton	65.96
	Crittenden	54.28
	Cumberland	51.98
	Daviess	86.84
	Edmonson	62.29
	Elliott	44.77
	Estill	57.41
	Fayette	189.36
	Fleming	56.63
	Floyd	66.71
	Franklin	93.27
	Fulton	64.93
	Gallatin	85.61
	Garrard	75.30
	Grant	80.95
	Graves	80.55
	Grayson	61.74
	Green	66.62
	Greenup	56.86
	Hancock	61.77
	Hardin	82.56
	Harlan	48.10
	Harrison	77.05
	Hart	69.21
	Henderson	80.06
	Henry	93.85
	Hickman	75.30
	Hopkins	62.80
	Jackson	52.49
	Jefferson	209.69
	Jessamine	134.88
	Johnson	61.28
	Kenton	127.85
	Knott	57.26
	Knox	62.98
	Larue	78.68
	Laurel	81.96
	Lawrence	42.16
	Lee	37.27
	Leslie	22.89
	Letcher	48.19
	Lewis	43.88
	Lincoln	68.29
	Livingston	56.40
	Logan	76.42
	Lyon	49.39
	McCracken	84.03
	McCreary	68.60
	McLean	86.50
	Madison	84.74
	Magoffin	48.27
	Marion	70.27
	Marshall	73.26
	Martin	23.92
	Mason	72.60
	Meade	84.57
	Menifee	54.02
	Mercer	98.24
	Metcalfe	67.00
	Monroe	66.74
	Montgomery	72.48
	Morgan	46.58
	Muhlenberg	56.77
	Nelson	93.44
	Nicholas	56.74
	Ohio	57.49
	Oldham	175.49
	Owen	65.45
	Owsley	42.82
	Pendleton	72.60
	Perry	34.98
	Pike	26.88
	Powell	55.31
	Pulaski	75.38
	Robertson	51.20
	Rockcastle	59.27
	Rowan	56.83
	Russell	89.02
	Scott	110.56
	Shelby	127.27
	Simpson	84.86
	Spencer	94.62
	Taylor	71.13
	Todd	82.07
	Trigg	74.18
	Trimble	73.17
	Union	74.18
	Warren	90.06
	Washington	70.79
	Wayne	58.70
	Webster	66.80
	Whitley	70.61
	Wolfe	50.71
	Woodford	200.10
Louisiana	Acadia	50.33
	Allen	51.77
	Ascension	94.58
	Assumption	69.93
	Avoyelles	48.42
	Beauregard	60.88
	Bienville	58.48
	Bossier	75.74
	Caddo	58.26
	Calcasieu	48.56
	Caldwell	51.48
	Cameron	48.61
	Catahoula	44.60
	Claiborne	71.05
	Concordia	47.49
	De Soto	54.53
	East Baton Rouge.	109.96
	East Carroll	43.46
	East Feliciana.	70.72
	Evangeline	48.23
	Franklin	47.33
	Grant	50.49
	Iberia	68.11
	Iberville	78.00
	Jackson	85.64
	Jefferson	56.44
	Jefferson Davis.	48.20
	Lafayette	93.11
	Lafourche	66.33
	La Salle	63.20
	Lincoln	86.89
	Livingston	118.11
	Madison	43.81
	Morehouse	44.28
	Natchitoches	45.07
	Orleans	56.11
	Ouachita	61.02
	Plaquemines	34.38
	Pointe Coupee.	53.77
	Rapides	68.35
	Red River	45.69
	Richland	43.70
	Sabine	80.84
	St. Bernard	32.06
	St. Charles	56.11
	St. Helena	82.99
	St. James	70.83
	St. John the Baptist.	78.55
	St. Landry	53.60
	St. Martin	65.65
	St. Mary	61.04
	St. Tammany	147.20
	Tangipahoa	106.19
	Tensas	43.98
	Terrebonne	32.42
	Union	80.29
	Vermilion	54.53
	Vernon	84.96
	Washington	89.84
	Webster	69.91
	West Baton Rouge.	81.68
	West Carroll	50.11
	West Feliciana.	65.71
	Winn	58.95
Maine	Androscoggin	82.10
	Aroostook	31.70
	Cumberland	136.50
	Franklin	72.16
	Hancock	77.87
	Kennebec	74.69
	Knox	106.14
	Lincoln	105.56
	Oxford	75.84
	Penobscot	62.72
	Piscataquis	54.95
	Sagadahoc	102.02

State	County	Fee/Acre/Yr
	Somerset	51.68
	Waldo	62.20
	Washington	31.04
	York	129.17
Maryland	Allegany	124.36
	Anne Arundel	373.02
	Baltimore	260.16
	Calvert	241.63
	Caroline	155.66
	Carroll	222.64
	Cecil	217.25
	Charles	191.76
	Dorchester	138.31
	Frederick	235.72
	Garrett	163.60
	Harford	274.62
	Howard	373.24
	Kent	172.47
	Montgomery	271.20
	Prince George's.	267.25
	Queen Anne's.	163.46
	St. Mary's	205.63
	Somerset	179.14
	Talbot	174.28
	Washington	214.34
	Wicomico	163.65
	Worcester	124.50
Massachusetts.	Barnstable	902.66
	Berkshire	222.59
	Bristol	405.32
	Dukes	383.35
	Essex	470.64
	Franklin	197.16
	Hampden	269.74
	Hampshire	228.13
	Middlesex	476.20
	Nantucket	257.88
	Norfolk	526.88
	Plymouth	371.76
	Suffolk	676.61
	Worcester	299.57
Michigan	Alcona	68.10
	Alger	60.23
	Allegan	117.15
	Alpena	72.30
	Antrim	108.11
	Arenac	67.09
	Baraga	57.34
	Barry	97.80
	Bay	78.94
	Benzie	128.36
	Berrien	129.31
	Branch	83.99
	Calhoun	84.38
	Cass	98.16
	Charlevoix	106.12
	Cheboygan	75.81
	Chippewa	53.93
	Clare	80.37
	Clinton	101.30
	Crawford	113.60
	Delta	64.01
	Dickinson	69.17
	Eaton	85.33
	Emmet	100.29
	Genesee	104.58
	Gladwin	82.95
	Gogebic	95.61
	Grand Traverse.	156.26
	Gratiot	82.89
	Hillsdale	84.41
	Houghton	55.61
	Huron	87.38
	Ingham	107.04
	Ionia	96.26
	Iosco	75.50
	Iron	76.37
	Isabella	83.45
	Jackson	97.18
	Kalamazoo	117.18
	Kalkaska	96.26
	Kent	135.56
	Keweenaw	58.66
	Lake	81.58
	Lapeer	115.33
	Leelanau	198.06
	Lenawee	89.59
	Livingston	141.30
	Luce	82.53
	Mackinac	59.25
	Macomb	144.38
	Manistee	86.28
	Marquette	67.65
	Mason	89.42
	Mecosta	81.41
	Menominee	62.44
	Midland	84.04
	Missaukee	81.80
	Monroe	107.18
	Montcalm	80.26
	Montmorency	66.67
	Muskegon	110.99
	Newaygo	95.67
	Oakland	235.93
	Oceana	105.95
	Ogemaw	79.00
	Ontonagon	44.54
	Osceola	74.74
	Oscoda	71.72
	Otsego	74.46
	Ottawa	162.96
	Presque Isle	63.20
	Roscommon	116.79
	Saginaw	79.42
	St. Clair	107.41
	St. Joseph	94.74
	Sanilac	81.69
	Schoolcraft	39.33
	Shiawassee	82.50
	Tuscola	84.85
	Van Buren	119.93
	Washtenaw	140.15
	Wayne	216.86
	Wexford	89.31
Minnesota	Aitkin	48.25
	Anoka	167.28
	Becker	54.04
	Beltrami	44.69
	Benton	87.62
	Big Stone	61.91
	Blue Earth	102.15
	Brown	85.04
	Carlton	59.99
	Carver	113.36
	Cass	61.11
	Chippewa	77.01
	Chisago	123.94
	Clay	53.17
	Clearwater	42.76
	Cook	123.57
	Cottonwood	85.32
	Crow Wing	74.60
	Dakota	111.92
	Dodge	106.14
	Douglas	69.31
	Faribault	91.36
	Fillmore	82.88
	Freeborn	89.35
	Goodhue	102.69
	Grant	64.24
	Hennepin	157.82
	Houston	77.04
	Hubbard	66.63
	Isanti	115.00
	Itasca	57.11
	Jackson	87.54
	Kanabec	70.57
	Kandiyohi	81.76
	Kittson	34.05
	Koochiching	38.88
	Lac qui Parle	66.03
	Lake	95.59
	Lake of the Woods.	34.39
	Le Sueur	100.77
	Lincoln	64.91
	Lyon	79.00
	McLeod	97.75
	Mahnomen	40.03
	Marshall	37.15
	Martin	88.54
	Meeker	86.47
	Mille Lacs	80.00
	Morrison	66.83
	Mower	91.48
	Murray	76.29
	Nicollet	96.94
	Nobles	90.36
	Norman	45.06
	Olmsted	103.35
	Otter Tail	57.83
	Pennington	39.51
	Pine	62.06
	Pipestone	78.08
	Polk	43.19
	Pope	63.04
	Ramsey	240.81
	Red Lake	38.79
	Redwood	87.05
	Renville	83.77
	Rice	121.33
	Rock	93.52
	Roseau	31.75
	St. Louis	56.39
	Scott	144.28
	Sherburne	110.66
	Sibley	95.47
	Stearns	81.38
	Steele	96.91
	Stevens	71.58
	Swift	71.78
	Todd	62.92
	Traverse	62.81
	Wabasha	84.14
	Wadena	55.21
	Waseca	99.93
	Washington	164.66
	Watonwan	86.01
	Wilkin	56.36
	Winona	85.75
	Wright	115.49
	Yellow Medicine.	72.81
Mississippi	Adams	47.31
	Alcorn	47.09
	Amite	66.95
	Attala	44.26
	Benton	40.45

State	County	Fee/Acre/Yr
	Bolivar	56.35
	Calhoun	39.32
	Carroll	42.43
	Chickasaw	41.21
	Choctaw	49.94
	Claiborne	45.28
	Clarke	52.57
	Clay	41.35
	Coahoma	50.93
	Copiah	54.46
	Covington	70.00
	DeSoto	66.27
	Forrest	85.39
	Franklin	52.62
	George	82.68
	Greene	66.80
	Grenada	45.31
	Hancock	84.40
	Harrison	135.56
	Hinds	52.60
	Holmes	47.34
	Humphreys	47.74
	Issaquena	48.78
	Itawamba	42.48
	Jackson	102.00
	Jasper	57.79
	Jefferson	50.82
	Jefferson Davis.	57.88
	Jones	87.96
	Kemper	39.01
	Lafayette	56.41
	Lamar	76.86
	Lauderdale	48.44
	Lawrence	62.68
	Leake	63.39
	Lee	50.31
	Leflore	48.33
	Lincoln	64.69
	Lowndes	50.42
	Madison	55.31
	Marion	69.40
	Marshall	51.07
	Monroe	41.89
	Montgomery	42.99
	Neshoba	68.58
	Newton	57.57
	Noxubee	43.33
	Oktibbeha	50.51
	Panola	43.44
	Pearl River	76.47
	Perry	69.04
	Pike	76.66
	Pontotoc	46.83
	Prentiss	39.57
	Quitman	43.73
	Rankin	70.73
	Scott	58.58
	Sharkey	44.12
	Simpson	68.30
	Smith	70.22
	Stone	77.34
	Sunflower	49.18
	Tallahatchie	43.19
	Tate	57.23
	Tippah	41.10
	Tishomingo	43.61
	Tunica	51.10
	Union	43.02
	Walthall	69.38
	Warren	49.97
	Washington	50.51
	Wayne	70.45
	Webster	42.26
	Wilkinson	51.10
	Winston	48.16
	Yalobusha	43.50
	Yazoo	47.77
Missouri	Adair	53.31
	Andrew	69.31
	Atchison	70.20
	Audrain	74.70
	Barry	73.92
	Barton	53.19
	Bates	55.97
	Benton	54.43
	Bollinger	53.62
	Boone	80.31
	Buchanan	77.36
	Butler	64.88
	Caldwell	57.23
	Callaway	72.95
	Camden	53.19
	Cape Girardeau.	72.72
	Carroll	60.52
	Carter	46.67
	Cass	81.28
	Cedar	52.19
	Chariton	56.37
	Christian	79.73
	Clark	56.43
	Clay	81.60
	Clinton	66.71
	Cole	69.00
	Cooper	63.73
	Crawford	53.22
	Dade	52.08
	Dallas	63.64
	Daviess	55.46
	DeKalb	56.06
	Dent	48.18
	Douglas	52.82
	Dunklin	70.77
	Franklin	85.66
	Gasconade	63.13
	Gentry	53.51
	Greene	93.82
	Grundy	53.28
	Harrison	52.59
	Henry	51.62
	Hickory	44.72
	Holt	70.20
	Howard	60.38
	Howell	49.64
	Iron	48.90
	Jackson	93.51
	Jasper	63.27
	Jefferson	88.18
	Johnson	63.76
	Knox	54.31
	Laclede	55.20
	Lafayette	77.44
	Lawrence	70.63
	Lewis	61.01
	Lincoln	89.75
	Linn	52.28
	Livingston	57.98
	McDonald	67.85
	Macon	51.30
	Madison	48.96
	Maries	48.79
	Marion	63.87
	Mercer	51.85
	Miller	57.15
	Mississippi	67.71
	Moniteau	68.00
	Monroe	64.82
	Montgomery	81.60
	Morgan	63.44
	New Madrid	69.43
	Newton	75.10
	Nodaway	60.18
	Oregon	48.84
	Osage	55.48
	Ozark	48.81
	Pemiscot	61.87
	Perry	62.27
	Pettis	67.71
	Phelps	59.12
	Pike	67.80
	Platte	81.39
	Polk	61.98
	Pulaski	53.31
	Putnam	49.39
	Ralls	67.94
	Randolph	58.20
	Ray	62.99
	Reynolds	40.77
	Ripley	49.50
	St. Charles	93.65
	St. Clair	51.16
	Ste. Genevieve.	62.07
	St. Francois	75.47
	St Louis	105.53
	Saline	63.24
	Schuyler	48.67
	Scotland	56.26
	Scott	74.01
	Shannon	50.27
	Shelby	59.35
	Stoddard	67.82
	Stone	70.57
	Sullivan	44.83
	Taney	54.45
	Texas	49.73
	Vernon	52.74
	Warren	95.17
	Washington	53.37
	Wayne	48.84
	Webster	74.81
	Worth	46.81
	Wright	51.85
Montana	Beaverhead	27.20
	Big Horn	9.21
	Blaine	13.84
	Broadwater	24.88
	Carbon	32.33
	Carter	8.89
	Cascade	20.56
	Chouteau	15.17
	Custer	11.81
	Daniels	13.34
	Dawson	11.54
	Deer Lodge	33.21
	Fallon	13.12
	Fergus	20.90
	Flathead	87.59
	Gallatin	51.04
	Garfield	9.73
	Glacier	12.84
	Golden Valley	17.00
	Granite	31.11
	Hill	15.01
	Jefferson	27.61
	Judith Basin	18.98
	Lake	35.10
	Lewis and Clark.	22.12
	Liberty	10.47
	Lincoln	83.86

State	County	Fee/Acre/Yr
	McCone	10.75
	Madison	35.64
	Meagher	26.39
	Mineral	82.87
	Missoula	50.14
	Musselshell	13.72
	Park	40.99
	Petroleum	10.99
	Phillips	11.29
	Pondera	16.07
	Powder River	14.61
	Powell	20.41
	Prairie	14.00
	Ravalli	87.47
	Richland	15.82
	Roosevelt	16.03
	Rosebud	8.69
	Sanders	34.18
	Sheridan	14.99
	Silver Bow	48.96
	Stillwater	23.09
	Sweet Grass	27.40
	Teton	19.14
	Toole	13.41
	Treasure	11.22
	Valley	13.30
	Wheatland	12.60
	Wibaux	9.53
	Yellowstone	17.52
Nebraska	Adams	57.84
	Antelope	42.88
	Arthur	8.66
	Banner	14.23
	Blaine	11.74
	Boone	48.04
	Box Butte	21.36
	Boyd	20.25
	Brown	12.96
	Buffalo	43.56
	Burt	64.66
	Butler	63.73
	Cass	66.55
	Cedar	51.49
	Chase	26.00
	Cherry	10.53
	Cheyenne	19.21
	Clay	59.37
	Colfax	63.60
	Cuming	64.64
	Custer	26.45
	Dakota	45.76
	Dawes	14.60
	Dawson	34.66
	Deuel	18.38
	Dixon	47.78
	Dodge	68.81
	Douglas	94.43
	Dundy	21.29
	Fillmore	62.48
	Franklin	33.52
	Frontier	20.30
	Furnas	25.36
	Gage	46.56
	Garden	12.08
	Garfield	14.44
	Gosper	31.81
	Grant	7.86
	Greeley	30.83
	Hall	53.02
	Hamilton	67.54
	Harlan	29.71
	Hayes	17.58
	Hitchcock	19.91
	Holt	23.23
	Hooker	8.89
	Howard	40.42
	Jefferson	46.46
	Johnson	39.80
	Kearney	52.03
	Keith	22.22
	Keya Paha	14.39
	Kimball	18.15
	Knox	37.75
	Lancaster	65.72
	Lincoln	21.62
	Logan	13.25
	Loup	11.64
	McPherson	9.46
	Madison	56.18
	Merrick	47.47
	Morrill	16.75
	Nance	37.75
	Nemaha	50.71
	Nuckolls	42.73
	Otoe	56.57
	Pawnee	33.96
	Perkins	25.33
	Phelps	53.23
	Pierce	51.70
	Platte	58.98
	Polk	63.96
	Red Willow	27.33
	Richardson	49.21
	Rock	13.22
	Saline	54.39
	Sarpy	86.98
	Saunders	69.28
	Scotts Bluff	28.23
	Seward	65.65
	Sheridan	12.50
	Sherman	28.36
	Sioux	12.37
	Stanton	48.04
	Thayer	47.21
	Thomas	8.84
	Thurston	51.05
	Valley	29.09
	Washington	79.57
	Wayne	62.02
	Webster	32.72
	Wheeler	18.17
	York	68.34
Nevada	Carson City	28.77
	Churchill	18.47
	Clark	28.09
	Douglas	22.43
	Elko	2.85
	Esmeralda	12.46
	Eureka	1.32
	Humboldt	5.33
	Lander	3.77
	Lincoln	13.67
	Lyon	11.71
	Mineral	9.08
	Nye	11.88
	Pershing	6.58
	Storey	130.56
	Washoe	7.33
	White Pine	7.67
New Hampshire.	Belknap	158.29
	Carroll	129.66
	Cheshire	127.42
	Coos	66.17
	Grafton	108.28
	Hillsborough	189.55
	Merrimack	131.51
	Rockingham	264.42
	Strafford	171.08
	Sullivan	109.80
New Jersey	Atlantic	373.67
	Bergen	1,743.78
	Burlington	301.95
	Camden	389.95
	Cape May	404.62
	Cumberland	235.54
	Essex	2,319.89
	Gloucester	389.60
	Hudson*	386.75
	Hunterdon	508.42
	Mercer	474.12
	Middlesex	511.32
	Monmouth	597.74
	Morris	620.12
	Ocean	456.56
	Passaic	1,032.40
	Salem	263.99
	Somerset	515.99
	Sussex	343.38
	Union	3,358.49
	Warren	311.24
New Mexico	Bernalillo	24.16
	Catron	4.63
	Chaves	5.56
	Cibola	3.28
	Colfax	6.05
	Curry	11.87
	De Baca	4.16
	Dona Ana	34.45
	Eddy	6.82
	Grant	4.25
	Guadalupe	3.29
	Harding*	6.10
	Hidalgo	3.06
	Lea	4.05
	Lincoln	5.05
	Los Alamos*	6.10
	Luna	6.34
	McKinley	2.35
	Mora	9.41
	Otero	5.83
	Quay	6.53
	Rio Arriba	8.53
	Roosevelt	8.51
	Sandoval	6.53
	San Juan	5.65
	San Miguel	5.88
	Santa Fe	12.11
	Sierra	3.93
	Socorro	5.00
	Taos	11.28
	Torrance	5.99
	Union	5.57
	Valencia	11.75
New York	Albany	88.18
	Allegany	39.22
	Bronx*	62.57
	Broome	50.77
	Cattaraugus	47.91
	Cayuga	58.45
	Chautauqua	54.16
	Chemung	50.33
	Chenango	49.59
	Clinton	48.16
	Columbia	117.77
	Cortland	42.82
	Delaware	62.38
	Dutchess	154.05
	Erie	81.52
	Essex	64.69
	Franklin	39.96
	Fulton	59.77

State	County	Fee/Acre/Yr
	Genesee	48.16
	Greene	80.31
	Hamilton *	62.57
	Herkimer	47.94
	Jefferson	38.12
	Kings *	62.57
	Lewis	44.14
	Livingston	55.39
	Madison	46.29
	Monroe	71.07
	Montgomery	59.41
	Nassau	2,722.80
	New York	62.57
	Niagara	58.69
	Oneida	53.22
	Onondaga	65.90
	Ontario	60.62
	Orange	141.64
	Orleans	47.22
	Oswego	51.79
	Otsego	52.23
	Putnam	384.06
	Queens	62.57
	Rensselaer	86.72
	Richmond	3,321.80
	Rockland	1,554.38
	St. Lawrence	37.02
	Saratoga	120.05
	Schenectady	98.93
	Schoharie	58.86
	Schuyler	59.90
	Seneca	55.37
	Steuben	43.24
	Suffolk	498.23
	Sullivan	96.07
	Tioga	48.16
	Tompkins	62.21
	Ulster	109.60
	Warren	95.49
	Washington	58.58
	Wayne	62.85
	Westchester	874.95
	Wyoming	48.90
	Yates	78.25
North Carolina.	Alamance	127.04
	Alexander	150.60
	Alleghany	156.41
	Anson	98.29
	Ashe	158.89
	Avery	208.36
	Beaufort	70.71
	Bertie	70.41
	Bladen	90.83
	Brunswick	117.92
	Buncombe	195.60
	Burke	162.06
	Cabarrus	154.90
	Caldwell	139.91
	Camden	81.15
	Carteret	84.68
	Caswell	86.03
	Catawba	146.05
	Chatham	154.29
	Cherokee	185.93
	Chowan	67.82
	Clay	196.51
	Cleveland	110.42
	Columbus	90.80
	Craven	84.76
	Cumberland	82.89
	Currituck	91.63
	Dare	62.11
	Davidson	156.74
	Davie	144.37
	Duplin	112.49
	Durham	140.98
	Edgecombe	68.75
	Forsyth	185.48
	Franklin	102.92
	Gaston	153.60
	Gates	69.66
	Graham	121.11
	Granville	92.07
	Greene	94.41
	Guilford	144.53
	Halifax	65.56
	Harnett	146.13
	Haywood	172.45
	Henderson	284.14
	Hertford	56.57
	Hoke	93.31
	Hyde	64.84
	Iredell	158.75
	Jackson	199.15
	Johnston	118.88
	Jones	76.94
	Lee	127.42
	Lenoir	93.20
	Lincoln	127.34
	McDowell	163.47
	Macon	240.87
	Madison	145.42
	Martin	80.99
	Mecklenburg	427.13
	Mitchell	140.21
	Montgomery	102.32
	Moore	144.59
	Nash	93.58
	New Hanover	220.92
	Northampton	69.53
	Onslow	125.71
	Orange	154.65
	Pamlico	67.87
	Pasquotank	71.40
	Pender	110.97
	Perquimans	79.45
	Person	93.80
	Pitt	93.53
	Polk	205.44
	Randolph	133.48
	Richmond	105.62
	Robeson	79.39
	Rockingham	106.86
	Rowan	143.16
	Rutherford	120.89
	Sampson	103.01
	Scotland	79.78
	Stanly	110.78
	Stokes	116.95
	Surry	129.19
	Swain	169.01
	Transylvania	202.40
	Tyrrell	62.80
	Union	143.46
	Vance	91.05
	Wake	218.94
	Warren	67.73
	Washington	61.64
	Watauga	195.63
	Wayne	114.64
	Wilkes	154.04
	Wilson	88.68
	Yadkin	143.10
	Yancey	134.15
North Dakota	Adams	16.80
	Barnes	27.13
	Benson	20.95
	Billings	13.59
	Bottineau	21.18
	Bowman	14.75
	Burke	18.07
	Burleigh	20.98
	Cass	42.34
	Cavalier	27.42
	Dickey	30.04
	Divide	18.04
	Dunn	14.75
	Eddy	17.03
	Emmons	19.60
	Foster	21.96
	Golden Valley	13.48
	Grand Forks	30.51
	Grant	14.92
	Griggs	19.68
	Hettinger	21.56
	Kidder	16.54
	LaMoure	30.33
	Logan	21.10
	McHenry	18.90
	McIntosh	20.92
	McKenzie	14.89
	McLean	22.51
	Mercer	17.34
	Morton	18.33
	Mountrail	16.97
	Nelson	20.23
	Oliver	18.56
	Pembina	39.02
	Pierce	18.61
	Ramsey	20.35
	Ransom	29.67
	Renville	25.89
	Richland	39.83
	Rolette	19.31
	Sargent	32.44
	Sheridan	16.94
	Sioux	10.68
	Slope	13.88
	Stark	20.61
	Steele	28.11
	Stutsman	23.69
	Towner	21.50
	Traill	39.65
	Walsh	32.12
	Ward	24.42
	Wells	24.10
	Williams	19.05
Ohio	Adams	81.91
	Allen	102.96
	Ashland	107.62
	Ashtabula	83.75
	Athens	74.55
	Auglaize	109.60
	Belmont	60.52
	Brown	84.21
	Butler	133.38
	Carroll	91.54
	Champaign	105.17
	Clark	110.00
	Clermont	119.26
	Clinton	103.59
	Columbiana	110.29
	Coshocton	84.99
	Crawford	92.00
	Cuyahoga	642.19
	Darke	120.61
	Defiance	85.76
	Delaware	128.72
	Erie	114.83
	Fairfield	121.65
	Fayette	96.55

State	County	Fee/Acre/Yr
	Franklin	136.48
	Fulton	103.07
	Gallia	79.01
	Geauga	173.05
	Greene	112.73
	Guernsey	74.98
	Hamilton	190.51
	Hancock	93.47
	Hardin	93.18
	Harrison	65.35
	Henry	97.12
	Highland	89.88
	Hocking	96.98
	Holmes	132.95
	Huron	99.36
	Jackson	72.86
	Jefferson	67.54
	Knox	102.27
	Lake	220.72
	Lawrence	72.77
	Licking	115.98
	Logan	90.28
	Lorain	129.38
	Lucas	125.10
	Madison	111.41
	Mahoning	118.48
	Marion	88.67
	Medina	158.56
	Meigs	73.40
	Mercer	140.36
	Miami	112.07
	Monroe	59.63
	Montgomery	128.20
	Morgan	62.88
	Morrow	98.96
	Muskingum	80.53
	Noble	65.90
	Ottawa	83.12
	Paulding	91.40
	Perry	82.60
	Pickaway	99.02
	Pike	72.37
	Portage	133.55
	Preble	104.51
	Putnam	100.26
	Richland	103.96
	Ross	81.83
	Sandusky	88.78
	Scioto	75.85
	Seneca	89.82
	Shelby	117.94
	Stark	136.83
	Summit	228.37
	Trumbull	94.39
	Tuscarawas	100.37
	Union	96.14
	Van Wert	102.99
	Vinton	78.15
	Warren	153.36
	Washington	73.78
	Wayne	143.99
	Williams	88.12
	Wood	96.58
	Wyandot	89.88
Oklahoma	Adair	54.69
	Alfalfa	26.50
	Atoka	35.21
	Beaver	17.99
	Beckham	28.30
	Blaine	23.87
	Bryan	45.58
	Caddo	31.16
	Canadian	42.84
	Carter	40.21
	Cherokee	53.20
	Choctaw	38.35
	Cimarron	14.31
	Cleveland	68.65
	Coal	35.56
	Comanche	32.76
	Cotton	27.79
	Craig	37.53
	Creek	45.41
	Custer	30.56
	Delaware	59.29
	Dewey	24.02
	Ellis	20.70
	Garfield	29.07
	Garvin	37.98
	Grady	36.90
	Grant	25.39
	Greer	20.48
	Harmon	24.45
	Harper	19.88
	Haskell	36.73
	Hughes	33.64
	Jackson	24.79
	Jefferson	30.10
	Johnston	34.78
	Kay	29.53
	Kingfisher	32.07
	Kiowa	26.30
	Latimer	35.98
	Le Flore	47.64
	Lincoln	46.72
	Logan	39.50
	Love	42.78
	McClain	48.06
	McCurtain	45.21
	McIntosh	37.75
	Major	26.93
	Marshall	43.27
	Mayes	56.12
	Murray	39.81
	Muskogee	46.55
	Noble	32.73
	Nowata	34.36
	Okfuskee	33.87
	Oklahoma	73.54
	Okmulgee	49.78
	Osage	26.82
	Ottawa	51.18
	Pawnee	35.58
	Payne	47.38
	Pittsburg	34.84
	Pontotoc	40.12
	Pottawatomie	40.67
	Pushmataha	37.13
	Roger Mills	22.08
	Rogers	61.11
	Seminole	39.55
	Sequoyah	48.23
	Stephens	34.24
	Texas	19.45
	Tillman	23.65
	Tulsa	82.96
	Wagoner	50.78
	Washington	41.95
	Washita	28.59
	Woods	23.05
	Woodward	23.67
Oregon	Baker	22.97
	Benton	105.70
	Clackamas	271.57
	Clatsop	120.60
	Columbia	128.31
	Coos	74.17
	Crook	18.89
	Curry	69.40
	Deschutes	136.21
	Douglas	67.26
	Gilliam	8.76
	Grant	13.20
	Harney	10.35
	Hood River	349.97
	Jackson	115.59
	Jefferson	16.02
	Josephine	175.02
	Klamath	31.26
	Lake	18.38
	Lane	147.03
	Lincoln	103.82
	Linn	86.00
	Malheur	21.74
	Marion	136.66
	Morrow	14.62
	Multnomah	250.34
	Polk	108.27
	Sherman	12.42
	Tillamook	123.37
	Umatilla	22.89
	Union	29.77
	Wallowa	22.75
	Wasco	14.64
	Washington	201.49
	Wheeler	9.18
	Yamhill	175.18
Pennsylvania	Adams	181.41
	Allegheny	164.26
	Armstrong	88.84
	Beaver	138.87
	Bedford	97.93
	Berks	195.40
	Blair	117.26
	Bradford	86.69
	Bucks	282.54
	Butler	129.39
	Cambria	98.72
	Cameron	56.62
	Carbon	155.26
	Centre	144.66
	Chester	304.95
	Clarion	82.40
	Clearfield	71.72
	Clinton	119.93
	Columbia	119.54
	Crawford	81.89
	Cumberland	180.21
	Dauphin	173.23
	Delaware	369.68
	Elk	97.08
	Erie	113.72
	Fayette	103.58
	Forest	93.98
	Franklin	172.60
	Fulton	99.06
	Greene	88.81
	Huntingdon	103.89
	Indiana	103.04
	Jefferson	77.46
	Juniata	130.87
	Lackawanna	140.06
	Lancaster	264.74
	Lawrence	107.84
	Lebanon	236.21
	Lehigh	166.78
	Luzerne	134.24
	Lycoming	98.21
	McKean	60.02
	Mercer	90.58
	Mifflin	131.40
	Monroe	200.71

State	County	Fee/Acre/Yr
	Montgomery	284.64
	Montour	145.29
	Northampton	172.72
	Northumberland.	114.65
	Perry	125.47
	Philadelphia	994.65
	Pike	47.25
	Potter	73.74
	Schuylkill	142.31
	Snyder	141.43
	Somerset	81.18
	Sullivan	70.42
	Susquehanna	93.10
	Tioga	83.96
	Union	167.75
	Venango	77.88
	Warren	74.70
	Washington	125.44
	Wayne	117.46
	Westmoreland.	127.88
	Wyoming	98.75
	York	161.27
Puerto Rico	All Areas	219.71
Rhode Island	Bristol	664.85
	Kent	348.47
	Newport	592.18
	Providence	455.24
	Washington	380.12
South Carolina.	Abbeville	75.90
	Aiken	100.85
	Allendale	51.24
	Anderson	110.78
	Bamberg	60.32
	Barnwell	73.12
	Beaufort	62.01
	Berkeley	96.71
	Calhoun	68.84
	Charleston	194.86
	Cherokee	79.22
	Chester	88.00
	Chesterfield	66.48
	Clarendon	55.63
	Colleton	55.91
	Darlington	49.61
	Dillon	56.72
	Dorchester	93.82
	Edgefield	85.69
	Fairfield	78.80
	Florence	72.56
	Georgetown	76.78
	Greenville	159.23
	Greenwood	78.80
	Hampton	62.07
	Horry	97.30
	Jasper	57.31
	Kershaw	85.66
	Lancaster	103.49
	Laurens	86.98
	Lee	59.51
	Lexington	123.91
	McCormick	71.35
	Marion	67.44
	Marlboro	51.41
	Newberry	82.20
	Oconee	152.88
	Orangeburg	63.45
	Pickens	161.40
	Richland	89.57
	Saluda	78.24
	Spartanburg	137.58
	Sumter	56.13
	Union	72.28
	Williamsburg	68.51
	York	112.24
South Dakota	Aurora	39.27
	Beadle	37.43
	Bennett	10.65
	Bon Homme	42.11
	Brookings	61.26
	Brown	45.41
	Brule	30.14
	Buffalo	15.76
	Butte	14.07
	Campbell	21.04
	Charles Mix	36.05
	Clark	41.85
	Clay	66.77
	Codington	44.95
	Corson	10.79
	Custer	16.51
	Davison	48.97
	Day	35.36
	Deuel	45.15
	Dewey	10.08
	Douglas	42.14
	Edmunds	29.45
	Fall River	11.60
	Faulk	27.84
	Grant	45.64
	Gregory	20.90
	Haakon	12.20
	Hamlin	53.68
	Hand	26.67
	Hanson	56.12
	Harding	10.45
	Hughes	23.94
	Hutchinson	52.59
	Hyde	18.31
	Jackson	10.28
	Jerauld	26.29
	Jones	11.22
	Kingsbury	43.54
	Lake	69.24
	Lawrence	41.48
	Lincoln	88.12
	Lyman	17.97
	McCook	60.14
	McPherson	21.53
	Marshall	33.44
	Meade	14.44
	Mellette	10.39
	Miner	43.29
	Minnehaha	79.20
	Moody	71.96
	Pennington	19.69
	Perkins	11.77
	Potter	26.72
	Roberts	42.20
	Sanborn	35.31
	Shannon	6.11
	Spink	39.41
	Stanley	11.37
	Sully	25.92
	Todd	8.38
	Tripp	20.90
	Turner	64.41
	Union	74.12
	Walworth	20.81
	Yankton	56.63
	Ziebach	8.58
Tennessee	Anderson	152.97
	Bedford	105.90
	Benton	64.00
	Bledsoe	91.21
	Blount	159.22
	Bradley	137.57
	Campbell	99.45
	Cannon	92.58
	Carroll	72.76
	Carter	115.72
	Cheatham	117.38
	Chester	69.90
	Claiborne	89.00
	Clay	70.73
	Cocke	108.07
	Coffee	100.34
	Crockett	66.95
	Cumberland	100.46
	Davidson	178.09
	Decatur	60.25
	DeKalb	91.03
	Dickson	97.10
	Dyer	78.78
	Fayette	92.52
	Fentress	100.03
	Franklin	106.87
	Gibson	73.31
	Giles	90.60
	Grainger	108.42
	Greene	122.28
	Grundy	92.84
	Hamblen	109.19
	Hamilton	155.75
	Hancock	84.62
	Hardeman	71.02
	Hardin	72.99
	Hawkins	104.18
	Haywood	69.30
	Henderson	66.98
	Henry	77.69
	Hickman	78.41
	Houston	69.13
	Humphreys	73.74
	Jackson	77.98
	Jefferson	133.99
	Johnson	125.11
	Knox	185.33
	Lake	79.09
	Lauderdale	62.51
	Lawrence	88.80
	Lewis	81.99
	Lincoln	98.45
	Loudon	141.55
	McMinn	115.23
	McNairy	63.26
	Macon	93.61
	Madison	80.21
	Marion	103.92
	Marshall	93.50
	Maury	108.36
	Meigs	102.52
	Monroe	117.09
	Montgomery	92.72
	Moore	93.98
	Morgan	82.73
	Obion	72.99
	Overton	92.98
	Perry	60.59
	Pickett	99.54
	Polk	133.59
	Putnam	119.15
	Rhea	102.92
	Roane	121.70
	Robertson	110.05
	Rutherford	130.95
	Scott	89.83
	Sequatchie	96.93
	Sevier	158.30
	Shelby	133.42

State	County	Fee/Acre/Yr
	Smith	90.29
	Stewart	77.60
	Sullivan	145.87
	Sumner	115.83
	Tipton	67.32
	Trousdale	92.64
	Unicoi	207.04
	Union	104.92
	Van Buren	81.53
	Warren	101.14
	Washington	157.90
	Wayne	63.06
	Weakley	72.48
	White	94.10
	Williamson	153.69
	Wilson	117.24
Texas	Anderson	61.70
	Andrews	9.40
	Angelina	77.35
	Aransas	38.15
	Archer	26.90
	Armstrong	23.88
	Atascosa	45.42
	Austin	94.32
	Bailey	25.10
	Bandera	63.36
	Bastrop	75.83
	Baylor	16.23
	Bee	39.39
	Bell	65.21
	Bexar	75.72
	Blanco	69.25
	Borden	16.01
	Bosque	59.66
	Bowie	51.20
	Brazoria	60.48
	Brazos	76.27
	Brewster	9.48
	Briscoe	17.11
	Brooks	28.72
	Brown	49.90
	Burleson	62.39
	Burnet	62.56
	Caldwell	64.05
	Calhoun	44.04
	Callahan	35.16
	Cameron	53.44
	Camp	75.27
	Carson	22.56
	Cass	59.57
	Castro	28.58
	Chambers	40.11
	Cherokee	64.33
	Childress	19.71
	Clay	36.55
	Cochran	24.13
	Coke	21.65
	Coleman	35.58
	Collin	95.70
	Collingsworth	23.83
	Colorado	65.29
	Comal	83.10
	Comanche	54.43
	Concho	28.22
	Cooke	68.81
	Coryell	55.40
	Cottle	17.80
	Crane	10.56
	Crockett	11.25
	Crosby	19.07
	Culberson	8.35
	Dallam	23.36
	Dallas	91.36
	Dawson	23.52
	Deaf Smith	25.24
	Delta	44.62
	Denton	98.80
	DeWitt	51.31
	Dickens	22.81
	Dimmit	27.84
	Donley	17.75
	Duval	28.17
	Eastland	47.82
	Ector	11.00
	Edwards	22.14
	Ellis	67.59
	El Paso	40.47
	Erath	66.43
	Falls	43.90
	Fannin	53.60
	Fayette	76.21
	Fisher	25.05
	Floyd	27.89
	Foard	19.35
	Fort Bend	63.91
	Franklin	62.36
	Freestone	48.21
	Frio	37.32
	Gaines	26.29
	Galveston	67.67
	Garza	16.97
	Gillespie	71.93
	Glasscock	20.37
	Goliad	45.00
	Gonzales	58.63
	Gray	20.15
	Grayson	83.87
	Gregg	94.71
	Grimes	67.48
	Guadalupe	71.93
	Hale	32.04
	Hall	23.05
	Hamilton	47.30
	Hansford	22.28
	Hardeman	22.42
	Hardin	62.83
	Harris	93.21
	Harrison	61.01
	Hartley	18.69
	Haskell	24.55
	Hays	78.09
	Hemphill	20.12
	Henderson	67.62
	Hidalgo	60.29
	Hill	50.89
	Hockley	29.55
	Hood	75.47
	Hopkins	63.19
	Houston	56.70
	Howard	21.23
	Hudspeth	7.82
	Hunt	68.17
	Hutchinson	18.47
	Irion	17.22
	Jack	41.13
	Jackson	37.71
	Jasper	77.43
	Jeff Davis	7.71
	Jefferson	38.45
	Jim Hogg	17.86
	Jim Wells	40.39
	Johnson	94.21
	Jones	30.33
	Karnes	47.71
	Kaufman	72.26
	Kendall	75.14
	Kenedy	16.03
	Kent	16.64
	Kerr	49.32
	Kimble	41.24
	King	10.48
	Kinney	25.02
	Kleberg	32.70
	Knox	23.61
	Lamar	45.50
	Lamb	28.67
	Lampasas	51.36
	La Salle	30.82
	Lavaca	58.83
	Lee	71.74
	Leon	55.81
	Liberty	55.26
	Limestone	43.29
	Lipscomb	20.10
	Live Oak	41.22
	Llano	52.11
	Loving	3.62
	Lubbock	33.14
	Lynn	24.46
	McCulloch	36.74
	McLennan	57.00
	McMullen	29.05
	Madison	58.02
	Marion	56.03
	Martin	17.83
	Mason	50.64
	Matagorda	38.15
	Maverick	24.96
	Medina	54.51
	Menard	30.10
	Midland	24.02
	Milam	52.91
	Mills	46.58
	Mitchell	22.72
	Montague	56.95
	Montgomery	104.74
	Moore	23.72
	Morris	62.64
	Motley	16.45
	Nacogdoches	66.93
	Navarro	44.56
	Newton	51.92
	Nolan	28.39
	Nueces	35.66
	Ochiltree	22.45
	Oldham	9.01
	Orange	70.05
	Palo Pinto	53.57
	Panola	54.90
	Parker	100.84
	Parmer	28.17
	Pecos	7.49
	Polk	63.50
	Potter	18.30
	Presidio	11.50
	Rains	66.95
	Randall	31.68
	Reagan	13.88
	Real	29.86
	Red River	36.74
	Reeves	8.71
	Refugio	20.24
	Roberts	18.60
	Robertson	55.70
	Rockwall	124.76
	Runnels	31.15
	Rusk	56.59
	Sabine	70.80
	San Augustine	54.90
	San Jacinto	72.62
	San Patricio	34.25

State	County	Fee/Acre/Yr
	San Saba	44.92
	Schleicher	24.99
	Scurry	24.80
	Shackelford	23.19
	Shelby	77.68
	Sherman	22.50
	Smith	86.69
	Somervell	87.66
	Starr	34.20
	Stephens	34.08
	Sterling	10.15
	Stonewall	18.49
	Sutton	22.00
	Swisher	20.07
	Tarrant	100.26
	Taylor	34.17
	Terrell	6.22
	Terry	24.46
	Throckmorton	24.11
	Titus	56.75
	Tom Green	29.83
	Travis	78.29
	Trinity	53.16
	Tyler	77.51
	Upshur	71.43
	Upton	14.18
	Uvalde	30.05
	Val Verde	12.63
	Van Zandt	84.12
	Victoria	42.88
	Walker	67.75
	Waller	91.31
	Ward	10.23
	Washington	102.50
	Webb	20.65
	Wharton	48.79
	Wheeler	18.80
	Wichita	26.84
	Wilbarger	20.40
	Willacy	33.01
	Williamson	77.84
	Wilson	65.27
	Winkler	7.24
	Wise	87.13
	Wood	80.11
	Yoakum	23.39
	Young	34.78
	Zapata	25.40
	Zavala	29.08
Utah	Beaver	28.92
	Box Elder	11.40
	Cache	39.04
	Carbon	13.30
	Daggett	19.62
	Davis	66.80
	Duchesne	8.22
	Emery	16.03
	Garfield	32.70
	Grand	5.21
	Iron	19.97
	Juab	14.61
	Kane	18.56
	Millard	14.68
	Morgan	17.03
	Piute	34.99
	Rich	10.06
	Salt Lake	40.38
	San Juan	4.49
	Sanpete	27.30
	Sevier	24.65
	Summit	17.89
	Tooele	20.38
	Uintah	6.63
	Utah	53.15
	Wasatch	59.62
	Washington	38.74
	Wayne	33.95
	Weber	61.54
Vermont	Addison	74.57
	Bennington	104.73
	Caledonia	74.94
	Chittenden	107.88
	Essex	44.27
	Franklin	70.71
	Grand Isle	102.34
	Lamoille	88.65
	Orange	84.08
	Orleans	65.65
	Rutland	70.96
	Washington	98.20
	Windham	105.32
	Windsor	113.98
Virginia	Accomack	86.55
	Albemarle	166.49
	Alleghany	81.29
	Amelia	102.48
	Amherst	87.61
	Appomattox	79.86
	Arlington	120.50
	Augusta	140.06
	Bath	106.46
	Bedford	135.20
	Bland	84.18
	Botetourt	121.41
	Brunswick	71.36
	Buchanan	120.50
	Buckingham	88.09
	Campbell	95.93
	Caroline	133.34
	Carroll	117.47
	Charles City	103.11
	Charlotte	76.31
	Chesterfield	161.17
	Clarke	195.26
	Craig	101.57
	Culpeper	169.72
	Cumberland	111.63
	Dickenson	91.30
	Dinwiddie	91.04
	Essex	92.76
	Fairfax	367.28
	Fauquier	165.32
	Floyd	118.87
	Fluvanna	142.29
	Franklin	119.18
	Frederick	167.21
	Giles	89.50
	Gloucester	160.83
	Goochland	151.36
	Grayson	131.97
	Greene	187.46
	Greensville	79.23
	Halifax	79.23
	Hanover	162.09
	Henrico	155.14
	Henry	89.38
	Highland	86.81
	Isle of Wight	90.47
	James City	240.17
	King and Queen.	103.40
	King George	120.04
	King William	110.00
	Lancaster	121.33
	Lee	78.40
	Loudoun	211.28
	Louisa	140.18
	Lunenburg	84.15
	Madison	165.26
	Mathews	163.17
	Mecklenburg	90.50
	Middlesex	143.95
	Montgomery	118.07
	Nelson	134.00
	New Kent	152.68
	Northampton	112.63
	Northumberland.	108.57
	Nottoway	99.99
	Orange	158.63
	Page	176.07
	Patrick	99.31
	Pittsylvania	90.30
	Powhatan	183.85
	Prince Edward.	88.04
	Prince George.	107.60
	Prince William.	209.82
	Pulaski	104.31
	Rappahannock.	177.70
	Richmond	105.28
	Roanoke	144.73
	Rockbridge	124.50
	Rockingham	175.90
	Russell	80.97
	Scott	84.35
	Shenandoah	154.31
	Smyth	94.61
	Southampton	74.11
	Spotsylvania	145.21
	Stafford	252.47
	Surry	94.47
	Sussex	90.41
	Tazewell	65.36
	Warren	181.68
	Washington	125.68
	Westmoreland.	102.97
	Wise	79.80
	Wythe	112.35
	York	505.80
	Chesapeake City.	153.94
	Suffolk	130.25
	Virginia Beach City.	178.10
Washington	Adams	19.00
	Asotin	15.42
	Benton	43.10
	Chelan	135.08
	Clallam	194.62
	Clark	245.48
	Columbia	18.52
	Cowlitz	141.24
	Douglas	20.47
	Ferry	8.18
	Franklin	40.10
	Garfield	15.01
	Grant	46.29
	Grays Harbor	49.67
	Island	228.13
	Jefferson	135.37
	King	330.05
	Kitsap	346.38
	Kittitas	72.51
	Klickitat	23.12
	Lewis	109.71
	Lincoln	18.48
	Mason	152.57

State	County	Fee/Acre/Yr
	Okanogan	22.51
	Pacific	61.53
	Pend Oreille	56.07
	Pierce	273.64
	San Juan	161.26
	Skagit	125.17
	Skamania	163.50
	Snohomish	200.63
	Spokane	43.62
	Stevens	25.87
	Thurston	158.72
	Wahkiakum	73.96
	Walla Walla	31.99
	Whatcom	207.55
	Whitman	20.71
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	Berkeley	192.99
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	Braxton	46.45
	Brooke	47.25
	Cabell	72.72
	Calhoun	44.60
	Clay	47.80
	Doddridge	42.38
	Fayette	59.04
	Gilmer	42.10
	Grant	67.05
	Greenbrier	69.53
	Hampshire	137.67
	Hancock	78.78
	Hardy	87.85
	Harrison	59.99
	Jackson	56.94
	Jefferson	195.67
	Kanawha	78.63
	Lewis	48.84
	Lincoln	42.73
	Logan	81.80
	McDowell	64.02
	Marion	61.11
	Marshall	53.82
	Mason	64.17
	Mercer	63.48
	Mineral	79.87
	Mingo	28.41
	Monongalia	79.47
	Monroe	66.10
	Morgan	124.91
	Nicholas	58.29
	Ohio	61.06
	Pendleton	61.29
	Pleasants	60.10
	Pocahontas	58.46
	Preston	68.89
	Putnam	68.69
	Raleigh	66.21
	Randolph	57.63
	Ritchie	48.20
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	Juneau	80.70
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	Kewaunee	98.55
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	Lafayette	99.26
	Langlade	72.07
	Lincoln	72.07
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	Marathon	77.12
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	Marquette	86.54
	Menominee	33.11
	Milwaukee	203.43
	Monroe	83.72
	Oconto	84.00
	Oneida	80.30
	Outagamie	104.31
	Ozaukee	134.97
	Pepin	77.09
	Pierce	94.24
	Polk	81.38
	Portage	97.03
	Price	54.95
	Racine	134.88
	Richland	79.46
	Rock	113.62
	Rusk	65.47
	St. Croix	107.52
	Sauk	95.71
	Sawyer	83.94
	Shawano	86.88
	Sheboygan	109.13
	Taylor	65.55
	Trempealeau	73.73
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	Waukesha	154.69
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	Waushara	99.63
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	Fremont	15.06
	Goshen	9.81
	Hot Springs	12.07
	Johnson	6.35
	Laramie	7.97
	Lincoln	18.86
	Natrona	5.49
	Niobrara	6.20
	Park	13.64
	Platte	10.06
	Sheridan	12.92
	Sublette	16.65
	Sweetwater	2.94
	Teton	30.00
	Uinta	9.67
	Washakie	9.37
	Weston	7.28

[FR Doc. 2015–00429 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0008]

Drawbridge Operation Regulation; Mississippi River, Sabula, IA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Sabula Railroad Drawbridge across the Mississippi River, mile 535.0, at Sabula, Iowa. This deviation is necessary for scheduled maintenance on the bridge. This deviation allows the bridge to open on signal if at least 24 hours advance notice is given.

DATES: This deviation is effective from 4 p.m. January 9, 2015, until 9 a.m. March 1, 2015.

ADDRESSES: The docket for this deviation, (USCG–2015–0008) is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary

deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Canadian Pacific Railroad requested a temporary deviation for the Sabula Railroad Drawbridge, across the Upper Mississippi River, mile 535.0, at Sabula, Iowa to open on signal if at least 24 hours advance notice is given for 51 days from 4 p.m., January 9, 2015, to 9 a.m., March 1, 2015 for scheduled maintenance on the bridge. The Sabula Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridge shall open on signal.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 12 (Mile 556.7 UMR) and Lock No. 13 (Mile 522.5 UMR) from 7:30 a.m. December 15, 2015 until 11 a.m., March 4, 2015 will preclude any significant navigation demands for the drawspan opening.

The Sabula Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 18.1 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted. This temporary deviation has been coordinated with waterway users. No objections were received.

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

Dated: January 9, 2015.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2015–00712 Filed 1–16–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Parts 75 and 77

RIN 1855–AA10

[Docket ID ED–2014–OII–0116]

Direct Grant Programs and Definitions That Apply to Department Regulations

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: On August 13, 2013, the Department of Education (the Department) published final regulations in the **Federal Register** to amend the Education Department General Administrative Regulations (EDGAR). On October 22, 2014, the Department published a notice of proposed rulemaking to make additional amendments to EDGAR. In this document, the Department amends EDGAR to add a definition of ''What Works Clearinghouse Evidence Standards'' (WWC Evidence Standards) in our regulations to standardize references to this term. In addition, the Department amends the definition of ''large sample'' in our regulation. We also make technical edits to our regulations to improve the consistency and clarity of the regulations. Finally, we redesignate a section of our regulations and include in that redesignated section an additional provision that allows the Secretary to give special consideration to projects supported by evidence of promise.

DATES: These regulations are effective February 19, 2015.

FOR FURTHER INFORMATION CONTACT: Allison Moss, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W319, Washington, DC 20202. Telephone: (202) 205–7726 or by email: *allison.moss@ed.gov.*

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

SUPPLEMENTARY INFORMATION: In this document, we amend EDGAR to standardize a term and improve the consistency and clarity of our regulations.

Summary of the Major Provisions of This Regulatory Action: The Department revises EDGAR to include a definition for ''What Works Clearinghouse Evidence Standards,'' provide the Secretary the flexibility to establish a separate competition for or award competitive preference to discretionary grant applications supported by evidence of promise, and revise certain definitions to improve clarity.

References to the WWC Handbook

The Department adds a definition of ''What Works Clearinghouse Evidence Standards'' to 34 CFR part 77. This definition incorporates the most recent version of the What Works Clearinghouse (WWC) Procedures and Standards Handbook (WWC Handbook), Version 3.0, which was made public in March 2014. Instead of continuing to separately cite the WWC Handbook in various provisions of parts 75 and 77, we add, to part 77, a single definition of the WWC Evidence Standards that incorporates the current version of the WWC Handbook, and then include that defined term, as applicable, throughout parts 75 and 77.

The WWC Handbook, first published in 2008, documents the systematic review process and the standards by which the WWC reviews studies. Version 3.0 of the WWC Handbook significantly expands the examples used to illustrate how the WWC Evidence Standards are applied in various contexts. Although previous versions of the WWC Handbook focused on only one WWC product—the intervention report—Version 3.0 includes information on several additional WWC products, including practice guides, single-study reviews, and quick reviews.

By adding a definition of ''WWC Evidence Standards'' and updating the applicable references throughout 34 CFR parts 75 and 77 to incorporate the most recent version of the WWC Handbook, the Department will provide more effective guidance to applicants and grantees as they design and implement rigorous evaluations of their projects.

Special Consideration for Discretionary Grant Applications Demonstrating ''Evidence of Promise''

These final regulations amend § 75.266 and redesignate it as § 75.226. Previously, this section provided that the Secretary may give special consideration, through establishing a separate competition or awarding competitive preference, to discretionary grant applications supported by strong evidence of effectiveness or moderate evidence of effectiveness. In our experience using evidence in discretionary grant competitions, we have learned it is beneficial to also include in 34 CFR 75.266 (which we have redesignated as 34 CFR 75.226) a provision for giving special consideration to applications supported by evidence of promise, which is a less rigorous standard, because evidence of effectiveness in the education field continues to develop. By including evidence of promise in newly redesignated 34 CFR 75.226, we allow more flexibility to discretionary grant programs oriented towards supporting evidence-based projects.

Definition of ''Evidence of Promise''

We amend the definition of ''evidence of promise'' to replace the reference to ''quasi-experimental study'' with

''quasi-experimental design study,'' to clarify that the term used in the definition of ''evidence of promise'' is ''quasi-experimental design study,'' which is defined later in 34 CFR 77.1(c). We also change the paragraph designations in this definition for internal consistency. We make these changes in order to align the definition of ''evidence of promise'' so it is consistent with the other defined terms to which it makes reference and to ensure that applicants and grantees receive consistent and clear information when referencing that definition.

Definition of ''Large Sample''

The Department modifies the definition of ''large sample'' in 34 CFR part 77 to remove the requirement that analysis units be randomly assigned to treatment or control groups. In implementing our discretionary grant programs, we discovered a discrepancy between the existing definition, specifically its references to random assignment of students, teachers, classrooms, schools, or other single analysis units to treatment or control groups, and the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1. Under the definition of ''moderate evidence of effectiveness,'' a quasi-experimental design study (as defined in 34 CFR 77.1) that includes a large sample could meet the standard, but many such studies do not randomly assign units of analysis to treatment or control groups. We revise the definition of ''large sample'' to eliminate the random assignment of analysis units into treatment or control groups as a mandatory element. Therefore, for instance, a quasi-experimental design study with a sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contains 10 or more students, could meet the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1.

There are no differences between the NPRM and these final regulations.

Public Comment: In response to our invitation in the NPRM, we did not receive any comments on the proposed regulations.

Executive Orders 12866 and 13563 Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final regulations only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, or tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Intergovernmental Review

These regulations affect direct grant programs of the Department, some of which are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department. (Catalog of Federal Domestic Assistance Number does not apply.)

List of Subjects

34 CFR Part 75

Accounting, Copyright, Education, Grant programs—education, Inventions and patents, Private schools, Reporting and recordkeeping requirements.

34 CFR Part 77

Education, Grant programs—education.

Dated: January 9, 2015.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends parts 75 and 77 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

■ 1. The authority citation for part 75 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

■ 2. Section 75.210 is amended by revising paragraphs (h)(2)(viii) and (ix), and removing footnotes 1 and 2, to read as follows.

§ 75.210 General selection criteria.

* * * * *

(h) * * *

(2) * * *

(viii) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards without reservations.

(ix) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards with reservations.

* * * * *

■ 3. Section 75.266 is redesignated as § 75.226 and newly redesignated § 75.226 is revised to read as follows:

75.226 What procedures does the Secretary use if the Secretary decides to give special consideration to applications supported by strong evidence of effectiveness, moderate evidence of effectiveness, or evidence of promise?

(a) As used in this section, ''strong evidence of effectiveness'' is defined in 34 CFR 77.1(c);

(b) As used in this section, ''moderate evidence of effectiveness'' is defined in 34 CFR 77.1(c);

(c) As used in this section, ''evidence of promise'' is defined in 34 CFR 77.1(c); and

(d) If the Secretary determines that special consideration of applications supported by strong evidence of effectiveness, moderate evidence of effectiveness, or evidence of promise is appropriate, the Secretary may establish a separate competition under the procedures in 34 CFR 75.105(c)(3), or provide competitive preference under the procedures in 34 CFR 75.105(c)(2), for applications supported by:

(1) Evidence of effectiveness that meets the conditions set out in paragraph (a) of the definition of ''strong evidence of effectiveness'' in 34 CFR 77.1(c);

(2) Evidence of effectiveness that meets the conditions set out in either paragraph (a) or (b) of the definition of ''strong evidence of effectiveness'' in 34 CFR 77.1(c);

(3) Evidence of effectiveness that meets the conditions set out in the definition of ''moderate evidence of effectiveness;'' or

(4) Evidence of effectiveness that meets the conditions set out in the definition of ''evidence of promise.''

Authority: 20 U.S.C. 1221e–3 and 3474.

PART 77—DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS

■ 4. The authority citation for part 77 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

■ 5. In § 77.1 paragraph (c) is amended by:

■ A. Revising the definitions of *Evidence of promise, Large sample, Moderate evidence of effectiveness, Quasi-experimental design study, Randomized controlled trial,* and *Strong evidence of effectiveness.*

■ B. Adding, in alphabetical order, the definition of *What Works Clearinghouse Evidence Standards.*

■ C. Removing footnotes 1 through 8.

The revisions and addition read as follows:

§ 77.1 Definitions that apply to all Department programs.

* * * * *

(c) * * *

* * * * *

Evidence of promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in both paragraphs (i) and (ii) of this definition are met:

(i) There is at least one study that is a—

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental design study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

* * * * *

Large sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units).

* * * * *

Moderate evidence of effectiveness means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a

relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(ii) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.

* * * * *

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

* * * * *

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

* * * * *

Strong evidence of effectiveness means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.

(ii) There are at least two studies of the effectiveness of the process, product, strategy, or practice being proposed, each of which: Meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the studies or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

* * * * *

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

* * * * *

[FR Doc. 2015–00463 Filed 1–16–15; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0781; FRL–9920–52–Region 9]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). These revisions respectively concern volatile organic compound (VOC) emissions from petroleum refinery coking operations, and sulfur dioxide (SO_2) primary emissions from stationary combustion sources. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on March 23, 2015 without further notice, unless EPA receives adverse comments by February 19, 2015. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0781, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available on-line at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* 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: James Shears, EPA Region IX, (213) 244–1810, *shears.james@epa.gov.*

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

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A. What rules did the State submit?
B. Are there other versions of these rules?
C. What is the purpose of the submitted rule revisions?
II. EPA's Evaluation and Action
A. How is EPA evaluating the rules?
B. Do the rules meet the evaluation criteria?
C. EPA Recommendations to Further Improve the Rules
D. Public Comment and Final Action
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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	1114	Petroleum Refinery Coking Operations	5/3/13	2/10/14
VCAPCD	54	Sulfur Compounds	1/14/14	5/13/14

On May 5, 2014, EPA determined that the submittal for SCAQMD, Rule 1114, met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

On July 18, 2014, EPA determined that the submittal for VCAPCD, Rule 54, met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

There is not an earlier version of SCAQMD Rule 1114. We approved an earlier version of VCAPCD Rule 54 into the SIP on April 19, 2000 (65 FR 20913).

C. What is the purpose of the submitted rule revisions?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. SCAQMD Rule 1114 addresses petroleum refinery coking operations and is designed to minimize VOC emissions generated during the delayed coking process. It requires that coke drums be depressurized to less than two psig prior to venting to atmosphere.

Current scientific evidence links short-term exposures to sulfur dioxide (SO_2), ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including bronchoconstriction and increased asthma symptoms. Section 110(a) of the CAA requires States to submit regulations that control SO_2 emissions. VCAPCD Rule 54 limits emissions of sulfur compounds to the atmosphere from fossil fuel combustion in Ventura. The rule adds a .075 ppm 1-hour SO_2 facility property line concentration limit consistent with the National Ambient Air Quality Standard (NAAQS) promulgated nationally in 2010. EPA's technical support documents (TSDs) for SCAQMD and VCAPCD have more information about these various rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

40 CFR part 81 describes SCAQMD as regulating a non-attainment area classified as extreme for the 8-hour ozone NAAQS. VCAPCD is currently designated as being ''better than the national standards'' for the 1971 NAAQS for SO_2. Therefore, VCAPCD does not need to implement RACT at this time, but it must comply with enforceability and other CAA requirements for SO_2. SIP rules must be enforceable (see CAA section 110(a)(2), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in non-attainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'', 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'', EPA, May 25, 1988 (the Bluebook).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'', EPA Region 9, August 21, 2001 (the Little Bluebook).

4. 40 CFR 60.103a, ''Work Practice Standards'', EPA, July 1, 2011 edition.

5. **Federal Register** ''Petroleum Refinery Sector Risk and Technology Review and New Source Petroleum Standards; Proposed Rule'', EPA, 79 FR 36879, June 30, 2014.

6. 40 CFR 50.17, ''National Primary Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide), EPA, June 22, 2010.

7. Method 100.1, ''Source Test Protocol for Determining Oxygen Corrected Pollutant Concentrations from Combustion Sources with High Stack Oxygen Content Based on Carbon Dioxide Emissions'', SCAQMD, March 3, 2011.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The respective TSDs have more information on our evaluation.

C. EPA Recommendations to Further Improve the Rules

We have no recommendations for SCAQMD Rule 1114 at this time. Our TSD for Rule 54 describes an additional revision that we recommend for the next time VCAPCD modifies the rule.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by February 19, 2015, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on March 23, 2015. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. 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 23, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 2, 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 paragraphs (c)(441)(i)(C) and (c)(442)(i)(C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(441) * * *

(i) * * *

(C) Ventura County Air Pollution Control District.

(*1*) Rule 54, ''Sulfur Compounds,'' revised on January 14, 2014.

(442) * * *

(i) * * *

(C) South Coast Air Quality Management District.

(*1*) Rule 1114, ''Petroleum Refinery Coking Operations,'' adopted on May 3, 2013.

* * * * *

[FR Doc. 2015–00643 Filed 1–16–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0772; FRL–9921–83–Region–4]

Approval and Promulgation of Implementation Plans; North Carolina; Inspection and Maintenance Program Updates

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of adverse comments, the Environmental Protection Agency (EPA) is withdrawing the November 20, 2014, direct final rule to approve North Carolina's January 31, 2008, May 24, 2010, October 11, 2013, and February 11, 2014, State Implementation Plan (SIP) submissions pertaining to changes to the North Carolina Inspection and Maintenance (I/M) program. EPA will address the adverse comments in a subsequent final action based on the parallel proposal also published on November 20, 2014. As stated in the proposal, EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 79 FR 69051 on November 20, 2014, is withdrawn as of January 20, 2015.

FOR FURTHER INFORMATION CONTACT: Nacosta Ward, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Phone number: (404) 562–9140; Email: *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 20, 2014 (79 FR 69051), EPA published a direct final rulemaking to approve North Carolina's January 31, 2008, May 24, 2010, October 11, 2013, and February 11, 2014, SIP submissions that pertain to changes to the North Carolina I/M program. In the direct final rule, EPA stated that if adverse comments were received by December 22, 2014, EPA would publish a notice in the **Federal Register** withdrawing the final rule and informing the public that the rule would not take effect. EPA received comments on December 17, 2014, and December 19, 2014. EPA interprets the comments received on December 19, 2014 as adverse and, therefore, is withdrawing the direct final rule. EPA will address the adverse comments in a subsequent final action based upon the proposed rulemaking action, also published on November 20, 2014 (79 FR 69090). As stated in the proposed rulemaking, EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 52

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

Dated: January 5, 2015.

V. Anne Heard,

Acting Regional Administrator, Region 4.

■ Accordingly, the revised entries in 40 CFR 52.1770 (c) for ''Sect .1002,'' ''Sect .1003,'' and ''Sect .1005'', the removal of the entry for ''Sect .1004,'' and the addition of the last entry to 40 CFR 52.1770 (e) ''Non-Interference Demonstration for the North Carolina Inspection and Maintenance Program,'' which published in the **Federal Register** on November 20, 2014, at 79 FR 69051 are withdrawn as of January 20, 2015.

[FR Doc. 2015–00775 Filed 1–16–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140106011–4338–02]

RIN 0648–XD637

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustment for the Common Pool Fishery

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

ACTION: Temporary rule; inseason trip limit adjustment.

SUMMARY: This action reduces the possession limit for Southern New England/Mid-Atlantic yellowtail flounder for Northeast multispecies common pool vessels for the remainder of the 2014 fishing year. Federal regulations allow NMFS to adjust the trip limit, if necessary, to help ensure that a common pool quota is not exceeded. The common pool has caught 79 percent of its Southern New England/Mid-Atlantic yellowtail flounder quota. This action is intended to prevent the overharvest of the common pool's 2014 fishing year allocation of Southern New England/Mid-Atlantic yellowtail flounder.

DATES: This action is effective January 20, 2015, through April 30, 2015.

FOR FURTHER INFORMATION CONTACT: Brett Alger, Fishery Management Specialist, 978–675–2153.

SUPPLEMENTARY INFORMATION: Regulations governing the Northeast (NE) multispecies fishery are found at 50 CFR part 648, subpart F. The regulations at 50 CFR 648.86(o) authorize the Regional Administrator (RA) to adjust the possession limits for common pool vessels in order to prevent the overharvest or underharvest of the common pool quotas. The fishing year 2014 (May 1, 2014, through April 30, 2015) common pool sub-annual catch limit (sub-ACL) for Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder is 102.0 mt. Based on the most recent data and information, which includes vessel trip reports, dealer-reported landings, and vessel monitoring system (VMS) information, we have determined that 79 percent of the SNE/MA yellowtail flounder sub-ACL has been caught. Recent analysis shows that the common pool would likely exceed its allocation for SNE/MA yellowtail flounder if the trip limit is not reduced to the limits specified in this action. To address a potential overharvest, the trip limit for SNE/MA yellowtail flounder is reduced to 250 lb (113.4 kg) per day-at-sea (DAS) up to 500 lb (226.8 kg) per trip. The trip limit adjustment is effective January 20, 2015, through April 30, 2015, and applies to all common pool vessels.

Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: *http://www.nero.noaa.gov/ro/fso/MultiMonReports.htm.* We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest for the reasons stated below. Pursuant to 5 U.S.C. 553(d)(3), the AA also finds good cause to waive the 30-day delayed effectiveness period for the same reasons.

The regulations at § 648.86(o) authorize the RA to adjust the NE multispecies trip limits for common pool vessels in order to prevent the overharvest or underharvest of the common pool quotas. The catch data used as the basis for this action only recently became available. The available analysis indicates that if the SNE/MA yellowtail flounder trip limit is not reduced quickly, the common pool fishery will likely exceed its 2014 fishing year allocation for this stock. Any overages of the common pool quota any stock would undermine conservation objectives and trigger the implementation of accountability measures that would have negative economic impacts on common pool vessels. This action reduces the probability of the common pool fishery exceeding its allocations for SNE/MA yellowtail flounder. As a result, the time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the necessary trip limit adjustment in a timely manner, which could undermine conservation objectives of the NE Multispecies Fishery Management Plan, and cause negative economic impacts to the common pool fishery.

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

Dated: January 13, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–00696 Filed 1–16–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 12
Tuesday, January 20, 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.

FARM CREDIT ADMINISTRATION

12 CFR Part 611

RIN 3052–AC72

Organization; Mergers, Consolidations, and Charter Amendments of Banks or Associations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA, Agency, we, or our) proposes to amend existing regulations related to mergers and consolidations of Farm Credit System (System) banks and associations to clarify the merger review and approval process and incorporate existing practices in the regulations. The proposed rule would identify when the statutory 60-day review period begins, require that only independent tabulators be authorized to validate ballots and tabulate stockholder votes on mergers or consolidations, require institutions to hold informational meetings on proposed mergers or consolidations if circumstances warrant, explain the reconsideration petition process and specify the voting record date list to be provided to stockholders who wish to file a reconsideration petition. The proposed rule would update cross-references in the existing regulations, incorporate cross references to stockholder voting rules contained elsewhere in part 611, and clarify or update terminology to enhance transparency.

DATES: You may send comments on or before April 20, 2015.

ADDRESSES: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through the FCA's Web site. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we do not accept comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- Email: Send us an email at *reg-comm@fca.gov.*
- FCA Web site: *http://www.fca.gov.* Select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Submitting a Comment.''
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Barry F. Mardock, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of all comments we receive at our office in McLean, Virginia, or from our Web site at *http://www.fca.gov.* Once you are in the Web site, select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted, but for technical reasons we may omit items such as logos and special characters. Identifying information you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT: Shirley Hixson, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4318, TTY (703) 883–4056, or Laura McFarland, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Objectives

The objectives of the proposed rule are to:

- Enhance the efficiency and effectiveness of the reconsideration petition process for the stockholder and provide clarity to System banks and associations on how they must provide a stockholder list to a stockholder when requested for the purpose of filing a petition;
- Improve security and confidentiality over the voting process on mergers and consolidations through the use of independent third-party tabulators;
- Clarify the FCA's review and approval process related to proposed plans of mergers or consolidation in order to facilitate an efficient and timely response; and
- Enhance existing regulations by updating terminology and making other grammatical changes.

II. Background

The FCA issued subparts F and G of part 611 to address the procedures and stockholder disclosure requirements for Farm Credit banks and associations proposed plans of merger or consolidation (collectively, merger(s)), and charter amendments.[1] We propose to amend our merger and charter amendment regulations to respond to inquiries from System banks, associations, their stockholders, and third parties regarding the process for submitting proposed plans of merger and proposed charter amendments to the FCA for review and the related stockholder reconsideration petition process on a stockholder vote in favor of a merger. This proposed rule would enhance existing merger provisions and clarify our review process. Also, this proposed rule would clarify the various ways stockholders may file a reconsideration petition with the FCA, explaining who they would address the petition to and when we would consider the petition to be filed with the FCA.

III. Section-by-Section Analysis

A. Terminology and Other Grammatical Changes [Existing Subparts F and G]

The FCA is committed to using plain language in its rulemaking to facilitate understanding and compliance with requirements that we administer or enforce. Therefore, we propose updating certain terminology and making grammatical changes in subparts F and G to make our regulations more clear, concise, and well organized.

1. Terminology Updates [Existing Subparts F and G]

To be consistent and avoid confusion in how we use certain terms in our regulations, we propose replacing the varied references to ''funding bank'', ''supervisory bank'', and ''district bank'' with ''funding bank'' where used in subparts F and G. Existing regulations in these subparts currently use the terms

[1] *See* 53 FR 50381 (Dec. 15, 1988).

interchangeably. All three terms refer to the same relationship between Farm Credit banks and their affiliated associations. As such, there is no distinguishable purpose for using one term over the other so we believe using a single term will facilitate clear and concise regulations.

We propose adding ''agricultural credit associations'' to the list of institutions subject to the merger provisions in existing § 611.1120(c). This change would update our rules to recognize that System associations may be organized and chartered as agricultural credit associations and operate as cooperatives within the System. Similarly, we propose identifying service corporations in existing §§ 611.1000(c) and 611.1120(c) to recognize their potential existence in merging associations and banks. Also, we propose replacing the term ''bank'' in subparts F and G with ''Farm Credit bank'' to reconcile the term's usage with the definition in § 619.9140.[2] We further propose updating § 611.1010(d) to incorporate the part 611 term ''stockholder-association.'' Using this term should help in making the appropriate distinctions among those stockholders voting on bank charter amendments.

We also propose updating § 611.1010(d) on Farm Credit bank charter amendment votes to recognize different voting structures among Farm Credit banks. The proposal is to add language to the existing rule on bank charter amendments to recognize that agricultural credit banks have different voting procedures from Farm Credit banks.

2. Grammatical Changes [Existing Subparts F and G]

We propose adding the term ''association'' to the section headings for §§ 611.1121, 611.1122, and 611.1123 for clarity. We also propose substituting the phrase ''Farm Credit institution'' for ''bank or association'' when discussing prohibited conduct in § 611.1122, to cover all chartered institutions, as well as implement the terminology used in § 619.9146.

We propose general language changes to subparts F and G to enhance readability. The proposed language changes include:

- Replacing the word ''shall'' throughout subparts F and G with ''must'', ''will'', ''does'', ''may'', or ''is'', as appropriate and consistent with the manner in which ''shall'' is currently used. The word ''shall'' would remain in §§ 611.1122(c)(1) and 611.1124(f)(1).
- Removing the introductory language of existing §§ 611.1121 and 611.1122 due to redundancy and the definitions for ''consolidation'' and ''merger'' in § 611.1122, which are already addressed in existing §§ 619.9110 and 619.9210.
- Revising § 611.1121(d) to combine the existing two sentences into one cohesive sentence explaining that charter amendment approvals will include the amended charter.
- Bifurcating the two provisions in existing § 611.1122(a)(7) into two distinct paragraphs (a)(7) and (8). The proposed rule would amend § 611.1122(a)(7) to include the existing provision that the requesting associations may include any additional information or documents that they wish to submit in support of their request to merge. New § 611.1122(a)(8) would include the other existing provision that the funding bank or the FCA may request additional information.
- Adding the word ''granted'' in the last sentence of new § 611.1122(c)(2) to clarify that merger approvals are granted according to our rules.
- Adding the word ''stockholder'' in revised § 611.1122(d) and (e) to clarify that the meetings discussed in these paragraphs are stockholder meetings.
- Adding the phrase ''in person'' to § 611.1122(d) to clarify and ensure that stockholder voting on a proposed plan of merger is permitted only by voting in person or by proxy. We propose the change in response to inquiries we received on whether or not mail balloting was permitted under existing regulations. The Farm Credit Act of 1971, as amended, (Act) limits stockholder voting methods on proposed plans of mergers to in-person voting and voting by proxy ballots.[3] Voting by mail ballots on mergers is not permitted.
- Adding the reference of ''constituent associations'' to existing § 611.1123(b) to clarify that all associations subject to the proposed plan of merger are required to discuss the proposed changes to their respective bylaws that will result from the proposed merger.

As with the other grammatical changes, we intend no change in the meaning of the affected regulatory provisions.

B. Definitions [Existing § 611.100]

We propose adding three new definitions to § 611.100 that would apply to all of part 611, unless otherwise stated in the regulations. First, we propose adding as new paragraph (b) the term ''FCA'' in order to allow for the use of the ''FCA'' acronym throughout part 611 instead of the full agency name. We then propose the conforming change of replacing ''Farm Credit Administration'' with ''FCA'' in subparts F and G where used. The use of the acronym would enhance readability of the regulation.

Next, we propose adding as new paragraph (i) a definition of ''voting record date'' or ''record date.'' Several regulatory provisions in part 611 reference a voting record date but do not define the term. We propose defining ''voting record date'' as the date set by each institution before a voting event on which a stockholder must own voting stock in order to vote at the event. We recognize there is a practical need for System institutions to identify eligible voting stockholders as of the voting record date set for each stockholder voting event and believe the term must be used consistently throughout the System. We would expect System institutions set a voting record date that is not too far removed from the voting event. Due to changes in the make-up of the stockholder base that may occur between the voting record date and the date the vote is held, the stockholders permitted to vote on the event may not fully reflect the stockholders that will be affected by the long-term results of the voting action if the voting record date is too far removed from the voting event.

Lastly, we propose adding as new § 611.100(j) the term ''voting record date list'' or ''record date list.'' The proposed rule would define a ''voting record date list'' as a list of the names and addresses of borrowers holding voting stock as of the voting record date and who are eligible to cast a vote for a particular event (*e.g.,* a proposed plan of merger or director elections). As proposed, the list would be different from the stockholder list requirements in § 618.8310. The list in new § 611.100(j) would only include voting stockholders, not all stockholders as provided for in § 618.8310, and would identify the person designated to cast the vote. In situations where the voting stock is owned by more than one person or owned by an entity, the list would name the individual designated to cast the vote. Each institution would be expected to update its voting record date list of stockholders, including the names of individuals designated to vote on behalf of multiple obligors or for a

[2] Farm Credit bank as defined in § 619.9140 means Farm Credit Banks, agricultural credit banks, and banks for cooperatives.

[3] Sections 7.0(3), 7.8(a)(3), 7.12(a)(3), 7.13(a)(3) of the Act.

legal entity that is a voting stockholder, each time a voting record date is set. We believe defining this list will facilitate the orderly and accurate distribution of ballots and help ensure proper validation of ballots and tabulation of votes for each voting event.

C. Mergers and Consolidations [Subparts F and G]

1. Prohibited Activities [Existing §§ 611.1020(c) and 611.1122(f) and (h); New § 611.1122(i)]

We propose relocating in new § 611.1122(i) the existing provisions on prohibited acts in connection with a merger or consolidation, currently located in existing §§ 611.1020(c) and 611.1122(f) and (h). This is intended to improve the readability of our rule and ensure institutions are fully aware of the requirement that stockholders be provided with information that is complete, accurate and not misleading. Also, the differences in the existing provisions would be reconciled. Additionally, we propose adding ''agents'' and other parties participating in the affairs of the institution to the existing list of those covered by the prohibitions. Adding these persons is intended to provide consistency with similar prohibitions elsewhere in our rules and reduce the potential for using third-parties agents to circumvent the prohibitions. We also propose the conforming change of adding ''agents'' and other parties participating in the affairs of the institution to the list of those covered by prohibited conduct under our regulations on territorial adjustments at existing § 611.1124(g) and (i).

The proposed rule would also clarify the FCA's existing authority to require that Farm Credit banks and associations issue a corrected stockholder disclosure document to replace the document originally issued in connection with a stockholder vote on a proposed merger. The proposed clarification would add language to existing §§ 611.1020(c) and 611.1122(h) explaining our authority to require reissuance of the document if we determine that the stockholder disclosure document is inaccurate, incomplete, or misleading. Complete and accurate information is necessary to stockholders' understanding of the action on which they will vote and is critical to their making an informed decision. We also propose a conforming change to our regulations on territorial adjustments to add a new § 611.1124(j) containing the same language.

2. Farm Credit Bank Mergers and Consolidations [Existing § 611.1020]

We propose updating § 611.1020 to clarify that proposed bank mergers are generally subject to the same merger requirements as associations. Existing § 611.1020(b) references certain association merger provisions related to document submission that Farm Credit banks must follow. We propose updating § 611.1020(b) to clarify that Farm Credit banks seeking to merge must follow requirements for association mergers, including the FCA review process, stockholder voting, and reconsideration petition requirements. However, given that bank mergers may result in processing considerations that differ from associations, we also propose adding an exemption to § 611.1020(b) that would relieve banks from complying with association merger provisions, if determined appropriate by the FCA.

As a conforming change, we propose removing § 611.1020(d). The provisions in this paragraph are contained in the association merger rules at § 611.1122 and would be incorporated by reference under the above proposed change to § 611.1020(b).

3. Association Mergers [Existing § 611.1122]

a. Reorganization

We propose rearranging existing provisions within § 611.1122 to consolidate like provisions and to improve transparency of requirements. The organizational changes we propose are:

- Incorporating paragraph (i) on the timing of the notice and accompanying information of stockholder meetings into paragraph (e), which addresses the content of notices. We also propose a conforming change to paragraph (i) by removing the reference to paragraph (e).
- Moving and redesignating paragraph (j) on the mergers of more than two institutions as new paragraph (f). The proposed change would place the exemptions to the requirements of paragraph (e) immediately after paragraph (e).
- Bifurcating paragraph (g) into two paragraphs—one addressing effective dates and the other addressing notice of stockholder votes on a proposed merger. Specifically, we propose keeping those parts of paragraph (g) that address effective dates as part of new paragraph (g) and moving the provision in paragraph (g) requiring notice of the stockholder vote into new paragraph (h).
- Moving and redesignating paragraph (k) on the effective date of mergers to new paragraphs (g)(1) and (2). As proposed, the new paragraph (g)(1) would contain the existing provisions on effective dates when reconsideration petitions are filed and the new paragraph (g)(2) would contain the existing provision on effective dates when no reconsideration petition is filed.

b. FCA Review [Existing § 611.1122(c) and (g); New § 611.1122(c) and (h)]

The proposed rule would clarify the FCA review process. We believe the proposed changes will aid institutions in managing expectations, setting merger effective dates, and scheduling the stockholder vote on a merger proposal. As proposed, new § 611.1122(c) and (h) would:

- Break existing § 611.1122(c) into paragraphs for ease of use;
- Specify the need for a complete application before the commencement of the statutory 60-day review period; [4]
- Require the FCA to notify the requesting associations when the statutory 60-day review period begins;
- Restate the existing authority of FCA to require additional information to supplement an application; and
- Reiterate the existing authority under sections 5.17(a) and 5.25(a) of the Act regarding the FCA's authority to impose in writing and enforce conditions of approval.

The statutory review process performed by the FCA is a serious undertaking during which we seek to determine the potential impact of the merger on the safety and soundness of the constituent institutions and their stockholders, as well as the System as a whole. In order to conduct a thoughtful and comprehensive review, it is imperative that we be provided all the necessary documentation and information to begin our review. The FCA evaluates the initial merger submissions to determine if they are complete, recognizing that each proposed merger may have unique facts and circumstances. Under this practice, if additional information is required, we would explain to the associations that until the information is received, the statutory 60-day review period will not begin. This is to ensure our review gives full consideration of the relevant and unique facts and circumstances applicable to each proposed merger, such as size, complexity, geographic territory, and other relevant factors necessary to considering whether or not to approve or deny the request to merge. The proposed rule would incorporate this practice into our regulations to enhance the understanding of the FCA's

[4] *See* 12 U.S.C. 2279e(a)(2).

review and approval process related to proposed plans of merger.

We propose conforming changes to our regulations on territorial adjustments in § 611.1124(d) to add language on supplemental information and conditions of approval.

c. Stockholder Meetings and Votes [Existing § 611.1122(d)]

We propose changes to the requirements regarding stockholder votes on proposed plans of merger. The proposed rule would separate the existing provisions of § 611.1122(d) into paragraphs (d)(1) through (d)(3) for ease of use and clarity. As proposed, new paragraph (d)(1) would contain the existing requirement that the constituent associations to a proposed plan of merger call a meeting on written notice to each of its voting stockholders entitled to vote on the proposed plan of merger. New paragraph (d)(3) would contain the existing requirement that the voting be in person or by proxy.

Proposed new paragraph (d)(2) would clarify that merger voting procedures must follow the existing confidentiality and security in voting procedures contained in § 611.340. This change is made to clearly state that the confidentiality and security in voting requirements of § 611.340 are applicable to stockholder votes on proposed mergers. Based on the inquiries we received from System banks and associations, we consider it appropriate to clarify in § 611.1122(d) that an institution's policies and procedures for a stockholder vote on a proposed merger must comply with existing confidentiality and security in voting rules at § 611.340.

We propose that only an independent third party be authorized to validate ballots and tabulate stockholder votes on a merger or consolidation. Existing regulations at § 611.340 provide that System banks and associations may use either an independent third party or a tellers committee (which consists of voting stockholders) to validate ballots and tabulate voting results. The use of an independent third party for mergers would provide added security and confidentiality over the voting process on an issue that is not routinely presented to stockholders for a vote and that may have long-lasting effects on stockholders. Also, we believe that due to the time constraints imposed on certain phases of the merger process, using an independent third party to validate ballots and tabulate votes will facilitate the process and allow voting stockholders to focus solely on the merger vote itself. We propose a conforming change in new § 611.1122(h) to recognize the proposed rule limiting the responsibility for validating ballots and proxies and tabulating voting results on proposed mergers to only independent third parties.

We also propose adding language to § 611.1122(d) to clarify that FCA may require that the constituent banks or associations hold informational meetings with their respective stockholders prior to putting the proposed plan of merger to a vote. Depending on the complexity, geography, specific facts and circumstances, or stockholder inquiry relevant to a proposed plan of merger, we believe there may be instances where a question and answer forum would benefit stockholder understanding of the transaction and its consequences to them, and contribute to a more informed stockholder decision. In those instances, we believe stockholders would benefit from an open discussion with the board of directors and management of the constituent institutions where all views may be expressed and heard by all interested parties. We believe holding informational meetings with stockholders prior to the meeting held for the merger vote would enhance communication and stockholder understanding of an action that will have long-term effects for the stockholders.

4. Stockholder Reconsiderations [Existing § 611.1123(c); New § 611.1126]

Bank and association voting stockholders have the right to reconsider the approval of a merger by filing a reconsideration petition with the FCA, provided that certain provisions of our regulations are met. In order to make it easier to review those provisions, we propose moving them from § 611.1123(c), which sets forth our requirements on merger agreements, to new § 611.1126. Also, we propose clarifying that only voting stockholders have the right to file a reconsideration petition.

We also propose the following changes to the reconsideration petition regulations:

a. List of Stockholders [New § 611.1126(b)]

We propose adding a new provision to address the process by which stockholders wishing to file a petition obtain a list of stockholders from their bank or association. Stockholders have a statutory right to obtain a list of stockholders in their institution.[5] Existing § 618.8310 addresses the process by which stockholders may request a list of stockholders' names, addresses, and classes of stock held by the stockholder, and the prohibitions on the use of the list. We propose language in new § 611.1126(b) to clarify that the process set forth in § 618.8310, with one change, applies to requests for a list of stockholders when the purpose is to seek signatures on a petition for reconsideration of a merger. The proposed difference from the § 618.8310 provisions is that the stockholder list provided to a stockholder wishing to file a reconsideration petition be the voting record date list developed for the stockholder vote on the proposed plan of merger. This change enables the stockholder filing the petition to have the names of only those stockholders who would be eligible to sign the reconsideration petition. The list provided to the stockholder under § 618.8310 includes all stockholders of the bank or association, both voting and nonvoting. Absent the proposed provision, any stockholder wishing to file a reconsideration petition would have the added step of culling the ineligible stockholders from the list before proceeding with any further actions to timely filing the petition. The Act provides a very limited amount of time for filing a reconsideration petition and we believe giving stockholders a list of nonvoting, as well as voting, stockholders would be an unnecessary burden and one unintended by Congress. Also, we believe using the merger voting record date list will ease the burden on the bank or association, since the list will already exist and be up-to-date. As the reconsideration petition process has a very short timeframe, we believe these changes will aid all parties in coordinating their efforts and help ensure timely access to the appropriate and relevant stockholder lists.

b. Filing of Petition With the FCA [New § 611.1126(c)]

We have received requests for clarification from both System institutions and their stockholders regarding the date that the FCA considers a reconsideration petition to be filed with the Agency and how the petition may be filed. We propose adding new § 611.1126(c) to explain that there are various means of filing a reconsideration petition (*e.g.,* the U.S. Postal Service, hand delivery, electronic mail), and all are acceptable to the FCA. We propose allowing petitions to be filed in electronic form in recognition of advances in communication technology. We also propose that reconsideration petitions must be addressed to the

[5] *See* 12 U.S.C. 2184.

Secretary to the FCA Board. We propose that reconsideration petitions may be filed at:

- The FCA headquarters office in McLean, Virginia;
- Any FCA office, including the most local FCA office; or
- Delivered in-person during normal business hours to any FCA employee who is in official duty status at the time.

We would expect that if a reconsideration petition is filed by in-person delivery to an FCA employee, then the delivery should be followed up with notice of the delivery to the Secretary to the FCA Board. We believe that proposing various means for a stockholder to file a petition with the FCA will aid the stockholder in working within the 35-day time constraint for filing a petition, and will make the petition process less burdensome on the stockholder. Also, we propose clarifying that the date of postmark, ship date, or the timestamp reflected in the metadata of electronic transmissions will be used to determine the date the petition is considered filed with the FCA.

The Act requires reconsideration petitions to be ''presented'' to FCA within 30 days after the date that stockholders receive notification of the final results of the stockholder vote on the proposed plan of merger.[6] However, existing § 611.1123(c) provides that petitions must be filed with the FCA within 35 days[7] after notification of the voting results is mailed to stockholders. The additional 5 days for filing a petition as provided in the regulation allows time for the stockholder to receive the notification and ensures that stockholders have the full statutory 30 days to file a reconsideration petition. We believe a similar concession is necessary to determine when reconsideration petitions are filed with the FCA. For example, a petition would be considered timely filed with the FCA if it was mailed via the U.S. Postal Service and the postmark date was the 35th day of the regulatory reconsideration period. This concession would give stockholders the added benefit of having the full statutory 30 days to acquire needed signatures and file the petition with the FCA without concern for delivery delays.

We also propose that petitions contain contact information on the stockholder filing the petition. Having contact information on the stockholder filing the petition would enable the FCA to readily contact that individual, if necessary.

[6] Section 7.9(b)(3) of the Act (12 U.S.C. 2279c–2).

[7] Unless our rules specify ''business days'', any use of the term ''days'' means calendar days.

c. FCA Review of Petitions [Existing § 611.1123(c); New § 611.1126(d)]

We propose to clarify and enhance the existing rule on the notice process used by the FCA when a reconsideration petition is filed. In new § 611.1126(d), we propose that if a petition is received in a timely manner, notice that a reconsideration petition has been filed be sent to the relevant institutions. We believe all parties should be notified that a reconsideration petition was timely and appropriately filed with the FCA since institution action on a petition will be required.

We further propose to clarify in new § 611.1126(d) that institutions have no expectation of receiving a copy of the petition. We believe the rule should be clear regarding access to the names on the petition. By necessity, one or more stockholder will identify themselves to the institution in order to obtain the list of stockholders. However, there is no legitimate business purpose for the institutions to have the names of stockholders signing the petition. We do not believe Congress intended the institutions to have this information, or they would not have required that the petition be filed with the FCA, rather than the institution. Also, providing the names of stockholders signing a petition to their respective institutions may allow the institution to infer how that stockholder voted on the proposed plan of merger and impact the statutory right to confidential voting.[8]

d. Reconsideration Votes [Existing § 611.1123(c); New § 611.1126(e)]

We propose to clarify in new § 611.1126(e) the existing rule on the voting process after a reconsideration petition is filed. We propose clarifying that reconsideration votes are only cast in person or by proxy, similar to merger votes, and, just as merger votes, must follow the voting and confidentiality provisions of existing § 611.340, but without use of a tellers committee. This is to ensure the reconsideration voting process is the same as that used for the original merger vote.

VI. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), FCA hereby certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

[8] *See* 12 U.S.C. 2208.

List of Subjects in 12 CFR Part 611

Agriculture, Banks, banking, Rural areas.

For the reasons stated in the preamble, part 611 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 611—ORGANIZATION

■ 1. The authority citation for part 611 continues to read as follows:

Authority: Secs. 1.2, 1.3, 1.4, 1.5, 1.12, 1.13, 2.0, 2.1, 2.2, 2.10, 2.11, 2.12, 3.0, 3.1, 3.2, 3.3, 3.7, 3.8, 3.9, 3.21, 4.3A, 4.12, 4.12A, 4.15, 4.20, 4.21, 4.25, 4.26, 4.27, 4.28A, 5.9, 5.17, 5.25, 7.0–7.13, 8.5(e) of the Farm Credit Act (12 U.S.C. 2002, 2011, 2012, 2013, 2020, 2021, 2071, 2072, 2073, 2091, 2092, 2093, 2121, 2122, 2123, 2124, 2128, 2129, 2130, 2142, 2154a, 2183, 2184, 2203, 2208, 2209, 2211, 2212, 2213, 2214, 2243, 2252, 2261, 2279a–2279f–1, 2279aa–5(e)); secs. 411 and 412 of Pub. L. 100–233, 101 Stat. 1568, 1638; sec. 414 of Pub. L. 100–399, 102 Stat. 989, 1004.

■ 2. Section 611.100 is amended by:
■ a. Redesignating existing paragraphs (b) through (g) as paragraphs (c) through (h); and
■ b. Adding new paragraphs (b), (i) and (j) to read as follows:

§ 611.100 Definitions.

* * * * *

(b) *FCA* means the Farm Credit Administration.

* * * * *

(i) *Voting record date* or *record date* means the official date set by a Farm Credit institution whereby a stockholder must own voting stock in that institution in order to cast a vote.

(j) *Voting record date list* or *record date list* means the list of names, addresses, and classes of stock held by stockholders in the Farm Credit institution who are eligible to vote as of a specific voting record date.

■ 3. Section 611.1000 is revised to read as follows:

§ 611.1000 General authority.

(a) An amendment to a Farm Credit bank charter may relate to any provision that is properly the subject of a charter, including, but not limited to, the name of the bank, the location of its offices, or the territory served.

(b) The FCA may make changes in the charter of a Farm Credit bank as may be requested by that bank and approved by the FCA pursuant to § 611.1010.

(c) The FCA may, in accordance with the provisions of the Act, make changes

in the charter of a Farm Credit bank, and any chartered service corporation thereof, as may be necessary or expedient to implement the provisions of the Act.

■ 4. Section 611.1010 is revised to read as follows:

§ 611.1010 Farm Credit bank charter amendment procedures.

(a) A Farm Credit bank may recommend a charter amendment to accomplish any of the following actions—

(1) A merger or consolidation with any other Farm Credit bank or banks operating under title I or III of the Act.

(2) A transfer of territory with any other Farm Credit bank operating under the same title of the Act.

(3) A change to its name or location.

(4) Any other change that is properly the subject of a Farm Credit bank charter.

(b) Upon approval of an appropriate resolution by the Farm Credit bank board, the certified resolution, together with supporting documentation, must be submitted to the FCA for preliminary or final approval, as the case may be.

(c) The FCA will review the material submitted and either approve or disapprove the request. The FCA may require submission of any supplemental information and analysis it deems appropriate. If the request is for merger, consolidation, or transfer of territory, the approval of the FCA will be preliminary only, with final approval subject to a vote of the Farm Credit bank's stockholders.

(d) Following receipt of the FCA's written preliminary approval, the proposal must be submitted for approval to the voting stockholders of the Farm Credit bank. A proposal will be considered approved if agreed to by a majority of the voting stockholders of each Farm Credit bank voting, in person or by proxy, at a duly authorized stockholder meeting with each stockholder-association entitled to cast a number of votes equal to the number of the association's voting shareholders, unless another voting scheme has been approved by the FCA.

(e) Upon approval by the stockholders of the Farm Credit bank, the request for final approval and issuance of the appropriate charter or amendments to charter for the Farm Credit banks involved must be submitted to the FCA.

■ 5. Section 611.1020 is revised to read as follows:

§ 611.1020 Requirements for mergers or consolidations of Farm Credit banks.

(a) As authorized under sections 7.0 and 7.12 of the Act, a Farm Credit bank may merge or consolidate with one or more Farm Credit banks operating under the same or different titles of the Act.

(b) The plan to merge or consolidate two or more Farm Credit banks is subject to the requirements of §§ 611.1122, 611.1123, and 611.1126 of this part, unless otherwise instructed by the FCA. In interpreting those sections, the phrase ''Farm Credit bank(s)'' will be read for the word ''association(s)'' and references to ''funding bank'' are to be ignored.

§ 611.1040 [Amended]

■ 6. Section 611.1040 is amended by removing the word ''shall'' and adding in its place the word ''must'' each place it appears.

■ 7. Section 611.1120 is amended by:

■ a. Removing the words ''Farm Credit Administration'' and adding in their place, the acronym ''FCA'' each place they appear in paragraph (b); and

■ b. Revising paragraph (c).

The revision reads as follows:

§ 611.1120 General authority.

* * * * *

(c) The FCA may, on its own initiative, make changes in the charter of an agricultural credit association, Federal land bank association, or a production credit association, and any chartered service corporation thereof, where the FCA determines that the change is necessary to accomplish the purposes of the Act.

■ 8. Section 611.1121 is revised to read as follows:

§ 611.1121 Association charter amendment procedures.

(a) An association which proposes to amend its charter must submit a request to its funding bank containing the following information:

(1) A statement of the provision(s) of the charter that the association proposes to amend and the proposed amendment(s);

(2) A statement of the reasons for the proposed amendment(s), the impact of the amendment(s) on the association and its stockholders, and the requested effective date of the amendment(s);

(3) A certified copy of the resolution of the board of directors of the association approving the amendment(s); and

(4) Any additional information or documents that the association wishes to submit in support of the request or that may be requested by the funding bank.

(b) Upon receipt of a proposed amendment from an association, the funding bank must review the materials submitted and provide the association with its analysis of the proposal within a reasonable period of time. Concurrently, the funding bank must communicate its recommendation on the proposal to the FCA, including the reasons for the recommendation, and any analysis the bank believes appropriate. Following review by the bank, the association must transmit the proposed amendment with attachments to the FCA.

(c) Upon receipt of an association's request for a charter amendment, the FCA will review the materials submitted and either approve or disapprove the request. The FCA may require submission of any supplemental information and analysis it deems appropriate.

(d) The FCA will notify the association of its approval or disapproval of the amendment request, including a copy of the amended charter with the approval notification, and provide a copy of such communication to the funding bank.

■ 9. Section 611.1122 is revised to read as follows:

§ 611.1122 Requirements for association mergers or consolidations.

(a) Where two or more associations plan to merge or consolidate, or where the funding bank board has adopted a reorganization plan for the associations in the district, the associations involved must jointly submit a request to the funding bank containing the following:

(1) In the case of a merger, a copy of the charter of the continuing association reflecting any proposed amendments. In the case of consolidation, a copy of the proposed charter of the new association;

(2) A statement of the reasons for the proposed merger or consolidation, the impact of the proposed transaction on the associations and their stockholders, and the planned effective date of the merger or consolidation;

(3)(i) A certified copy of the resolution of the board of directors of each association recommending approval of the merger or consolidation; or

(ii) In the case of a district reorganization plan, a certified copy of the resolution of the board of directors of each association recommending either approval or disapproval of the proposal;

(4) A copy of the agreement of merger or consolidation;

(5) Two signed copies of the continuing or proposed Articles of Association;

(6) All of the information specified in paragraph (e) of this section;

(7) Any additional information or documents each association wishes to submit in support of the request; and

(8) All additional information and documentation that the funding bank or the FCA requests.

(b) Upon receipt of a request for approval of an association merger or consolidation, the funding bank must review the materials submitted to determine whether they comply with the requirements of these regulations and must communicate with the associations concerning any deficiency. When the bank approves the request to merge or consolidate it must notify the associations. The bank must also notify the FCA of its approval together with the reasons for its approval and any supporting analysis. The associations must jointly submit the proposal together with required documentation to the FCA for preliminary approval.

(c) Upon receipt of a complete association merger or consolidation request, the FCA will review the request and either deny or give its written preliminary approval to the request within 60 days. The FCA will notify the requesting associations when the 60-day preliminary approval review period begins. The FCA may require submission of any supplemental information and analysis it deems appropriate for its consideration of the merger or consolidation request.

(1) When a request is denied, written notice stating the reasons for the denial will be transmitted to the associations and a copy provided to the funding bank(s).

(2) When a request is preliminarily approved, written notice of the preliminary approval will be given to the associations and a copy provided to the funding bank(s). Preliminary approval by the FCA does not constitute approval of the merger or consolidation. Approval of a merger or consolidation is only issued pursuant to this subpart. In connection with granting preliminary approval, the FCA may impose conditions in writing.

(d) Upon receipt of preliminary approval by the FCA of a merger or consolidation request, each constituent association must call a meeting of its voting stockholders. The FCA may also require the associations to hold informational meetings before a stockholder vote. The stockholder meeting to vote on a merger or consolidation must:

(1) Be called on written notice to each stockholder entitled to vote on the transaction as of the record date and be held in accordance with the terms of each association's bylaws.

(2) Follow the voting procedures of § 611.340, except associations may not use tellers committees to validate ballots and tabulate votes on the merger or consolidation.

(3) Require the affirmative vote of a majority of the voting stockholders of each association present and voting, either in person or by written proxy, at a meeting at which a quorum is present to constitute stockholder approval of a merger or consolidation proposal.

(e) Notice of the stockholder meeting to consider and act upon a proposed merger or consolidation must be accompanied by the information required under this paragraph. The notice and accompanying information must not be sent to stockholders until preliminary approval of the merger or consolidation has been given by the FCA.

(1) A statement either on the first page of the materials or on the notice of the stockholders' meeting, in capital letters and bold face type, that:

THE FARM CREDIT ADMINISTRATION HAS NEITHER APPROVED NOR PASSED UPON THE ACCURACY OR ADEQUACY OF THE INFORMATION ACCOMPANYING THE NOTICE OF MEETING OR PRESENTED AT THE MEETING AND NO REPRESENTATION TO THE CONTRARY SHALL BE MADE OR RELIED UPON.

(2) A description of the material provisions of the agreement of merger or consolidation and the effect of the proposed merger or consolidation on the associations, their stockholders, the new or continuing board of directors, and the territory to be served. In addition, a copy of the agreement must be furnished with the notice to stockholders.

(3) A summary of the provisions of the charter and bylaws of the continuing or new association that differ materially from the existing charter or bylaw provisions of the constituent associations.

(4) A brief statement by the boards of directors of the constituent associations setting forth the basis for the boards' recommendation on the merger or consolidation.

(5) A description of any agreement or arrangement between a constituent association and any of its officers relating to employment or termination of employment and arising from the merger or consolidation.

(6) A presentation of the following financial data:

(i) A balance sheet and income statement for each constituent association for each of the 2 preceding fiscal years.

(ii) A balance sheet for each constituent association as of a date within 90 days of the date the request for preliminary approval is forwarded to the FCA presented on a comparative basis with the corresponding period of the prior fiscal year.

(iii) An income statement for the interim period between the end of the last fiscal year and the date of the required balance sheet presented on a comparative basis with the corresponding period of the preceding fiscal year. The balance sheet and income statement format must be that contained in the association's annual report to stockholders; must contain any significant changes in accounting policies that differ from those in the latest association annual report to stockholders; and must contain appropriate footnote disclosures, including data relating to high-risk assets and other property owned, and allowance for loan losses, including net chargeoffs as required in paragraph (e)(10) of this section.

(7) The financial statements (balance sheet and income statement) must be in sufficient detail to show separately all significant categories of interest-earning assets and interest-bearing liabilities and the income or expense accrued thereon.

(8) Attached to the financial statements for each constituent association, either:

(i) A statement signed by the chief executive officer and each member of the board of directors of the association that the various financial statements are unaudited, but have been prepared in all material respects in accordance with generally accepted accounting principles (except as otherwise disclosed therein) and are, to the best of the knowledge of the board, a fair and accurate presentation of the financial condition of the association; or

(ii) A signed opinion by an independent certified public accountant that the various financial statements have been examined in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as were considered necessary in the circumstances, and, as of the date of the statements, present fairly the financial position of the association in conformity with generally accepted accounting principles applied on a consistent basis, except as otherwise noted thereon.

(9) A presentation for each constituent association regarding its policy on accounting for loan performance, together with the number and dollar amount of loans in all performance categories, including those categorized as high-risk assets.

(10) Information of each constituent association concerning the amount of loans charged off in each of the 2 fiscal years preceding the date of the balance sheet, the current year-to-date net chargeoff amount, and the balance in the allowance for loan losses account and a statement regarding whether, in the opinion of management, the allowance for loan losses is adequate to absorb the risk currently existing in the loan portfolio. This information may be appropriately included in the footnotes to the financial statements.

(11) A management discussion and analysis of the financial condition and results of operation for the past 2 fiscal years for each constituent institution. This requirement can be satisfied by including the materials contained in the management discussion and analysis of each institution's most recent annual report.

(12) A discussion of any material changes in financial condition of each constituent institution from the end of the last fiscal year to the date of the interim balance sheet provided.

(13) A discussion of any material changes in the results of operations of each constituent institution with respect to the most recent fiscal-year-to-date period for which an income statement is provided.

(14) A discussion of any change in the tax status of the new institution from those of the constituent institutions as a result of merger or consolidation. A statement on any adverse tax consequences to the stockholders of the institution as a result of the change in tax status.

(15) A statement on the proposed institution's relationship with an independent public accountant, including any change that may occur as a result of the merger or consolidation.

(16) A pro forma balance sheet of the continuing or consolidated association presented as if the merger or consolidation had occurred as of the date on the balance sheets required in paragraph (e)(6) of this section, as recommended to the stockholders. A pro forma summary of earnings for the continuing or consolidated association presented as if the merger or consolidation had been effective at the beginning of the interim period between the end of the last fiscal year and the date of the balance sheets.

(17) A description of the type and dollar amount of any financial assistance that has been provided during the past year or will be provided by the funding bank or other party to assist the constituent or the continuing or new association(s), the conditions on which financial assistance has been or will be extended, the terms of repayment or retirement, if any, and the impact of the assistance on the subject association(s) or the stockholders.

(18) A presentation for each constituent association of interest rate comparisons for the last 2 fiscal years preceding the date of the balance sheet, together with a statement of the continuing or new association's proposed interest rate and fee programs, interest collection policies, capitalization rates, dividends or patronage refunds, and other factors that would affect a borrower's cost of doing business with the continuing or new association. Where agreement has not been reached on such matters, current related information must be presented for each constituent association.

(19) A description for each constituent association of any event subsequent to the date of the financial statements, but prior to the merger or consolidation vote, that would have a material impact on the financial condition of the constituent or continuing or new association(s).

(20) A statement of any other material fact or circumstance that a stockholder would need in order to make an informed decision on the merger or consolidation proposal, or that is necessary to make the required disclosures not misleading.

(21) Where proxies are to be solicited, a form of written proxy, together with instructions on the purpose and authority for its use, and the proper method for signature by the stockholder.

(f) Where a proposed merger or consolidation will involve more than three associations, the FCA may require the supplementation, or allow the condensation or omission of any information required under paragraph (e) of this section in furtherance of meaningful disclosure to stockholders. Any waiver sought under this paragraph must be obtained before preparation of the financial statements and accompanying schedules required under paragraph (e) of this section.

(g) The effective date of a merger or consolidation may not be less than 35 days after the date of mailing of the notification to stockholders of the results of the stockholder vote, or 15 days after the date of submission to the FCA of all required documents for the FCA's consideration of final approval, whichever occurs later.

(1) The constituent institutions must agree on a second effective date to be used in the event the merger or consolidation is approved on reconsideration. The second effective date may not be less than 60 days after stockholder notification of the results of the first vote, or 15 days after the date of the reconsideration vote, whichever occurs later.

(2) If no reconsideration petition is filed with the FCA, upon final approval by the FCA, the merger or consolidation will be effective on the date specified in the merger agreement or at such later date as may be required by the FCA.

(h) Each constituent association must notify its stockholders not later than 30 days after the stockholder vote of the final results of the vote. Upon approval of a proposed merger or consolidation by the stockholders of the constituent associations, each association must submit to the FCA a certified copy of the stockholders' resolution on which the stockholders cast their votes and a certification of the stockholder vote from the independent third party(s) used to tally the vote. After the time for submitting reconsideration petitions has expired, and if no petition is filed, the FCA will make a final approval decision on the merger or consolidation, imposing conditions as appropriate. The FCA will send written notice of the final FCA approval decision to the associations and provide a copy to the affiliated funding bank(s).

(i) No Farm Credit institution, or any director, officer, employee, agent, or other person participating in the conduct of the affairs thereof, may make any untrue or misleading statement of a material fact, or fail to disclose any material fact necessary under the circumstances to make statements made not misleading, to a stockholder of any association in connection with an association merger or consolidation.

(1) No Farm Credit institution or any director, officer, employee, agent, or other person participating in the conduct of the affairs of a Farm Credit institution may make an oral or written representation to any person that a preliminary or final approval by the FCA of a merger or consolidation constitutes, directly or indirectly, either a recommendation on the merits of the transaction or an assurance concerning the adequacy or accuracy of any information provided to any association's stockholders in connection therewith.

(2) When a Farm Credit institution, or any of its employees, officers, directors, agents, or other person participating in the conduct of the affairs thereof, make disclosures or representations in connection with an association merger or consolidation that, in the judgment of the FCA, are incomplete, inaccurate, or misleading, whether or not such disclosure or representation is made in disclosure statements required by this subpart, such institution must make

such additional or corrective disclosure as directed by the FCA and as is necessary to provide stockholders and the general public with full and fair disclosure.

■ 10. Section 611.1123 is amended by:
■ a. Revising the section heading and paragraph (a) introductory text;
■ b. Removing the word ''shall'' and adding in its place, the word ''must'' in the last sentence of paragraph (a)(3);
■ c. Removing the word ''shall'' and adding in its place, the word ''may'' in paragraph (a)(4);
■ d. Removing the words ''supervising bank'' and ''Farm Credit Administration'' and adding in their place the words ''funding bank'' and the acronym ''FCA'', respectively, in paragraph (a)(5);
■ e. Removing the words ''Farm Credit Administration'' and adding in their place the acronym ''FCA'' in paragraph (a)(7) introductory text;
■ f. Removing the word ''institution'' and adding in its place the words ''or consolidated association'' in paragraph (a)(7)(iv);
■ g. Removing the words ''new institution'' and ''shall'' and adding in their place the words ''continuing or consolidated association'' and ''must'', respectively, in paragraph (a)(9);
■ h. Removing the words ''proposed institution'' and adding in its place the words ''continuing or consolidated association'' in paragraph (a)(10);
■ i. Revising paragraph (b); and
■ j. Removing paragraph (c).

The revisions read as follows:

§ 611.1123 Association merger or consolidation agreements.

(a) Associations operating under the same title of the Act may merge or consolidate voluntarily, but only pursuant to a written agreement. The agreement must set forth all of the terms of the transaction, including, but not limited to, the following:

* * * * *

(b) As an attachment to the agreement, the constituent associations must set forth those provisions of the charter and bylaws of the continuing or consolidated association which differ from the existing charter or bylaw provisions of the constituent associations.

■ 11. Section 611.1124 is revised to read as follows:

§ 611.1124 Territorial adjustments.

This section applies to any request submitted to the FCA to modify association charters for the purpose of transferring territory from one association to another.

(a) Territorial adjustments, except as specified in paragraph (m) of this section, require approval of a majority of the voting stockholders of each association present and voting or voting by written proxy at a duly authorized meeting at which a quorum is present.

(b) When two or more associations agree to transfer territory, each association must submit a proposal to the funding bank containing the following:

(1) A statement of the reasons for the proposed transfer and the impact the transfer will have on its stockholders and holders of participation certificates;

(2) A certified copy of the resolution of the board of directors of each association approving the proposed territory transfer;

(3) A copy of the agreement to transfer territory that contains the following information:

(i) A description of the territory to be transferred;

(ii) Transferor association's plan to transfer loans and the types of loans to be transferred;

(iii) Transferor association's plan to retire and transferee association's plan to issue equities held by holders of stock, participation certificates, and allocated equities, if any, and a statement by each association that the book value of its equities is at least equal to par;

(iv) An inventory of the assets to be sold by the transferor association and purchased by the transferee association;

(v) An inventory of the liabilities to be assumed from the transferor association by the transferee association;

(vi) A statement that the holders of stock and participation certificates whose loans are subject to transfer have 60 days from the effective date of the territory transfer to inform the transferor association of their decision to remain with the transferor association for normal servicing until the current loan is paid;

(vii) A statement that the transfer is conditioned upon the approval of the stockholders of each constituent association; and

(viii) The effective date of the proposed territory transfer.

(4) A copy of the stockholder disclosure statement provided for in paragraph (f) of this section; and

(5) Any additional relevant information or documents that the association wishes to submit in support of its request or that may be required by the FCA.

(c) Upon receipt of documents supporting a proposed territory transfer, the funding bank must review the materials submitted and provide the associations with its analysis of the proposal within a reasonable period of time. The funding bank must concurrently advise the FCA of its recommendation regarding the proposed territory transfer. Following review by the bank, the associations must transmit the proposal to the FCA together with all required documents.

(d) Upon receipt of an association's request to transfer territory, the FCA will review the request and either deny or grant preliminary approval to the request. The FCA may require submission of any supplemental information and analysis it deems appropriate for its consideration of the request to transfer territory.

(1) When a request is denied, written notice stating the reasons for the denial will be transmitted to the associations, and a copy provided to the funding bank.

(2) When a request is preliminarily approved, written notice of the preliminary approval will be transmitted to the associations, and a copy provided to the funding bank. Preliminary approval by the FCA does not constitute approval of the territory transfer. Final approval is granted only in accordance with paragraph (h) of this section. In connection with granting preliminary approval, the FCA may impose conditions in writing.

(e) Upon receipt of preliminary approval by the FCA, each constituent association must, by written notice, and in accordance with its bylaws, call a meeting of its voting stockholders. The affirmative vote of a majority of the voting stockholders of each association present and voting or voting by written proxy at a meeting at which a quorum is present is required for stockholder approval of a territory transfer.

(f) Notice of the meeting to consider and act upon a proposed territory transfer must be accompanied by the following information covering each constituent association:

(1) A statement either on the first page of the materials or on the notice of the stockholders' meeting, in capital letters and bold face type, that:

THE FARM CREDIT ADMINISTRATION HAS NEITHER APPROVED NOR PASSED UPON THE ACCURACY OR ADEQUACY OF THE INFORMATION ACCOMPANYING THE NOTICE OF MEETING OR PRESENTED AT THE MEETING AND NO REPRESENTATION TO THE CONTRARY SHALL BE MADE OR RELIED UPON.

(2) A copy of the Agreement to Transfer Territory and a summary of the major provisions of the Agreement;

(3) The reason the territory transfer is proposed;

(4) A map of the association's territory as it would look after the transfer;

(5) A summary of the differences, if any, between the transferor and transferee associations' interest rates, interest rate policies, collection policies, service fees, bylaws, and any other items of interest that would impact a borrower's lending relationship with the institution;

(6) A statement that all loans of the transferor association that finance operations located in the transferred territory will be transferred to the transferee association except as otherwise provided for in this section or in accordance with agreements between the associations as provided for in § 614.4070;

(7) Where proxies are to be solicited, a form of written proxy, together with instructions on the purpose and authority for its use, and the proper method for signature by the stockholders; and

(8) A statement that the associations' bylaws, financial statements for the previous 3 years, and any financial information prepared by the associations concerning the proposed transfer of territory are available on request to the stockholders of any association involved in the transaction.

(g) No Farm Credit institution, or director, officer, employee, agent, or other person participating in the conduct of the affairs thereof, may make any untrue or misleading statement of a material fact, or fail to disclose any material fact necessary under the circumstances to make statements made not misleading, to a stockholder of any Farm Credit institution in connection with a territory transfer.

(h) Upon approval of a proposed territory transfer by the stockholders of the constituent associations, a certified copy of the stockholders' resolution for each constituent association and one executed Agreement to Transfer Territory must be forwarded to the FCA. The territory transfer will be effective when thereafter finally approved and on the date as specified by the FCA. Notice of final approval will be transmitted to the associations and a copy provided to the bank.

(i) No director, officer, employee, agent, or other person participating in the conduct of the affairs of a Farm Credit institution may make an oral or written representation to any person that a preliminary or final approval by the FCA of a territory transfer constitutes, directly or indirectly, a recommendation on the merits of the transaction or an assurance concerning the adequacy or accuracy of any information provided to any association's stockholders in connection therewith.

(j) When a Farm Credit institution, or any of its employees, officers, directors, agents, or other persons participating in the conduct of the affairs thereof, make disclosures or representations that, in the judgment of the FCA, are incomplete, inaccurate, or misleading in connection with a territory transfer, whether or not such disclosure or representation is made in disclosure statements required by this subpart, such institution must make such additional or corrective disclosure as directed by the FCA and as is necessary to provide stockholders and the general public with full and fair disclosure.

(k) The notice and accompanying information required under paragraph (f) of this section may not be sent to stockholders until preliminary approval of the territory transfer has been granted by the FCA.

(l) Where a territory transfer is proposed simultaneously with a merger or consolidation, both transactions may be voted on by stockholders at the same meeting. Only stockholders of a transferee or transferor association may vote on a territory transfer.

(m) Each borrower whose real estate or operations is located in a territory that will be transferred must be provided with a written Notice of Territory Transfer immediately after the FCA has granted final approval of the territory transfer. The Notice must inform the borrower of the transfer of the borrower's loan to the transferee association and the exchange of related equities for equities of like kinds and amounts in the transferee association. If a like kind of equity is not available in the transferee association, similar equities must be offered that will not adversely affect the interest of the owner. The Notice must give the borrower 60 days from the effective date of the territory transfer to notify the transferor association in writing if the borrower decides to stay with the transferor association for normal servicing until the current loan is paid. Any application by the borrower for renewal or for additional credit must be made to the transferee association, except as otherwise provided for by an agreement between associations in accordance with § 614.4070.

(n) This section does not apply to territory transfers initiated by order of the FCA or to territory transfers due to the liquidation of the transferor association.

(o) Where a proposed action involves the transfer of a portion of an association's territory to an association operating in a different district, such proposal must comply with the provisions of this section and section 5.17(a) of the Act.

§ 611.1125 [Amended]

■ 12. Section 611.1125 is amended by:

■ a. Removing the words ''Farm Credit Administration'' and adding in their place the acronym ''FCA'' in paragraph (a);

■ b. Removing the word ''shall'' and adding in its place, the word ''must'' in paragraph (b) introductory text;

■ c. Removing the words ''district bank'' and adding in their place, the word ''funding bank'' in paragraphs (b) introductory text and (b)(1) through (4) wherever they appear; and

■ d. Removing the words ''district bank'' and adding in their place, the word ''funding bank'' in paragraph (c) wherever they appear.

■ 13. Subpart G is amended by adding § 611.1126 to read as follows:

§ 611.1126 Reconsiderations of mergers and consolidations.

(a) Voting stockholders have the right to reconsider their approval of a merger or consolidation, provided that a petition is filed with the FCA. The petition must be signed by 15 percent of the stockholders (who were eligible to vote on the merger or consolidation proposal) of one or more of the constituent associations. The reconsideration petition must be filed with the FCA within 35 days after the date when the association mailed the notification of the final results of the stockholder vote pursuant to § 611.1122(h).

(b) Voting stockholders that intend to file a reconsideration petition have a right to obtain from the association of which they are a voting stockholder the voting record date list used by that association for the merger or consolidation vote. The association must provide the voting record date list as soon as possible, but not later than 7 days after receipt of the request. The list must be provided pursuant to the provisions of § 618.8310(b).

(c) A reconsideration petition must be addressed to the Secretary of the FCA Board and filed with the FCA on or before the deadline described in paragraph (a) of this section. Reconsideration petitions must identify a contact person and provide contact information for that person.

(1) Filing of a reconsideration petition may only be accomplished through in-person delivery during normal business hours to any FCA employee in official duty status or by sending the petition by mail, facsimile, electronic transmission, carrier delivery, or other similar means to an FCA office.

(2) The FCA will use the postmark, ship date, electronic stamp, or similar evidence as the date of filing the reconsideration petition.

(d) The FCA will notify the named contact on the reconsideration petition whether the petition was filed on time. On the timely receipt of a reconsideration petition, the FCA will review the petition to determine whether it complies with the requirements of section 7.9 of the Act. Following a determination that the petition was timely filed and complies with applicable requirements, the FCA will give notice to the associations involved in the merger or consolidation for which the reconsideration petition was filed. The associations are not entitled to either a copy of the petition or the names of the petitioners.

(e) Following FCA notification that a reconsideration petition has been properly filed, a special stockholders meeting must be called by the association(s) to reconsider the merger or consolidation vote. The reconsideration vote must be conducted according to the merger and consolidation voting requirements of § 611.1122(d). If a majority of the stockholders voting, in person or by proxy, at a duly authorized stockholders' meeting from any one of the constituent associations vote against the merger or consolidation under the reconsideration vote, the merger or consolidation will not take place. In the event that the merger or consolidation is approved on reconsideration, the constituent associations must use the second effective date developed under § 611.1122(g)(1).

Dated: January 13, 2015.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2015–00676 Filed 1–16–15; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–153656–03]

RIN 1545–BC70

Credit for Increasing Research Activities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Withdrawal of advance notice of proposed rulemaking; notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations concerning the application of section 41 of the Internal Revenue Code (Code), which provides a credit for increasing research activities. The proposed regulations provide guidance on computer software that is developed by (or for the benefit of) the taxpayer primarily for internal use by the taxpayer (internal use software) under section 41(d)(4)(E). These proposed regulations also include examples to illustrate the application of the process of experimentation requirement to computer software under section 41(d)(1)(C). The regulations will affect taxpayers engaged in research activities involving computer software. This document also provides notice of a public hearing on these proposed regulations and withdraws the advance notice of proposed rulemaking published on January 2, 2004.

DATES: Written or electronic comments must be received by March 23, 2015. Outlines of topics to be discussed at the public hearing scheduled for April 17, 2015, must be received by March 23, 2015.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–153656–03), room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–153656–03), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC; or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–153656–03). The public hearing will be held in IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Martha Garcia, (202) 317–6853; concerning submission of comments, the hearing, and/or to be placed on the building access list to attend the hearing, call Oluwafunmilayo (Funmi) Taylor, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document amends 26 CFR part 1 to provide rules relating to the credit for increasing research activities (research credit) under section 41 of the Code. On January 2, 1997, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–209494–90, referred to in this preamble as the 1997 proposed regulations) in the **Federal Register** (62 FR 81) to provide guidance on internal use software under section 41(d)(4)(E). Final regulations (TD 8930, referred to in this preamble as the 2001 final regulations), which substantively modified the 1997 proposed regulations on internal use software, and also addressed other aspects of section 41, were published in the **Federal Register** (66 FR 280) on January 3, 2001. In response to taxpayer concerns regarding the 2001 final regulations, on January 31, 2001, Treasury and the IRS published Notice 2001–19 (2001–10 IRB 784) (see § 601.601(d)(2) of this chapter) announcing that Treasury and the IRS would review the 2001 final regulations and reconsider comments previously submitted. Notice 2001–19 also provided that, upon the completion of this review, Treasury and the IRS would announce changes to the regulations, if any, in the form of new proposed regulations. On December 26, 2001, the Treasury Department and the IRS published proposed regulations (REG–112991–01, referred to in this preamble as the 2001 proposed regulations) in the **Federal Register** (66 FR 66362) relating to internal use software and other aspects of section 41. On January 2, 2004, the Treasury Department and the IRS published final regulations (TD 9104, referred to in this preamble as the 2004 final regulations) in the **Federal Register** (69 FR 22) on the research credit. The 2004 final regulations finalized the 2001 proposed regulations' rules relating to the definition of qualified research under section 41(d), but did not finalize rules relating to internal use software under section 41(d)(4)(E). The 2004 final regulations reserve the rules for internal use software. See § 1.41–4(c)(6).

Concurrently with the 2004 final regulations, the Treasury Department and the IRS issued an advance notice of proposed rulemaking (2004 ANPRM) (published in the **Federal Register** (69 FR 43)). The 2004 ANPRM invited comments from the public regarding the 2001 proposed regulations relating to internal use software under section 41(d)(4)(E). The Treasury Department and the IRS specifically requested comments concerning the definition of internal use software. In addition, the Treasury Department and the IRS requested comments on whether final rules relating to internal use software should have retroactive effect. Written and electronic comments responding to the 2004 ANPRM were received. The preamble to these proposed regulations describes many of the comments received by the Treasury Department and the IRS. Although not all of the

comments are addressed in this preamble, the Treasury Department and the IRS have reviewed and considered all written and electronic comments in the process of preparing these proposed regulations.

General Overview

Section 41(d)(4)(E) provides that, except to the extent provided by regulations, research with respect to computer software that is developed by (or for the benefit of) the taxpayer primarily for internal use by the taxpayer is excluded from the definition of qualified research under section 41(d). Software that is developed for use in an activity that constitutes qualified research and software that is developed for use in a production process with respect to which the general credit eligibility requirements are satisfied are not excluded as internal use software under section 41(d)(4)(E).

Legislative History

The legislative history of the Tax Reform Act of 1986, Public Law 99–514 (100 Stat. 2085 (1986)) (1986 Act), states that ''the costs of developing software are not eligible for the credit where the software is used internally, for example, in general and administrative functions (such as payroll, bookkeeping, or personnel management) or in providing noncomputer services (such as accounting, consulting, or banking services) except to the extent permitted by Treasury regulations.'' See H.R. Conf. Rep. No. 841, at II–73 (1986 legislative history). The 1986 legislative history further states that Congress intended that regulations would make the costs of new or improved internal use software eligible for the credit only if the research satisfies, in addition to the general requirements for credit eligibility, an additional three-part high threshold of innovation test (that is, that the software is innovative, that the software development involves significant economic risk, and that the software is not commercially available for use by the taxpayer).

Congress extended the research credit a number of times since the 1986 Act, but has not made any changes to the statutory definition of qualified research or to the statutory exclusion from that definition for internal use software in section 41(d)(4)(E). When Congress extended the research credit in the Tax Relief Extension Act of 1999, (Pub. L. 106–170, 113 Stat. 1860 (1999)), however, the legislative history stated the following with respect to internal use software:

> The conferees further note the rapid pace of technological advance, especially in service-related industries, and urge the Secretary to consider carefully the comments he has and may receive in promulgating regulations in connection with what constitutes ''internal use'' with regard to software expenditures. The conferees also wish to observe that software research, that otherwise satisfies the requirements of section 41, which is undertaken to support the provision of a service, should not be deemed ''internal use'' solely because the business component involves the provision of a service.
>
> H.R. Conf. Rep. No. 106–478, at 132 (1999).

Prior Regulations

As discussed in the 2004 ANPRM, prior regulatory guidance generally reflects three approaches to the definition of internal use software. The 1997 proposed regulations closely followed the language contained in the 1986 legislative history and required an evaluation of ''all relevant facts and circumstances'' to determine whether software was primarily for internal use. The 1997 proposed regulations referenced the 1986 legislative history's identification of software used in general and administrative functions or used in providing noncomputer services as generally not eligible for the research credit. The 1997 proposed regulations also incorporated the legislative history's three-part high threshold of innovation test. The 2001 final regulations provided greater specificity than the 1997 proposed regulations regarding the definition of internal use software by distinguishing between computer services and noncomputer services and providing a rule that the development of internal use software used to deliver noncomputer services to customers with new features that are not yet offered by a taxpayer's competitors is deemed to satisfy the three-part high threshold of innovation test. The 2001 final regulations continued to provide a general definition of internal use software that incorporated the 1986 legislative history's examples of general and administrative functions and noncomputer services, but modified the application of the three-part high threshold of innovation test to require a comparison of ''the intended result with software that is within the common knowledge of skilled professionals'' to determine if internal use software is innovative or the development involves significant economic risk. Finally, the 2001 proposed regulations continued to distinguish between software that provides computer services and software that provides noncomputer services, but did not include the rule provided in the 2001 final regulations that the development of internal use software used to deliver noncomputer services to customers with new features that are not yet offered by a taxpayer's competitors was deemed to satisfy the three-part high threshold of innovation test. Instead, the 2001 proposed regulations departed from the language used in the 1986 legislative history and provided a bright-line presumption that software is developed primarily for internal use unless the software is developed to be commercially sold, leased, licensed, or otherwise marketed for separately stated consideration to unrelated third parties. The 2001 proposed regulations also modified the innovation component of the three-part high threshold of innovation test to state that software is innovative if intended to be unique or novel and differ in a significant and inventive way from prior software implementations or methods.

Summary of Comments and Explanation of Provisions

In General

These proposed regulations provide a definition of software developed primarily for internal use and describe software not developed primarily for internal use. These proposed regulations also provide that certain internal use software is eligible for the research credit if the software satisfies the high threshold of innovation test. These proposed regulations provide rules for computer software that is developed for both internal use and non-internal use (dual function computer software), including a safe harbor for determining if any of the expenditures with respect to dual function computer software are qualified research expenditures. These proposed regulations include examples to illustrate application of the proposed regulations for internal use software. Finally, these proposed regulations include examples under § 1.41–4 to illustrate the application of the process of experimentation requirement to computer software under section 41(d)(1)(C).

Definition of Internal Use Software

The 2004 ANPRM requested comments concerning an appropriate definition of internal use software that reflects the statute and legislative intent, can be readily applied by taxpayers and readily administered by the IRS, and is flexible enough to provide continuing application into the future. In submitting comments, commenters were invited to address any of the definitions included in prior guidance as well as other definitions that have been proposed to the Treasury Department and the IRS.

Commenters suggested that the definition of internal use software should closely follow the general and administrative examples from the 1986 legislative history. Commenters stated that characterizing services provided to customers as ''computer'' or ''noncomputer'' will result in disparate treatment. Commenters recommended that the definition should be based on the function provided by the software and not the overall nature of the end product or service provided to third parties. Commenters noted that a facts and circumstances functionality rule may be more difficult to administer, but it is preferable to a bright-line separately stated consideration rule. In addition, commenters asserted that today's highly integrated nature of software development will not prevent taxpayers from being able to separate software development into functions.

Although the 1986 legislative history indicates that Congress intended internal use software to include software used in noncomputer services, the 1999 legislative history requests that Treasury note the rapid pace of technological advance, especially in service-related industries, when providing rules for internal use software. The role that computer software plays in business activities is very different today than it was when the exclusion for internal use software was enacted in 1986. Today, computer software is used in all aspects of business activity, especially in providing goods and services to third parties, and such software has played a vital role in increasing the productivity of the U.S. economy and in making the U.S. more competitive globally.

Accordingly, these proposed regulations provide that software is developed by (or for the benefit of) the taxpayer primarily for internal use if the software is developed by the taxpayer for use in general and administrative functions that facilitate or support the conduct of the taxpayer's trade or business. Similarly, software that the taxpayer develops primarily for a related party's internal use will be considered internal use software. A related party is any corporation, trade or business, or other person that is treated as a single taxpayer with the taxpayer pursuant to section 41(f). Furthermore, these proposed regulations eliminate the distinction between software developed to deliver computer and noncomputer services.

Under these proposed regulations, general and administrative functions are limited to financial management functions, human resource management functions, and support services functions. Financial management functions are functions that involve the financial management of the taxpayer and the supporting recordkeeping. Human resource management functions are functions that manage the taxpayer's workforce. Support services functions are functions that support the day-to-day operations of the taxpayer, such as data processing or facilities services.

This list of functions that constitute general and administrative functions is intended to target the back-office functions of a taxpayer that most taxpayers would have regardless of the taxpayer's industry. The benefits of software developed by the taxpayer for use in general and administrative functions are likely to be captured only by the taxpayer developing it and therefore exclusion from credit eligibility is more consistent with the purposes for which Congress created the credit. However, the characterization of a function as back-office may depend upon the taxpayer's industry. For example, tax software in the tax services industry is not used by the taxpayer in a general and administrative function, but for taxpayers that do not provide tax services, tax software is used by the taxpayer in a general and administrative function.

Non-Internal Use Software

Some commenters, addressing the 2001 proposed regulations' definition of internal use software, suggested that software that is not developed to be commercially sold, leased, licensed, or otherwise marketed for separately stated consideration should not be presumed to be internal use software. Some commenters also questioned whether the exception for software developed to be commercially sold, leased, or licensed is appropriate given the purposes of the research credit. These commenters suggested that such criteria may not further the purposes of the statute because whether software is held for sale may not be indicative of the software's function. These proposed regulations do not contain a presumption for software that is not developed to be commercially sold, leased, licensed, or otherwise marketed for separately stated consideration, but they do treat software that is developed to be commercially sold, leased, licensed, or otherwise marketed as software not developed primarily for internal use.

The Treasury Department and the IRS have determined that the purpose of the software's development can be indicative of the software's function. In this way, the inquiry of whether software is developed for commercial sale, lease, or license looks to the purpose of the software and serves as an additional test separate from a pure functionality test. This approach to identifying software not developed primarily for internal use furthers the underlying purpose of the statute because the benefits from software held for commercial sale, lease, or license are likely to be captured by persons other than the taxpayer developing the software. Accordingly, it should be eligible for the research credit provided the other requirements of section 41 are met. Similarly, software that enables a taxpayer to interact with third parties or allows third parties to initiate functions or review data on the taxpayer's system does not solely benefit the taxpayer developing the software, and therefore it is appropriate to exclude such software from the definition of internal use software.

Accordingly, these proposed regulations provide that software is not developed primarily for internal use if it is developed to be commercially sold, leased, licensed, or otherwise marketed to third parties, or if it is developed to enable a taxpayer to interact with third parties or to allow third parties to initiate functions or review data on the taxpayer's system. Examples of software developed to enable a taxpayer to interact with third parties or to allow third parties to initiate functions or review data include software developed for third parties to execute banking transactions, track the progress of a delivery of goods, search a taxpayer's inventory for goods, store and retrieve a third party's digital files, purchase tickets for transportation or entertainment, and receive services over the internet. For purposes of these rules, third parties do not include any persons that use the software to support a taxpayer's general and administrative functions that facilitate or support the conduct of the taxpayer's trade or business.

Whether software is not developed primarily for internal use depends upon the intent of the taxpayer and the facts and circumstances at the beginning of the software development. If a taxpayer originally develops software primarily for internal use but later makes improvements to the software with the intent to hold the improved software for commercial sale, lease, or license or to allow third parties to initiate functions or review data, the improvements will be considered separate from the existing software and will not be considered to be for internal use. Likewise, if a taxpayer originally develops software for commercial sale, lease, or license or to interact with third parties or to allow

third parties to initiate functions or review data, but later makes improvements to the software with the intent to use the software in general and administrative functions, the improvements will be considered developed primarily for internal use. Any improvements to the existing software will be considered separate from the existing software and the application of the internal use software rules will be made solely to the improvements to the software. Additionally, software that is intended to be developed for commercial sale, lease, or license will not be considered internal use merely because the taxpayer tests the software by using it internally.

Dual Function Computer Software

The Treasury Department and the IRS recognize the need to provide guidance on whether computer software is developed ''primarily'' for internal use if a taxpayer develops software that serves both general and administrative and non-general and administrative functions. These proposed regulations balance administrative and compliance concerns with the need to provide substantive rules appropriate to the purposes of the research credit. To further these objectives, the proposed regulations provide that dual function computer software is presumed to be developed primarily for a taxpayer's internal use. However, this presumption is inapplicable to the extent that a taxpayer can identify a subset of elements of dual function computer software that only enables a taxpayer to interact with third parties or to allow third parties to initiate functions or review data (third party subset). The proposed regulations provide that if the taxpayer can identify the third party subset, the portion of research expenditures allocable to a third party subset of the dual function computer software may be eligible for the research credit, provided all the other applicable requirements are met.

Moreover, the proposed regulations provide taxpayers with a safe harbor to apply to dual function computer software if a third party subset cannot be identified or to the remaining subset of dual function computer software after the third party subset has been identified (dual function subset). The safe harbor allows a taxpayer to include 25 percent of the qualified research expenditures of the dual function subset in computing the amount of the taxpayer's credit, provided that the taxpayer's research activities related to the dual function subset constitute qualified research and the use of the dual function subset by third parties or by the taxpayer to interact with third parties is reasonably anticipated to constitute at least 10 percent of the dual function subset's use. The proposed regulations provide that taxpayers must use an objective, reasonable method to estimate the computer software's use by third parties or by the taxpayer to interact with third parties and such use of the dual function computer software is estimated at the beginning of software development. The proposed regulations contain a facts and circumstances approach to determine a taxpayer's intent at the beginning of computer software development and provide several examples illustrating these rules. In the Request for Public Comments section of this preamble, the Treasury Department and the IRS request comments on the administrability of certain objective, reasonable methods of measuring third parties' reasonably anticipated use as well as other appropriate, objective standards that can be used to measure third parties' reasonably anticipated use.

Computer Software and Hardware Developed as a Single Product

Based upon the 1986 legislative history, these proposed regulations retain the exception for computer software and hardware developed as a single product and provide that internal use software does not include a new or improved package of computer software and hardware developed together by the taxpayer as a single product that is used directly by the taxpayer in providing services in the taxpayer's trade or business. These proposed regulations provide an example illustrating this rule.

Computer Software as Part of a Production Process

Several commenters asserted that computer software supporting the delivery of goods or services to third parties is not internal use software because the software is part of a production process within the meaning of section 41(d)(4)(E)(ii). Thus, for example, computer software that is used to track a taxpayer's inventory of goods would not be internal use software because the tracking of inventory supports the taxpayer's ability to deliver goods to third parties, which is a final step in the taxpayer's production process.

The Treasury Department and the IRS do not agree that computer software supporting the delivery of goods or services to third parties is part of a production process within the meaning of section 41(d)(4)(E)(ii). To the contrary, the delivery of goods and services to third parties is a post-production activity. Nonetheless, under rules provided in these proposed regulations and described previously in this preamble, computer software supporting the delivery of goods or services to third parties may not be within the definition of software developed primarily for internal use to the extent that the software enables a taxpayer to interact with third parties or allows third parties to initiate functions or review data.

High Threshold of Innovation

The high threshold of innovation test is derived from the legislative history of section 41(d)(4)(E). The Conference Report states:

> The conferees intend that these regulations will make the costs of new or improved internal-use software eligible for the credit only if the taxpayer can establish, in addition to satisfying the general requirements for credit eligibility, (1) that the software is innovative (as where the software results in a reduction in cost, or improvement in speed, that is substantial and economically significant); (2) that the software development involves significant economic risk (as where the taxpayer commits substantial resources to the development and also there is substantial uncertainty, because of technical risk, that such resources would be recovered within a reasonable period); and (3) that the software is not commercially available for use by the taxpayer (as where the software cannot be purchased, leased, or licensed and used for the intended purpose without modifications that would satisfy the first two requirements just stated).

See H.R. Conf. Rep. No. 841, at II–73.

Prior guidance reflects the 1986 legislative history by requiring that, in addition to satisfying the general requirements for the research credit, internal use software must meet the high threshold of innovation test to qualify for the credit. The high threshold of innovation test, described in this section of the preamble, is intended to limit credit eligibility of software developed primarily for internal use to software development that meets a higher standard than other business components. At the same time, it is clear that Congress intended that some software developed primarily for internal use would meet the high threshold of innovation test. Accordingly, the requirements should not be so restrictive as to make the test impossible to meet. The proposed regulations provide rules of application with respect to the high threshold of innovation test that reflect this purpose.

Innovation

The 1986 legislative history requires that the software result in a reduction in

cost or improvement in speed that is substantial and economically significant. The 1997 proposed regulations contained an objective definition consistent with the 1986 legislative history. The 2001 final regulations modified the application of the innovation component of the high threshold of innovation test to require a comparison of ''the intended result with software that is within the common knowledge of skilled professionals.'' As described previously in this preamble, the 2001 proposed regulations proposed a new definition of innovation that departed from the 1986 legislative history in that it required that the taxpayer intended the software to be unique or novel and that the taxpayer intended it to differ in a significant and inventive way from prior software implementations or methods. Most commenters requested that the definition reflect the more mechanical and quantitative approach in the 1986 legislative history and the 1997 proposed regulations.

Consistent with the 1986 legislative history, these proposed regulations provide that software is innovative if the software would result in a reduction in cost or improvement in speed or other measurable improvement, that is substantial and economically significant, if the development is or would have been successful. The innovativeness test does not require that the software development actually be successful, but assuming the software development would have been successful, the test requires that it would have resulted in such an improvement. This approach is measurable and objective, and should reduce the potential for controversy.

Significant Economic Risk

These proposed regulations, consistent with the 1986 legislative history, require that the software development involve significant economic risk, which exists if the taxpayer commits substantial resources to the development and there is substantial uncertainty, because of technical risk, that such resources would be recovered within a reasonable period. These proposed regulations do not incorporate the ''common knowledge of skilled professionals'' comparative assessment of uncertainty and technical risk that was adopted in the 2001 final regulations. As provided in these proposed regulations, the significant economic risk test is applied to the level of uncertainty involved at the outset of the development rather than the degree of innovation represented by the end result.

Section 1.41–4(a)(3) of the current regulations, which establishes the criteria for establishing whether research is undertaken for the purpose of discovering information, provides that ''uncertainty exists if the information available to the taxpayer does not establish the capability or method for developing or improving the business component or the appropriate design of the business component.'' Under § 1.41–4(a)(3), uncertainty must relate to the capability or method for developing or improving the business component, or the appropriate design of the business component. For purposes of defining ''substantial uncertainty'' to determine if there is significant economic risk with respect to the high threshold of innovation test, the use of the word ''substantial'' indicates a higher threshold of uncertainty than that required for business components that are not internal use software.

Therefore, these proposed regulations provide that substantial uncertainty exists if, at the beginning of the taxpayer's activities, the information available to the taxpayer does not establish the capability or method for developing or improving the software. Internal use software research activities that involve only uncertainty related to appropriate design, and not capability or methodology, do not qualify as having substantial uncertainty for purposes of the high threshold of innovation test. The requirement that the uncertainty relate to the capability or method, but not the appropriate design of the business component creates the higher threshold for eligibility that Congress intended for certain internal use software, while creating a logical relationship with the general requirements under § 1.41–4(a)(3). Additionally, the reference to known, previously defined terms reduces potential controversy arising from the use of new undefined terms.

There has been some controversy regarding whether the significant economic risk test concerns technical risk or economic risk. The Treasury Department and the IRS interpret the significant economic risk test to require both technical and economic risk. It requires technical risk because there must be uncertainty that is technological in nature, as defined in § 1.41–4(a)(4) of the current regulations. However, it also requires economic risk because the taxpayer must devote substantial resources to the development and, by virtue of the technical risk, there must be uncertainty regarding whether the final result can be achieved within a timeframe that will allow those resources to be recovered within a reasonable period.

Commercially Available for Use

The proposed regulations reflect the 1986 legislative history and are consistent with all prior regulations regarding the commercially available for use standard. The proposed regulations provide that internal use software may only satisfy the high threshold of innovation standard if the software is not commercially available for use by the taxpayer in that the software cannot be purchased, leased, or licensed and used for the intended purpose without modifications that would satisfy the innovation and significant economic risk requirements.

Addition of Process of Experimentation Examples for Computer Software

The 2004 final regulations provide that experimentation with respect to technological uncertainty qualifies as a process of experimentation under section 41(d)(1)(C). However, none of the examples in the 2004 final regulations involved the development of computer software. These proposed regulations provide examples of how the process of experimentation test is applied to computer software. The examples also illustrate that certain types of web design and the installation of enterprise resource planning software generally do not qualify as a process of experimentation under the 2004 final regulations. Additionally, these proposed regulations illustrate computer software development that does qualify as a process of experimentation, and in particular, software development in which the taxpayer has technological uncertainty regarding the appropriate design.

Comments and Public Hearing

Comments are requested on all aspects of these proposed regulations. Specifically, the Treasury Department and the IRS invite comments that provide information on:

1. The appropriate definition and treatment of connectivity software that allows multiple processes running on one or more machines to interact across a network, sometimes referred to as bridging software, integration software, or middleware,

2. For purposes of the dual function computer software safe harbor, the administrability of measuring the reasonably anticipated use of software by taxpayers to interact with third parties and by third parties to initiate functions or review data based on reasonable methods, such as processing time, amount of data transfer, number of

software user interface screens, and number of third party initiated functions, as well as other objective, reasonable methods to measure the dual function computer software's reasonably anticipated use by taxpayers to interact with third parties and by third parties to initiate functions or review data, and whether the regulations should include specific reasonable methods and examples, and

3. Facts and circumstances, other than those factors enumerated in the legislative history, to be considered in determining whether internal use software satisfies the three prongs of the high threshold of innovation test.

Proposed Effective/Applicability Date

The Treasury Department and the IRS requested comments in the 2004 ANPRM on whether final regulations relating to internal use software should be effective retroactively. Some commenters requested that the rules apply retroactively back to 1986, while other commenters requested that the regulations be prospective only. After careful consideration, and in light of the length of time that has passed since 1986, as well as the developments with respect to computer software, the Treasury Department and the IRS have decided that these proposed regulations, once finalized, will be prospective only. The rules contained in these regulations are proposed to apply to taxable years ending on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**. Notwithstanding the prospective effective date, the IRS will not challenge return positions consistent with these proposed regulations for taxable years ending on or after the date these proposed regulations are published.

The rules in these proposed regulations are not, and should not be viewed as, an interpretation of prior regulatory guidance or of the 1986 legislative history. For example, software not developed for internal use under these proposed regulations, such as software developed to enable a taxpayer to interact with third parties, may or may not have been internal use software under prior law.

Withdrawal of the 2004 ANPRM

The 2004 ANPRM provides that with respect to internal use software for taxable years beginning after December 31, 1985, and until further guidance is published, taxpayers may continue to rely upon all of the provisions in the 2001 proposed regulations, or alternatively, all of the provisions in the 2001 final regulations. As a consequence of the publication of these proposed regulations, and to provide guidance with respect to the application of internal use software rules contained in regulations issued prior to these proposed regulations, the Treasury Department and the IRS withdraw the 2004 ANPRM effective for taxable years beginning on or after the date of issuance of these proposed regulations. For taxable years ending before the date these proposed regulations are published in the **Federal Register**, taxpayers may choose to follow either all of the internal use software provisions of § 1.41–4(c)(6) in the 2001 final regulations or all of the internal use software provisions of § 1.41–4(c)(6) in the 2001 proposed regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. Additionally, this notice of proposed rulemaking does not impose a collection of information.

An initial regulatory flexibility analysis has been prepared for this notice of proposed rulemaking under 5 U.S.C. 603. The analysis is set forth under the heading ''Initial Regulatory Flexibility Analysis.'' Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Initial Regulatory Flexibility Analysis

These proposed regulations affect taxpayers engaged in research activities involving computer software. The reasons for promulgation of these regulations, and their legal basis, are set forth in this preamble under the heading ''Summary of Comments and Explanation of Provisions.'' Section 41(d)(4)(E) provides that, except to the extent provided by regulations, research with respect to computer software that is developed by (or for the benefit of) the taxpayer primarily for internal use by the taxpayer is excluded from the definition of qualified research under section 41(d). The objective of these proposed regulations is to provide a narrower exclusion of software from qualified research than provided in prior regulatory guidance.

The types of small entities to which these regulations may apply are small corporations and partnerships, and other small businesses, covering all areas of industry. Therefore, the Treasury Department and the IRS have determined that these proposed regulations will have an impact on a substantial number of small entities. Because these proposed regulations provide a narrower definition of internal use software, the research credit will be available to a greater number of small entities than was previously available under prior guidance. Therefore, the Treasury Department and the IRS have determined that these proposed regulations will have a positive economic impact on a substantial number of small entities.

These proposed regulations do not impose any additional reporting, recordkeeping, or other compliance requirements aside from the record keeping requirements under § 1.6001–1 that are generally applicable to all persons subject to tax. Section 1.6001–1 requires the keeping of records ''sufficient to establish the amount of * * * credits * * * required to be shown * * * in any return of such tax * * *.'' The Treasury Department and the IRS determined that the rules generally applicable under section 6001 provide sufficient detail about required documentary substantiation for purposes of the research credit, and thus no additional record keeping or reporting is required.

Comments are requested on the nature and extent of the economic burden imposed on small entities by these proposed regulations and on alternatives that would be less burdensome to small entities.

The Treasury Department and the IRS are not aware of any duplicative, overlapping, or conflicting federal rules.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. Comments are requested on all aspects of these proposed regulations. All comments will be available at *www.regulations.gov* for public inspection and copying.

A public hearing has been scheduled for April 17, 2015, beginning at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30

minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit electronic or written comments and an outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies) by March 23, 2015. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Martha M. Garcia, Office of the Associate Chief Counsel (Passthroughs and Special Industries), IRS. However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Withdrawal of Advance Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, the advance notice of proposed rulemaking that was published in the **Federal Register** on January 2, 2004 (69 FR 43) is withdrawn.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

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

Section 1.41–4 also issued under 26 U.S.C. 41(d)(4)(E). * * *

■ **Par. 2.** Section 1.41–4 is amended by:

■ 1. Adding *Example 5* through *Example 10* at the end of paragraph (a)(8).

■ 2. Revising paragraphs (c)(6) and (e).

The additions and revisions read as follows:

§ 1.41–4 Qualified research for expenditures paid or incurred in taxable years ending on or after December 31, 2003.

(a) * * *

(8) * * *

Example 5. (i) *Facts.* X, a retail and distribution company, wants to upgrade its warehouse management software. X evaluates several of the alternative warehouse management software products available from vendors in the marketplace to determine which product will best serve X's technical requirements. X selects vendor V's software.

(ii) *Conclusion.* X's activities to select the software are not qualified research under section 41(d)(1) and paragraph (a)(5) of this section. X did not conduct a process of evaluating alternatives in order to eliminate uncertainty regarding the development of a business component. X's evaluation of products available from vendors is not a process of experimentation.

Example 6. (i) *Facts.* X wants to develop a new web application to allow customers to purchase its products online. X, after reviewing commercial software offered by various vendors, purchases a commercial software package of object-oriented functions from vendor Z that X can use in its web application (for example, a shopping cart). X evaluates the various object-oriented functions included in vendor Z's software package to determine which functions it can use. X then incorporates the selected software functions in its new web application software.

(ii) *Conclusion.* X's activities related to selecting the commercial software vendor with the object-oriented functions it wanted, and then selecting which functions to use, are not qualified research under section 41(d)(1) and paragraph (a)(5) of this section. In addition, incorporating the selected object-oriented functions into the new web application software being developed by X did not involve conducting a process of evaluating alternatives in order to eliminate uncertainty regarding the development of software. X's evaluation of products available from vendors and selection of software functions are not a process of experimentation.

Example 7. (i) *Facts.* In order to be more responsive to user online requests, X wants to develop software to balance the incoming processing requests across multiple web servers that run the same set of software applications. Without evaluating or testing any alternatives, X decides that a separate server will be used to distribute the workload across each of the web servers and that a round robin workload distribution algorithm is appropriate for its needs.

(ii) *Conclusion.* X's activities to develop the software are activities relating to the development of a separate business component under section 41(d)(2)(A). X's activities to develop the load distribution function are not qualified research under section 41(d)(1) and paragraph (a)(5) of this section. X did not conduct a process of evaluating different load distribution alternatives in order to eliminate uncertainty regarding the development of software. X's selection of a separate server and a round robin distribution algorithm is not a process of experimentation.

Example 8. (i) *Facts.* X must develop load balancing software across a server cluster supporting multiple web applications. X's web applications have high concurrency demands because of a dynamic, highly volatile environment. X is uncertain of the appropriate design of the load balancing algorithm, given that the existing evolutionary algorithms did not meet the demands of their highly volatile web environment. Therefore, X designs and systematically tests and evaluates several different algorithms that perform the load distribution functions.

(ii) *Conclusion.* X's activities to develop software are activities to develop a separate business component under section 41(d)(2)(A). X's activities involving the design, evaluation, and systematic testing of several new load balancing algorithms meet the requirements as set forth in paragraph (a)(5) of this section. X's activities constitute elements of a process of experimentation because X identified uncertainties related to the development of a business component, identified alternatives intended to eliminate those uncertainties, and evaluated one or more alternatives to achieve a result where the appropriate design was uncertain at the beginning of X's research activities.

Example 9. (i) *Facts.* X, a multinational manufacturer, wants to install an enterprise resource planning (ERP) system that runs off a single database so that X could track orders more easily, and coordinate manufacturing, inventory, and shipping among many different locations at the same time. In order to successfully install and implement ERP software, X evaluates its business needs and the technical requirements of the software, such as processing power, memory, storage, and network resources. X devotes the majority of its resources in implementing the ERP system to evaluating the available templates, reports, and other standard programs and choosing among these alternatives in configuring the system to match its business process and reengineering its business process to match the available alternatives in the ERP system. X also performs some data transfer from its old system, involving routine programming and one-to-one mapping of data to be exchanged between each system.

(ii) *Conclusion.* X's activities related to the ERP software including the data transfer are not qualified research under section 41(d)(1) and paragraph (a)(5) of this section. X did not conduct a process of evaluating alternatives in order to eliminate uncertainty regarding the development of software. X's activities in choosing between available templates, reports, and other standard programs and conducting data transfer are not elements of a process of experimentation.

Example 10. (i) *Facts.* Same facts as *Example 9* except that X determines that it must interface part of its legacy software with the new ERP software because the ERP software does not provide a particular function that X requires for its business. As a result, X must develop an interface between its legacy software and the ERP software, and X evaluates several data exchange software applications and chooses one of the available alternatives. X is uncertain as to how to keep the data synchronized between the legacy and ERP systems. Thus, X engages in

systematic trial and error testing of several newly designed data caching algorithms to eliminate synchronization problems.

(ii) *Conclusion.* Substantially all of X's activities of this ERP project do not satisfy the requirements for a process of experimentation. However, when the shrinking-back rule is applied, a subset of X's activities do satisfy the requirements for a process of experimentation. X's activities to develop the data caching software and keeping the data on the legacy and ERP systems synchronized meet the requirements of qualified research as set forth in paragraph (a)(2) of this section. Substantially all of X's activities to develop the specialized data caching and synchronization software constitute elements of a process of experimentation because X identified uncertainties related to the development of a business component, identified alternatives intended to eliminate those uncertainties, and evaluated alternatives to achieve a result where the appropriate design of that result was uncertain as of the beginning of the taxpayer's research activities.

* * * * *

(c) * * *

(6) *Internal use software*—(i) *General rule.* Research with respect to computer software that is developed by (or for the benefit of) the taxpayer primarily for the taxpayer's internal use is eligible for the research credit only if—

(A) The software satisfies the requirements of section 41(d)(1);

(B) The software is not otherwise excluded under section 41(d)(4) (other than section 41(d)(4)(E)); and

(C) One of the following conditions is met—

(*1*) The taxpayer develops the software for use in an activity that constitutes qualified research (other than the development of the internal use software itself);

(*2*) The taxpayer develops the software for use in a production process to which the requirements of section 41(d)(1) are met; or

(*3*) The software satisfies the high threshold of innovation test of paragraph (c)(6)(v) of this section.

(ii) *Computer software and hardware developed as a single product.* This paragraph (c)(6) does not apply to the development costs of a new or improved package of computer software and hardware developed together by the taxpayer as a single product (or to the costs to modify an acquired computer software and hardware package), of which the software is an integral part, that is used directly by the taxpayer in providing services in its trade or business. In these cases, eligibility for the research credit is to be determined by examining the combined hardware-software product as a single product.

(iii) *Software developed primarily for internal use*—(A) *In general.* Computer software is developed by (or for the benefit of) the taxpayer primarily for the taxpayer's internal use if the software is developed for use in general and administrative functions that facilitate or support the conduct of the taxpayer's trade or business. Software that the taxpayer develops primarily for a related party's internal use will be considered internal use software. A related party is any corporation, trade or business, or other person that is treated as a single taxpayer with the taxpayer pursuant to section 41(f).

(B) *General and administrative functions.* General and administrative functions are:

(*1*) *Financial management.* Financial management functions are functions that involve the financial management of the taxpayer and the supporting recordkeeping. Financial management functions include, but are not limited to, functions such as accounts payable, accounts receivable, inventory management, budgeting, cash management, cost accounting, disbursements, economic analysis and forecasting, financial reporting, finance, fixed asset accounting, general ledger bookkeeping, internal audit, management accounting, risk management, strategic business planning, and tax.

(*2*) *Human resources management.* Human resources management functions are functions that manage the taxpayer's workforce. Human resources management functions include, but are not limited to, functions such as recruiting, hiring, training, assigning personnel, and maintaining personnel records, payroll, and benefits.

(*3*) *Support services.* Support services are other functions that support the day-to-day operations of the taxpayer. Support services include, but are not limited to, functions such as data processing, facility services (for example, grounds keeping, housekeeping, janitorial, and logistics), graphic services, marketing, legal services, government compliance services, printing and publication services, and security services (for example, video surveillance and physical asset protection from fire and theft).

(iv) *Software not developed primarily for internal use*—(A) *In general.* Computer software is not developed primarily for the taxpayer's internal use if either—

(*1*) The software is developed to be commercially sold, leased, licensed, or otherwise marketed to third parties; or

(*2*) The software is developed to enable a taxpayer to interact with third parties or to allow third parties to initiate functions or review data on the taxpayer's system.

(B) *Time and manner of determination.* For purposes of paragraph (c)(6)(iv)(A) of this section, whether software is developed to be commercially sold, leased, or licensed, or to enable a taxpayer to interact with third parties or to allow third parties to initiate functions or review data depends on the intent of the taxpayer and the facts and circumstances at the beginning of the software development. Software will not be considered internal use software solely because it is used internally for purposes of testing prior to commercial sale, lease, or license. If a taxpayer originally develops software primarily for internal use, but later makes improvements to the software with the intent to hold the improved software for commercial sale, lease, or license, or to allow third parties to initiate functions or review data using the improved software, the improvements will be considered separate from the existing software and will not be considered internal use. Alternatively, if a taxpayer originally develops software for commercial sale, lease, or license, or to interact with third parties or to allow third parties to initiate functions or review data, but later makes improvements to the software with the intent to use the software in general and administrative functions, the improvements will be considered separate from the existing software and will be considered developed primarily for internal use.

(C) *Computer software developed for both internal use and to enable interaction with third parties*—(*1*) *Presumption of development primarily for internal use.* Unless paragraph (c)(6)(iv)(C)(*2*) or (*3*) of this section applies, computer software developed by (or for the benefit of) the taxpayer both for use in general and administrative functions that facilitate or support the conduct of the taxpayer's trade or business and to enable a taxpayer to interact with third parties or to allow third parties to initiate functions or review data (dual function computer software) is presumed to be developed primarily for a taxpayer's internal use.

(*2*) *Identification of a subset of elements of computer software that only enables interaction with third parties.* To the extent that a taxpayer can identify a subset of elements of dual function computer software that only enables a taxpayer to interact with third parties or allows third parties to initiate functions or review data (third party subset), the presumption under paragraph (c)(6)(iv)(C)(*1*) of this section

does not apply to such third party subset, and such third party subset is not developed primarily for internal use under paragraph (c)(6)(iv)(A)(*2*).

(*3*) *Safe harbor for expenditures related to computer software developed for both internal use and to enable interaction with third parties.* If, after the application of paragraph (c)(6)(iv)(C)(*2*) of this section, there remains a subset of elements of dual function computer software (dual function subset), a taxpayer may include 25 percent of the qualified research expenditures of such dual function subset in computing the amount of the taxpayer's credit. This paragraph (c)(6)(iv)(C)(*3*) applies only if the taxpayer's research activities related to the development or improvement of the dual function computer software constitute qualified research under section 41(d), without regard to section 41(d)(4)(E), and the dual function subset's use by third parties or by the taxpayer to interact with third parties is reasonably anticipated to constitute at least 10 percent of the dual function subset's use. An objective, reasonable method must be used to estimate the dual function subset's use by third parties or by the taxpayer to interact with third parties and such use is estimated at the beginning of the computer software development.

(*4*) *Illustration.* The following examples illustrate provisions contained in this paragraph (c)(6)(iv)(C):

Example 1. Dual function computer software; identification of a third party subset—(i) *Facts.* Taxpayer develops computer software that Taxpayer uses in general and administrative functions that facilitate or support the conduct of Taxpayer's trade or business and that allows third parties to initiate functions. Taxpayer is able to identify the third party subset. Taxpayer incurs $50,000 of research expenditures for the computer software, 50% of which is allocable to the third party subset.

(ii) *Conclusion.* The computer software developed by Taxpayer is dual function computer software. Because Taxpayer is able to identify the third party subset, such third party subset is not presumed to be internal use software under paragraph (c)(6)(iv)(C)(*1*) of this section. If Taxpayer's research activities related to the third party subset constitute qualified research under section 41(d), and the allocable expenditures are qualified research expenditures under section 41(b), the $25,000 of the computer software research expenditures allocable to the third party subset may be included in computing the amount of Taxpayer's credit, pursuant to paragraph (c)(6)(iv)(C)(*2*) of this section. If, after the application of paragraph (c)(6)(iv)(C)(*2*) of this section, there remains a dual function subset, the Taxpayer may determine whether paragraph (c)(6)(iv)(C)(*3*) of this section applies.

Example 2. Dual function computer software; application of the safe harbor—(i) *Facts.* The facts are the same as in *Example 1*, except that Taxpayer is unable to identify a third party subset. Taxpayer uses an objective, reasonable method at the beginning of the computer software development to determine that the dual function computer software's use by third parties to initiate functions is reasonably anticipated to constitute 75% of the dual function computer software's use.

(ii) *Conclusion.* The computer software developed by Taxpayer is dual function computer software. The computer software is presumed to be developed primarily for internal use under paragraph (c)(6)(iv)(C)(*1*) of this section. Although Taxpayer is unable to identify a third party subset, Taxpayer reasonably anticipates that the dual function computer software's use by third parties is at least 10% of the dual function computer software's use. If Taxpayer's research activities related to the development or improvement of the dual function computer software constitute qualified research under section 41(d), without regard to section 41(d)(4)(E), and the allocable expenditures are qualified research expenditures under section 41(b), Taxpayer may include $12,500 of the computer software research expenditures of the dual function computer software in computing the amount of Taxpayer's credit pursuant to paragraph (c)(6)(iv)(C)(*3*) of this section.

Example 3. Dual function computer software; safe harbor inapplicable—(i) *Facts.* The facts are the same as in *Example 1,* except Taxpayer is unable to identify a third party subset. Taxpayer uses an objective, reasonable method at the beginning of the computer software development to determine that the dual function computer software's use by third parties to initiate functions is reasonably anticipated to constitute 5% of the dual function computer software's use.

(ii) *Conclusion.* The computer software developed by Taxpayer is dual function computer software. The computer software is presumed to be developed primarily for Taxpayer's internal use under paragraph (c)(6)(iv)(C)(*1*) of this section because Taxpayer is unable to identify a third party subset, and Taxpayer reasonably anticipates that the dual function computer software's use by third parties is less than 10% of the dual function computer software's use. Taxpayer may not include any of the computer software research expenditures of the dual function computer software in computing the amount of Taxpayer's credit unless Taxpayer's research activities related to the dual function computer software meet the requirements of paragraph (c)(6)(i) of this section.

Example 4. Dual function computer software; identification of a third party subset and the safe harbor—(i) *Facts.* Taxpayer develops computer software that Taxpayer uses in general and administrative functions that facilitate or support the conduct of Taxpayer's trade or business and that allows third parties to initiate functions and review data. Taxpayer is able to identify a third party subset (Subset A). The remaining dual function subset of the computer software (Subset B) allows third parties to review data and provides Taxpayer with data used in its general and administrative functions. Taxpayer is unable to identify a third party subset of Subset B. Taxpayer incurs $50,000 of research expenditures for the computer software, 50% of which is allocable to Subset A and 50% of which is allocable to Subset B. Taxpayer uses an objective reasonable method at the beginning of the computer software development to determine that the third party use of Subset B is reasonably anticipated to account for 50% of the use of Subset B.

(ii) *Conclusion.* The computer software developed by Taxpayer is dual function computer software. Because Taxpayer is able to identify a third party subset, such third party subset (Subset A) is not presumed to be internal use software under paragraph (c)(6)(iv)(C)(*1*) of this section. If Taxpayer's research activities related to the development or improvement of Subset A constitute qualified research under section 41(d), and the allocable expenditures are qualified research expenditures under section 41(b), the $25,000 of the computer software research expenditures allocable to Subset A may be included in computing the amount of Taxpayer's credit pursuant to paragraph (c)(6)(iv)(C)(*2*) of this section. Although Taxpayer is unable to identify a third party subset of Subset B, 50% of Subset B's use is reasonably anticipated to be attributable to the use of Subset B by third parties. If Taxpayer's research activities related to the development or improvement of Subset B constitute qualified research under section 41(d), without regard to section 41(d)(4)(E), and the allocable expenditures are qualified research expenditures under 41(b), Taxpayer may include $6,250 (25% x $25,000) of the computer software research expenditures of Subset B in computing the amount of Taxpayer's credit, pursuant to paragraph (c)(6)(iv)(C)(*3*) of this section.

(D) *Third party.* For purposes of paragraph (c)(6)(iv) of this section, the term *third party* means any corporation, trade or business, or other person that is not treated as a single taxpayer with the taxpayer pursuant to section 41(f). Additionally, for purposes of paragraph (c)(6)(iv)(A)(*2*) of this section, third parties do not include any persons that use the software to support the general and administrative functions of the taxpayer.

(v) *High threshold of innovation test*—(A) *In general.* Computer software satisfies this paragraph (c)(6)(v) only if the taxpayer can establish that—

(*1*) The software is innovative;

(*2*) The software development involves significant economic risk; and

(*3*) The software is not commercially available for use by the taxpayer in that the software cannot be purchased, leased, or licensed and used for the intended purpose without modifications that would satisfy the requirements of paragraphs (c)(6)(v)(A)(*1*) and (*2*) of this section.

(B) *Innovative.* Software is innovative if the software would result in a reduction in cost or improvement in speed or other measurable improvement, that is substantial and economically significant, if the development is or would have been successful. This is a measurable objective standard, not a determination of the unique or novel nature of the software or the software development process.

(C) *Significant economic risk.* The software development involves significant economic risk if the taxpayer commits substantial resources to the development and if there is substantial uncertainty, because of technical risk, that such resources would be recovered within a reasonable period. This standard does not require technical uncertainty regarding whether the final result can ever be achieved, but rather whether the final result can be achieved within a timeframe that will allow the substantial resources committed to the development to be recovered within a reasonable period. Substantial uncertainty exists if, at the beginning of the taxpayer's activities, the information available to the taxpayer does not establish the capability or method for developing or improving the software. Technical risk arises from uncertainty that is technological in nature, as defined in § 1.41–4(a)(4).

(D) *Application of high threshold of innovation test.* The high threshold of innovation test of this paragraph (c)(6)(v) of this section takes into account only the results attributable to the development of new or improved software independent of the effect of any modifications to related hardware or other software. It is not always necessary to have a revolutionary discovery or creation of new technologies such as a new programming language, operating system, architecture, or algorithm to satisfy the high threshold of innovation test. Although the implementation of existing technology, no matter how complex, is not evidence, by itself, of innovation, the use of existing technologies in new ways could be evidence of a high threshold of innovation if it resolves substantial uncertainty as defined in paragraph (c)(6)(v)(C) of this section.

(vi) *Illustrations.* The following examples illustrate provisions contained in this paragraph (c)(6). No inference should be drawn from these examples concerning the application of section 41(d)(1) and paragraph (a) of this section to these facts.

Example 1. Internal use software; financial management—(i) *Facts.* X, a manufacturer, self-insures its liabilities for employee health benefits. X develops its own software to administer its self-insurance reserves related to employee health benefits. At the beginning of the development, X does not intend to develop the software for sale. The software does not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The software is developed primarily for use in a general and administrative function because reserve valuation is a financial management function under paragraph (c)(6)(iii)(B)(*1*) of this section. Accordingly, the software is internal use software because it is developed primarily for use in a general and administrative function.

Example 2. Internal use software; human resources management—(i) *Facts.* X, a manufacturer, develops a software module that interacts with X's existing payroll software to allow X's employees to print pay stubs and make certain changes related to payroll deductions over the internet. At the beginning of the development, X does not intend to develop the software module for sale. The software module does not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The employee access software module is developed primarily for use in a general and administrative function because employee access software is a human resources management function under paragraph (c)(6)(iii)(B)(*2*) of this section. Accordingly, the software module is internal use software because it is developed primarily for use in a general and administrative function.

Example 3. Internal use software; support services—(i) *Facts.* X, a restaurant, develops software for a Web site that provides general information about the restaurant such as items served, price, location, phone number, and hours of operation. At the beginning of the development, X does not intend to develop the Web site software for sale. The software does not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The software is developed primarily for use in a general and administrative function because the software was developed to be used by X for marketing which is a support services function under paragraph (c)(6)(iii)(B)(*3*) of this section. Accordingly, the software is internal use software because it is developed primarily for use in a general and administrative function.

Example 4. Not internal use software—(i) *Facts.* X, a manufacturer of various products, develops software for a Web site that allows third parties to order X's products and track the status of their orders online. At the beginning of the development, X does not intend to develop the Web site software for sale.

(ii) *Conclusion.* The software is not developed primarily for internal use because the software allows third parties to initiate functions or review data as provided under paragraph (c)(6)(iv)(A)(*2*) of this section.

Example 5. Internal use software; third party interaction exclusion—(i) *Facts.* X develops software to interact electronically with its vendors to improve X's inventory management. The software enables X to interact with vendors and to allow vendors to initiate functions or review data. X defines the electronic messages that will be exchanged between X and the vendors. X's software allows a vendor to request X's current inventory of the vendor's product, and allows a vendor to send a message to X which informs X that the vendor has just made a new shipment of the vendor's product to replenish X's inventory. At the beginning of development, X does not intend to develop the software for sale.

(ii) *Conclusion.* Under paragraph (c)(6)(iv)(D) of this section, X's vendors are not third parties for purposes of paragraph (c)(6)(iv)(A) of this section. While X's software allows vendors to initiate functions or review data, the software is not excluded from internal use software as set forth in paragraph (c)(6)(iv)(A)(*2*) of this section because vendors use the software to support X's inventory management which is a general and administrative function of X.

Example 6. Internal use software; third party interaction exclusion—(i) *Facts.* X is a popular web destination that offers various free services to users. X developed software that allows its users to upload and modify photographs at no charge. X earns revenue by selling advertisements that are displayed while users enjoy the services that X offers for free. X also developed software that has interfaces through which advertisers can bid for the best position in placing their ads, set prices for the ads, or develop advertisement campaign budgets. At the beginning of development, X does not intend to develop either software for sale.

(ii) *Conclusion.* The users of free services and the advertisers are third parties for purposes of paragraph (c)(6)(iv)(A) of this section. Both the software for uploading and modifying photographs and the advertising software are excluded from internal use software under paragraph (c)(6)(iv)(A)(*2*) of this section, because the software allows third parties to initiate functions.

Example 7. Internal use software—(i) *Facts.* X, a multinational manufacturer with different business and financial systems in each of its divisions, undertakes a software development project aimed at integrating the majority of the functional areas of its major software systems (Existing Software) into a single enterprise resource management system supporting centralized financial systems, human resources, inventory, and sales. X purchases software (New Software) upon which to base its enterprise-wide system. X has to develop software (Developed Software) that transfers data from X's legacy financial, human resources, inventory, and sales systems to the New Software. At the beginning of the development, X does not intend to develop the software for sale. The software does not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The financial systems, human resource systems, inventory and sales systems are general and administrative functions under paragraph (c)(6)(iii)(B) of this section. Accordingly, the Developed

Software is internal use software because it is developed primarily for use in general and administrative functions.

Example 8. Computer hardware and software developed as a single product—(i) *Facts.* X is a telecommunications company that developed high technology telephone switching hardware. In addition, X developed software that interfaces directly with the hardware, such as the ability to initiate and terminate a call, along with other functions. X designed and developed the hardware and software together.

(ii) *Conclusion.* The telecommunications software that interfaces directly with the hardware is part of a package of computer software and hardware developed together by the taxpayer that is used by the taxpayer in providing services in its trade or business. Accordingly, this paragraph (c)(6) does not apply to the software that interfaces directly with the hardware, and eligibility for the research credit is determined by examining the combined software-hardware product as a single product.

Example 9. Improvements to existing internal use software—(i) *Facts.* X has branches throughout the country and develops its own facilities services software to coordinate moves and to track maintenance requests for all locations. At the beginning of the development, X does not intend to develop the software for sale. The software does not enable X to interact with third parties or allow third parties to initiate functions or review data. Several years after completing the development and using the software, X consults its business development department, which assesses the market for the software. X determines that the software could be sold at a profit if certain technical and functional enhancements are made. X develops the improvements to the software, and sells the improved software to third parties.

(ii) *Conclusion.* Support services, which include facility services, are general and administrative functions under paragraph (c)(6)(iii)(B) of this section. Accordingly, the original software is developed primarily for use in general and administrative functions. However, the improvements to the software are not developed primarily for internal use because the improved software was developed to be commercially sold, leased, licensed, or otherwise marketed to third parties under paragraph (c)(6)(iv)(A)(*1*) and (c)(6)(iv)(B) of this section.

Example 10. Internal use software; application of the high threshold of innovation test—(i) *Facts.* X maintained separate software applications for tracking a variety of human resource (HR) functions, including employee reviews, salary information, location within the hierarchy and physical location of employees, 401(k) plans, and insurance coverage information. X determined that improved HR efficiency could be achieved by redesigning its disparate software applications into one employee-centric system, and worked to develop that system. X also determined that commercially available database management systems did not meet all of the requirements of the proposed system. Rather than waiting several years for vendor offerings to mature and become viable for its purpose, X embarked upon the project utilizing older technology that was severely challenged with respect to data modeling capabilities. The improvements, if successful, would provide a reduction in cost and improvement in speed that is substantial and economically significant. For example, having one employee-centric system would remove the duplicative time and cost of manually entering basic employee information separately in each application because the information would only have to be entered once to be available across all applications. The limitations of the technology X was attempting to utilize required that X attempt to develop a new database architecture. X committed substantial resources to the project, but was uncertain whether it could develop the database software in the timeframe necessary so that X could recover its resources in a reasonable period. Specifically, X was uncertain regarding the capability of developing, within a reasonable period, a new database architecture using the old technology that would resolve its technological issues regarding the data modeling capabilities and the integration of the disparate systems into one system. At the beginning of the development, X did not intend to develop the software for sale. The software did not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The software is internal use software because it is developed primarily for use in a general and administrative function. However, the software satisfies the high threshold of innovation test set forth in paragraph (c)(6)(v) of this section. The software was intended to be innovative in that it would provide a reduction in cost or improvement in speed that is substantial and economically significant. In addition, X's development activities involved significant economic risk in that X committed substantial resources to the development and there was substantial uncertainty, because of technical risk, that the resources would be recovered within a reasonable period. Finally, at the time X undertook the development of the system, software meeting X's requirements was not commercially available for use by X.

Example 11. Internal use software; application of the high threshold of innovation test—(i) *Facts.* X undertook a software project to rewrite a legacy mainframe application using an object-oriented programming language, and to move the new application off the mainframe to a client/server environment. Both the object-oriented language and client/server technologies were new to X. This project was undertaken to develop a more maintainable application, which X expected would significantly reduce the cost of maintenance, and implement new features more quickly, which X expected would provide both significant improvements in speed and reduction in cost. Thus, the improvements, if successful, would provide a reduction in cost and improvement in speed that is substantial and economically significant. X also determined that commercially available systems did not meet the requirements of the proposed system. X was certain that it would be able to overcome any technological uncertainties and implement the improvements within a reasonable period. However, X was unsure of the appropriate methodology to achieve the improvements. At the beginning of the development, X does not intend to develop the software for sale. The software does not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The software is internal use software because it is developed primarily for use in a general and administrative function. X's activities do not satisfy the high threshold of innovation test of paragraph (c)(6)(v) of this section. Although the software meets the requirements of paragraphs (c)(6)(v)(A)(*1*) and (*3*) of this section, X's development activities did not involve significant economic risk under paragraph (c)(6)(v)(A)(*2*) of this section. X did not have substantial uncertainty, because of technical risk, that the resources committed to the project would be recovered within a reasonable period.

Example 12. Internal use software; application of the high threshold of innovation test—(i) *Facts.* X wants to expand its internal computing power, and is aware that its PCs and workstations are idle at night, on the weekends, and for a significant part of any business day. Because the general and administrative computations that X needs to make could be done on workstations as well as PCs, X develops a screen-saver-like application that runs on employee computers. When employees' computers have been idle for an amount of time set by each employee, X's application goes back to a central server to get a new job to execute. This job will execute on the idle employee's computer until it has either finished, or the employee resumes working on his computer. The ability to use the idle employee's computers would save X significant costs because X would not have to buy new hardware to expand the computing power. The improvements, if successful, would provide a reduction in cost that is substantial and economically significant. At the time X undertook the software development project, there was no commercial application available with such a capability. In addition, at the time X undertook the software development project, X was uncertain whether it was capable of developing a server application that could schedule and distribute the jobs across thousands of PCs and workstations, as well as handle all the error conditions that occur on a user's machine. X commits substantial resources to the project. X undertakes a process of experimentation to attempt to eliminate its uncertainty. At the beginning of the development, X does not intend to develop the software for sale. The software does not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The software is internal use software because it is developed primarily for use in a general and administrative function. However, the software satisfies the high threshold of innovation test as set forth in paragraph

(c)(6)(v) of this section. The software was intended to be innovative because it would provide a reduction in cost or improvement in speed that is substantial and economically significant. In addition, X's development activities involved significant economic risk in that X committed substantial resources to the development and there was substantial uncertainty that because of technical risk, such resources would be recovered within a reasonable period. Finally, at the time X undertook the development of the system, software meeting X's requirements was not commercially available for use by X.

Example 13. Internal use software; application of the high threshold of innovation test—(i) *Facts.* X, a multinational manufacturer, wants to install enterprise resource planning (ERP) system that runs off a single database. However, to implement the ERP system, X determines that it must integrate part of its old system with the new because the ERP system does not have a particular function that X requires for its business. The two systems are general and administrative software systems. The systems have mutual incompatibilities. The integration, if successful, would provide a reduction in cost and improvement in speed that is substantial and economically significant. At the time X undertook this project, there was no commercial application available with such a capability. X is uncertain regarding the appropriate design of the interface software. However, X knows that given a reasonable period of time to experiment with various designs, X would be able to determine the appropriate design necessary to meet X's technical requirements and would recover the substantial resources that X commits to the development of the system within a reasonable period. At the beginning of the development, X does not intend to develop the software for sale. The software does not enable X to interact with third parties or allow third parties to initiate functions or review data.

(ii) *Conclusion.* The software is internal use software because it is developed primarily for use in a general and administrative function. X's activities do not satisfy the high threshold of innovation test of paragraph (c)(6)(v) of this section. Although the software meets the requirements of paragraphs (c)(6)(v)(A)(*1*) and (*3*) of this section, X's development activities did not involve significant economic risk under paragraph (c)(6)(v)(A)(*2*) of this section. X did not have substantial uncertainty, because of technical risk, that the resources committed to the project would be recovered within a reasonable period.

* * * * *

(e) *Effective/applicability dates.* Other than paragraph (c)(6) of this section, this section is applicable for taxable years ending on or after December 31, 2003. Paragraph (c)(6) of this section is applicable for taxable years ending on or after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**. Notwithstanding the prospective effective date, the IRS will not challenge return positions consistent with these proposed regulations for taxable years ending on or after the date these proposed regulations are published. For taxable years ending before the date these proposed regulations are published in the **Federal Register**, taxpayers may choose to follow either all of the internal use software provisions of § 1.41–4(c)(6) in TD 8930 or all of the internal use software provisions in the 2001 proposed regulations.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2015–00690 Filed 1–16–15; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0781; FRL–9920–53–Region 9]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from delayed coking units used in petroleum refining, and sulfur dioxide primary emissions from fossil fuel combustion. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by February 19, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0781 by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* 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: James Shears, EPA Region IX, (213) 244–1810, *shears.james@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: SCAQMD Rule 1114, Petroleum Refinery Coking Operations, and VCAPCD Rule 54, Sulfur Compounds. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions

of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 2, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–00642 Filed 1–16–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 218

[Docket No. 140909771–4771–01]

RIN 0648–BE51

Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Joint Logistics Over-the-Shore Training Activities in Virginia and North Carolina

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

ACTION: Notice of proposed rule; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the Joint Logistics Over-the-Shore (JLOTS) training activities conducted in Virginia and North Carolina, from June 2015 through June 2020. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue regulations and a five-year Letter of Authorization (LOA) to the Navy to incidentally harass marine mammals.

DATES: Comments and information must be received no later than February 19, 2015.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2015–0004, by either of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.*
- Hand delivery of mailing of paper, disk, or CD–ROM comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Work, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Availability

A copy of the Navy's application may be obtained by visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* The Navy's Draft Environmental Assessment for Joint Logistics Over-the-Shore Training (EA) will be made available to the public on January 6, 2015, during the comment period for this proposed rule. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

The National Defense Authorization Act of 2004 (NDAA) (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographic region'' limitations indicated above and amended the definition of ''harassment'' as applied to ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA: ''(i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].''

Summary of Request

On August 20, 2014, NMFS received an application from the Navy requesting a letter of authorization (LOA) for the take of bottlenose and Atlantic spotted dolphins incidental to the Navy's JLOTS training activities in nearshore waters at the Joint Expeditionary Base (JEB) Little Creek-Fort Story in Virginia and at Camp Lejeune in North Carolina. The Navy is requesting regulations that would establish a process for authorizing take, via a 5-year LOA, of marine mammals incidental to training activities. These activities are classified as military readiness activities. The Navy states that these activities may result in take of marine mammals from noise from temporary pier construction associated with the JLOTS training activities. The Navy requests to take bottlenose and Atlantic spotted dolphins by Level B harassment.

Description of the Specified Activity

JLOTS training is the movement of cargo and personnel from ships to shore in areas that do not have existing fixed port facilities. Among the several coordinated exercises of the JLOTS training, the only activity that has the potential to harass marine mammals is the construction of the Elevated Causeway System, Modular [ELCAS (M)] by introducing noise into the water.

The ELCAS (M) is a temporary pier constructed from the beach into the water past the surf zone. It provides a means of delivering containers, vehicles, and bulk cargo ashore without lighterage craft having to enter the surf

zone. The ELCAS (M) consists of a series of 24- by 40-ft. (7.3- by 12.2-m) pontoon sections joined together and supported by piles driven into the sea floor.

To build the pier, piles are driven into the sand with a diesel-powered impact hammer. The piles used typically are hollow, half-inch steel uncapped piles, 24 inches (0.5 m) in diameter, and can be of various lengths (38 ft. [11.6 m], 57 ft. [17.4 m], or 76 ft. [23.2 m]) depending on local bathymetry. The depth to which the piles are driven is between 30 and 40 ft. (9.1 to 12.2 m) and installation takes approximately 15 minutes per pile. Typically, 6 piles would be installed in a day. Two pile drivers are generally used, but not simultaneously: while one is driving a pile, the other is being re-positioned for the next pile. Construction may take up to 20 days. A pier length of 1,500 ft (457 m) is typical for training, with approximately 119 supporting piles.

Once the ELCAS (M) is constructed, offloading operations are similar to those of a conventional pier. Container-handling operations consist primarily of transferring containers from lighterage vessels (*e.g.,* Landing Craft Utility or Landing Craft Mechanized) to the pier. Empty trucks or trailers are driven onto a turntable at the seaward end of the ELCAS (M) and are loaded with containers using the same cranes from construction. The ELCAS (M) is wide enough to accommodate two-way traffic. Rolling stock may be lifted by crane to the pier and driven to the beach as well. Operations typically involve the use of two forklifts and an average of six cargo trucks a day during the exercise. Power for the operation of the turntable and the lighting of the ELCAS (M) is provided by up to two 30-kilowatt (kW) and two 100-kW generators.

The ELCAS (M) is dismantled by removing the pontoon sections and extracting the piles with a vibratory hammer, which takes approximately 6 minutes per pile, over the course of 10 days. Typically, 12 piles are removed in a day. On the beach, the modified area is re-graded to its original elevation.

Duration and Location

The JLOTS training areas are in nearshore waters at the JEB Little Creek-Fort Story in Virginia and at Camp Lejeune in North Carolina. The primary activity area consists of nearshore waters where the ELCAS (M) training exercises would take place.

Description of Marine Mammals in the Area of the Specified Activities

There are six marine mammal species under NMFS jurisdiction with possible or known occurrence in the Navy's JLOTS training area at the JEB Little Creek-Fort Story in Virginia and at Camp Lejeune in North Carolina, as indicated in Table 1. Four marine mammal species are listed under the Endangered Species Act: North Atlantic right whale, humpback whale, sei whale, and fin whale.

TABLE 1—MARINE MAMMAL OCCURRENCE WITHIN THE JLOTS TRAINING AREAS OFF THE ATLANTIC COAST

Common name	Scientific name	Status		Stock(s)	Stock abundance best (CV)/Min	Density in activity area [2] (per km²)	
		ESA	MMPA			JEB Little Creek-Fort Story	Camp Lejeune
Mysticetes:							
fin whale	*Balaenoptera physalus*.	E	strategic; depleted.	Western North Atlantic.	3,522 (0.27)/2,817	0.00	
humpback whale.	*Megaptera novaeangliae*.	E	depleted	Gulf of Maine	823 (0)/823	0.000034	0.00009
North Atlantic right whale.	*Eubalaena glacialis*.	E	strategic; depleted.	Western North Atlantic.	444 (0)/(444)	0.000033	
sei whale	*Balaenoptera borealis*.	E	strategic; depleted.	Nova Scotia	357 (0.52)/236	0.000101	
Odontocetes:							
Atlantic spotted dolphin.	*Stenella frontalis*	.....	.....	Western North Atlantic.	26,798 (0.66)/16,151	0.0007728	0.153
bottlenose dolphin [3].	*Tursiops truncatus*.	.....	strategic	Northern North Carolina Estuarine System.	950 (0.23)/785	0.159	0.169871
			strategic	Southern North Carolina Estuarine System.	2,454 (0.53)/1,614	.....	.....
			strategic; depleted.	Western North Atlantic Southern Migratory Coastal.	12,482 (0.32)/9,591	.....	.....

* E = endangered under the ESA.

NMFS has reviewed the information complied by the Navy on the abundance, status, and distribution of marine mammal species in the waters of the JLOTS training areas of the North Atlantic coast, which was derived from peer reviewed literature, the Navy Marine Resource Assessments, and NMFS Stock Assessment Reports. NMFS considers this information to be the best available science with which we can conduct the analyses necessary to propose these regulations and a five-year LOA. This information may be viewed in the Navy's LOA application and the Navy's Draft EA (*see* Availability). Additional information is available in the NMFS Stock

Assessment Reports, which may be viewed at: *http://www.nmfs.noaa.gov/pr/sars/species.htm.*

Fin whales, North Atlantic right whale, humpback whale, and sei whale are considered rare in the JLOTS training areas. These mysticete whales tend to be distributed in relatively deeper waters outwards to the offshore environment. Occurrences of these species in the shallow nearshore waters off JEB Little Creek-Fort Story or Camp Lejeune are expected to be rare. Due to their extremely rare occurrence within the training areas, the Navy and NMFS do not anticipate any take of fin, North Atlantic right, humpback, or sei whales. Therefore, these species are not addressed further in this proposed rule.

Bottlenose Dolphin

Along the U.S. east coast, the bottlenose dolphin stock structure is well studied. Of the management stocks identified by NMFS, three may occur in the JLOTS activity area: The Northern North Carolina Estuarine System stock, the Southern North Carolina Estuarine System stock, and the Western North Atlantic Southern Migratory Coastal stock. The bottlenose dolphin occurs in tropical to temperate waters of the Atlantic Ocean as well as inshore, nearshore, and offshore waters of the Gulf of Mexico and U.S. east coast. They occur in most enclosed or semi-enclosed seas in habitats ranging from shallow, murky, estuarine waters to deep, clear offshore waters in oceanic regions (Jefferson *et al.* 2008; Wells *et al.* 2009). Bottlenose dolphins are also often found in bays, lagoons, channels, and river mouths and are known to occur in very deep waters of some ocean regions. Open ocean populations occur far from land; however, population density appears to be highest in nearshore areas (Scott and Chivers 1990). They are common in the lower Chesapeake Bay and in Onslow Bay (Chesapeake Bay Program 2012; McAlarney *et al.* 2011).

Bottlenose dolphins typically occur in groups of 2–15 individuals, but significantly larger groups have also been reported (Shane *et al.* 1986; Kerr *et al.* 2005). Coastal bottlenose dolphins typically exhibit smaller group sizes than the larger offshore form, as water depth appears to be a significant influence on group size (Shane *et al.* 1986). Shallow, confined areas typically support smaller group sizes, some degree of regional site fidelity, and limited movement patterns (Shane *et al.* 1986; Wells *et al.* 1987). Bottlenose dolphins have a varied diet, feeding on small fish, crustaceans, and squid (Wells and Scott 2002).

An Unusual Mortality Event (UME) was declared for bottlenose dolphins along the Atlantic coast in June 2013 and is ongoing to date. An increased number of strandings have occurred from New York to Florida, with 345 taking place in Virginia and 181 in North Carolina. Off JEB Little Creek-Fort Story and Camp Lejeune, 32 and 10 bottlenose dolphin strandings have occurred, respectively, since the declaration of the UME. The UME is being tentatively attributed to cetacean morbilivirus, but further research is ongoing (National Marine Fisheries Service 2014).

Atlantic Spotted Dolphin

This species is found in nearshore tropical to warm-temperate waters, predominantly over the continental shelf and upper slope. In the western Atlantic, this species is distributed from New England to Brazil and is found in the Gulf of Mexico as well as the Caribbean Sea (Perrin 2008). Atlantic spotted dolphin sightings have been concentrated in the slope waters north of Cape Hatteras, but in the shelf waters south of Cape Hatteras sightings extend into the deeper slope and offshore waters of the mid-Atlantic.

Atlantic spotted dolphins are highly gregarious, and are frequently observed in mixed-aged groups numbering up to several hundred individuals. Smaller subgroups, this species can be age and sex segregated to a small degree. Tightly bonded mother and calf pairs are typical to the age of 3 (Herzing n.d.).

The Atlantic spotted dolphin regularly occurs in the nearshore waters south of Chesapeake Bay and near the continental shelf edge and continental slope waters north of this region, usually at least 4.9 to 12.4 miles (8 to 20 km) offshore (Payne *et al.* 1984; Mullin and Fulling 2003; Davis *et al.* 1998; Perrin 2002; Perrin *et al.* 1994). Therefore, while it is unlikely to occur in the shallow waters where the JLOTS exercises would take place, it is more probable at Camp Lejeune than at JEB Little Creek-Fort Story. Navy density data suggest this species may be more likely to occur during summer months (U.S. Department of the Navy 2012).

Potential Effects of the Specified Activity on Marine Mammals

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Based on available behavioral data, audiograms have been derived using auditory evoked potentials, anatomical modeling, and other data. From this, Southall *et al.* (2007) designated ''functional hearing groups'' for marine mammals and estimate the lower and upper frequencies of functional hearing of the groups. The functional groups and the associated frequencies are indicated below. It should be noted, however, that animals are less sensitive to sounds at the outer edge of their functional range and most sensitive to sounds of frequencies towards the middle of their functional hearing range:

- Low frequency cetaceans (13 species of mysticetes): Functional hearing is estimated to occur between approximately 7 Hz and 30 kHz;
- Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): Functional hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High frequency cetaceans (eight species of true porpoises, six species of river dolphins, Kogia, the franciscana, and four species of cephalorhynchids): Functional hearing is estimated to occur between approximately 200 Hz and 180 kHz;
- Phocid pinnipeds in Water: Functional hearing is estimated to occur between approximately 75 Hz and 100 kHz; and
- Otariid pinnipeds in Water: Functional hearing is estimated to occur between approximately 100 Hz and 40 kHz.

As mentioned previously in this document, only bottlenose dolphin and Atlantic spotted dolphin are likely to occur in the proposed JLOTS training areas. Both of these two species are classified as mid-frequency cetaceans (Southall *et al.* 2007). Because their hearing frequency range overlaps with the frequencies associated with pile driving, the Navy and NMFS determined that in-water pile removal and pile driving during the JLOTS training activities have the potential to result in behavioral harassment of the marine mammal species and stocks in the vicinity of the proposed activity.

Marine mammals exposed to high-intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is the reduction of hearing sensitivity in the frequency ranges of the sound source (Kastak *et al.* 1999; Schlundt *et al.* 2000; Finneran *et al.* 2002; 2005). TS can be permanent (PTS), in which case the reduction of hearing sensitivity is unrecoverable, or temporary (TTS), in which case the animal's reduction of hearing sensitivity will recover over time (Southall *et al.* 2007). Since marine mammals depend on acoustic cues for vital biological functions, such as orientation, communication, finding prey, and avoiding predators, hearing impairment could result in the reduced

ability of marine mammals to detect or interpret important sounds. Repeated noise exposure that causes TTS could lead to PTS.

Experiments on a bottlenose dolphin (*Tursiops truncatus*) and beluga whale (*Delphinapterus leucas*) showed that exposure to a single watergun impulse at a received level of 207 kPa (or 30 psi) peak-to-peak (p-p), which is equivalent to 228 dB (p-p) re 1 μPa, resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within 4 minutes of the exposure (Finneran *et al.* 2002). No TTS was observed in the bottlenose dolphin. Although the source level of one hammer strike for pile driving is expected to be much lower than the single watergun impulse cited here, animals being exposed for a prolonged period to repeated hammer strikes could receive more noise exposure in terms of sound exposure level (SEL) than from the single watergun impulse (estimated at 188 dB re 1 μPa2-s) in the aforementioned experiment (Finneran *et al.* 2002).

Chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions (Clark *et al.* 2009). Masking is the obscuring of sounds of interest by other sounds, often at similar frequencies. Masking generally occurs when sounds in the environment are louder than, and of a similar frequency as, auditory signals an animal is trying to receive. Masking can interfere with detection of acoustic signals, such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired.

Masking occurs at the frequency band which the animals utilize. Since noise generated from in-water pile removal and driving is mostly concentrated at low frequency ranges, it may have little effect on high-frequency echolocation sounds by odontocetes (toothed whales). However, the lower frequency man-made noises are more likely to affect the detection of communication calls and other potentially important natural sounds, such as surf and prey noise. The noises may also affect communication signals when those signals occur near the noise band, and thus reduce the communication space of animals (*e.g.,* Clark *et al.* 2009), cause modification in vocalization patterns (*e.g.,* Foote *et al.* 2004; Holt *et al.* 2009), and cause increased stress levels (Rolland *et al.* 2012).

Unlike TS, masking can potentially impact the species at community, population, or even ecosystem levels, as well as individual levels. Masking affects both senders and receivers of the signals and could have long-term chronic effects on marine mammal species and populations. Recent science suggests that low frequency ambient sound levels in the world's oceans have increased by as much as 20 dB (more than 3 times, in terms of SPL) from pre-industrial periods, and most of these increases are from distant shipping (Hildebrand 2009). All anthropogenic noise sources, such as those from vessel traffic and pile removal and driving, contribute to the elevated ambient noise levels, thus intensifying masking.

Nevertheless, the sum of noise from the Navy's proposed JLOTS training activities is confined to a limited area and is temporary and intermittent; therefore, the noise generated is not expected to contribute to increased ocean ambient noise. In addition, due to shallow water depths in the training area, underwater sound propagation of low-frequency sound (which is the major noise source from pile driving) is expected to be poor.

Finally, in addition to TS and masking, exposure of marine mammals to certain sounds could lead to behavioral disturbance (Richardson *et al.* 1995), such as: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities, such as socializing or feeding; visible startle response or aggressive behavior, such as tail/fluke slapping or jaw clapping; and avoidance of areas where noise sources are located.

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, or reproduction. Some of these types of significant behavioral modifications include:

- Drastic change in diving/surfacing patterns (such as those thought to be causing beaked whale strandings due to exposure to military mid-frequency tactical sonar);
- Extended habitat abandonment due to loss of desirable acoustic environment; and
- Extended cessation of feeding or social interaction.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography), and is therefore difficult to predict (Southall *et al.* 2007).

The proposed training areas are not a prime habitat for marine mammals, nor are they considered areas frequented by marine mammals. Therefore, behavioral disturbances that could result from anthropogenic noise associated with the Navy's JLOTS training activities are expected to affect only a small number of marine mammals on an infrequent and limited basis.

Anticipated Effects on Marine Mammal Habitat

No permanent impacts to marine mammal habitat are anticipated to occur as a result of the proposed training activities. The Navy's proposed JLOTS training activities would not modify the existing habitat. Therefore, no restoration of the habitat would be necessary. A temporary, small-scale loss of foraging habitat may occur for marine mammals, if the marine mammals leave the area during pile extraction and driving activities.

Acoustic energy created during pile driving and removal work would have the potential to disturb fish within the vicinity of the training areas. As a result, the affected areas could temporarily lose foraging value to marine mammals. During pile driving, high noise levels may exclude fish from the vicinity of the pile driving. Hastings and Popper (2005) identified several studies that suggest fish will relocate to avoid areas of damaging noise energy. If fish leave the area of disturbance, the affected area may have a temporarily decreased foraging value during impact hammering and vibratory removal of piles.

The duration of fish avoidance of this area after pile driving stops is unknown. However, the affected area represents an extremely small portion of the total foraging range of marine mammals that may be present in and around the project area.

Because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or marine mammal populations.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(A) of the MMPA, NMFS must set forth the ''permissible methods of

taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.'' The NDAA of 2004 amended the MMPA as it relates to military-readiness activities and the incidental take authorization process such that ''least practicable adverse impact'' shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the ''military readiness activity.'' The training activities described in the JLOTS LOA application are considered military readiness activities.

NMFS reviewed the proposed activities and the proposed mitigation measures as described in the Navy's LOA application to determine if they would result in the least practicable adverse effect on marine mammals, which includes a careful balancing of the likely benefit of any particular measure to the marine mammals with the likely effect of that measure on personnel safety, practicality of implementation, and impact on the effectiveness of the ''military readiness activity.'' Included below are standard operating procedures and the mitigation measures the Navy proposed in its LOA application.

Standard Operating Procedures

Soft starts are performed during impact installation each day. During a soft start, an initial set of strikes from the impact hammer at reduced energy are performed before it is able to be operated at full power and speed. The energy reduction of an individual hammer cannot be quantified because they vary by individual drivers. Also, the number of strikes will vary at reduced energy because raising the hammer at less than full power and then releasing it results in the hammer ''bouncing'' as it strikes the pile resulting in multiple ''strikes''. A benefit of a soft start is that marine species in the vicinity are provided a ''warning'', giving them an opportunity to leave the area at the first occurrence of the noise, prior to full capacity operation. This may result in reducing exposures to underwater noise levels that could cause behavioral disturbance or injury.

Mitigation Zone and Shutdown Measure

The Navy will establish a mitigation zone of 60 yards (55 m) around the pile being driven. Visual observation will be conducted starting 30 minutes prior to, during, and 30 minutes after the exercise within the mitigation zone. The exercise will not commence if concentrations of floating vegetation (Sargassum or kelp patties) are observed in the mitigation zone.

Pile driving will cease if a marine mammal is visually detected within the mitigation zone. Pile driving will re-commence if any one of the following conditions is met: (1) The animal is observed exiting the mitigation zone, (2) the animal is thought to have exited the mitigation zone based on its course and speed, or (3) the mitigation zone has been clear from any additional sightings for a period of 30 minutes.

Marine Species Awareness Training

Consistent with current requirements, all personnel standing watch on the bridge, Commanding Officers, Executive Officers, and Lookouts will successfully complete the Marine Species Awareness Training prior to standing watch or serving as a Lookout. The Marine Species Awareness Training is designed to improve the effectiveness of visual observations for marine resources, including marine mammals. The training provides information on sighting cues, visual observation tools and techniques, and sighting notification procedures.

Vessels

Vessels will avoid approaching marine mammals head on and will maneuver to maintain a mitigation zone of 500 yards (457 m) around observed whales and 200 yards (183 m) around all other marine mammals (except bow riding dolphins), providing it is safe to do so.

North Atlantic Right Whale Mid-Atlantic Migration Corridor

A North Atlantic right whale migratory route is located off the mid-Atlantic coast of the United States. This mitigation area applies from November 1 through April 30 and is defined as follows:

- Block Island Sound: The area bounded by 40°51′53.7″ N/070°36′44.9″ W; 41°20′14.1″ N/070°49′44.1″ W; 41°4′16.7″ N/071°51′21″ W; 41°35′56.5″ N/071°38′26.1″ W; then back to first set of coordinates.
- New York and New Jersey: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 40°29′42.2″ N/073°55′57.6″ W.
- Delaware Bay: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 38°52′27.4″ North/075°01′32.1″ West.
- Chesapeake Bay: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 37°00′36.9″ North/075°57′50.5″ West.
- Morehead City, North Carolina: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 34°41′32.0″ North/076°40′08.3″ West.
- Wilmington, North Carolina, through South Carolina, and to Brunswick, Georgia: Within a continuous area 20 nautical miles from shore and west back to shore bounded by 34°10′30″ North/077°49′12″ West; 33°56′42″ North/077°31′30″ West; 33°36′30″ North/077°47′06″ West; 33°28′24″ North/078°32′30″ West; 32°59′06″ North/078°50′18″ West; 31°50′00″ North/080°33′12″ West; 31°27′00″ North/080°51′36″ West.

When transiting within the migration corridor, the Navy will practice increased vigilance, exercise extreme caution, and proceed at the slowest speed that is consistent with safety, mission, and training objectives.

Mitigation Conclusions

NMFS has carefully evaluated the Navy's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals.
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned.
- The practicability of the measure for applicant implementation, including consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of in-water pile driving and pile removal, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of in-water pile driving and pile removal, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
4. A reduction in the intensity of exposures (either total number or number at biologically

important time or location) to received levels of in-water pile driving and pile removal, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the Navy's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, while also considering personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Proposed Monitoring

In order to issue an ITA for an activity, section 101(a)(5)(A) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for LOAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

2. An increase in our understanding of how many marine mammals are likely to be exposed to levels of in-water pile driving and pile removal that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;

3. An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and

5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Operational Monitoring Measures

(1) Standard Watch Personnel

Ships operated by or for the Navy shall have personnel assigned to stand watch at all times, day and night, when moving through the water (underway). Watch personnel shall undertake extensive training in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent, including on-the-job instruction and a formal Personal Qualification Standard program (or equivalent program for supporting contractors or civilians), to certify that they have demonstrated all necessary skills (such as detection and reporting of floating or partially submerged objects). Watch personnel are composed of officers, enlisted men and women, and civilian equivalents. Their duties may be performed in conjunction with other job responsibilities, such as navigating the ship or supervising other personnel. While on watch, personnel employ visual search techniques, including the use of binoculars, using a scanning method in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent. After sunset and prior to sunrise, watch personnel employ night visual search techniques, which could include the use of night vision devices.

A primary duty of watch personnel is to detect and report all objects and disturbances sighted in the water that may be indicative of a threat to the ship and its crew, such as debris, a periscope, surfaced submarine, or surface disturbance. Per safety requirements, watch personnel also report any marine mammals sighted that have the potential to be in the direct path of the ship as a standard collision avoidance procedure. Because watch personnel are primarily posted for safety of navigation, range clearance, and man-overboard precautions, they are not normally posted while ships are moored to a pier. When anchored or moored to a buoy, a watch team is still maintained but with fewer personnel than when underway. When moored or at anchor, watch personnel may maintain security and safety of the ship by scanning the water for any indications of a threat (as described above).

While underway, Navy ships (with the exception of submarines) greater than 65 ft. (20 m) in length have at least two watch personnel; Navy ships less than 65 ft. (20 m) in length, surfaced submarines, and contractor ships have at least one watch person. While underway, watch personnel are alert at all times and have access to binoculars. Due to limited manning and space limitations, small boats and some craft transferring cargo from ship to shore do not have dedicated watch personnel, and the boat crew is responsible for maintaining the safety of the boat and surrounding environment.

All vessels use extreme caution and proceed at a ''safe speed'' so they can take proper and effective action to avoid a collision with any sighted object or disturbance and can be stopped within a distance appropriate to the prevailing circumstances and conditions.

(2) Lookouts

Lookouts perform similar duties to standard watch personnel, and are also responsible for satisfying mitigation requirements. The Navy will have one Lookout positioned on the platform (which could include a small boat, the elevated causeway, or the shore) that will maximize the potential for sightings during pile driving and pile removal.

The Lookout positioned on the elevated causeway or the shore will be dedicated solely to diligent observation of the air and surface of the water. They will have multiple observation objectives, which include but are not limited to detecting the presence of biological resources and recreational or fishing boats, observing the mitigation zone, and monitoring for equipment and personnel safety concerns. Due to small boat manning and space restrictions, a Lookout positioned on a small boat may include a member of the boat crew, and may be responsible for tasks in addition to observing the air or surface of the water (*e.g.,* navigation of a rigid hull inflatable boat). However, a boat Lookout will, to the maximum extent practicable and consistent with safety and training requirements, comply with the observation objectives described

above for a Lookout positioned on the elevated causeway or the shore.

Lookouts will also perform visual observation starting 30 minutes prior to, during, and 30 minutes after the exercise within a mitigation zone of 60 yards (55 m) around the pile being driven.

Integrated Comprehensive Monitoring Program

The Navy will use the existing Integrated Comprehensive Monitoring Program (ICMP) and its new ''study-based'' approach to satisfy monitoring requirements for the JLOTS MMPA authorization. To ensure efficient implementation of the program and maintain consistency with how the program is currently being implemented for the Atlantic Fleet Training and Testing (AFTT) MMPA authorization, Navy recommends the same AFTT adaptive management process and reporting deadlines be used for the JLOTS authorization.

The ICMP is intended to coordinate monitoring efforts across all regions where the Navy trains and tests and to allocate the most appropriate level and type of effort for each range complex (U.S. Department of the Navy 2010). Originally, the Navy monitoring program was composed of a collection of ''range-specific'' monitoring plans, each developed individually as part of Marine Mammal Protection Act and Endangered Species Act compliance processes as environmental documentation was completed. These individual plans established specific monitoring requirements for each range complex and were collectively intended to address the ICMP top-level goals.

A 2010 Navy-sponsored monitoring meeting in Arlington, Virginia, initiated a process to critically evaluate the Navy monitoring plans and begin development of revisions and updates to both the region-specific plans as well as the ICMP. Discussions at that meeting as well as the following Navy and NMFS annual adaptive management meeting established a way ahead for continued refinement of the Navy's monitoring program. This process included establishing a Scientific Advisory Group of leading marine mammal scientists with the initial task of developing recommendations that would serve as the basis for a Strategic Planning Process for Navy monitoring. The Strategic Plan is intended to be a primary component of the Integrated Comprehensive Monitoring Program and provide a ''vision'' for Navy monitoring across geographic regions—serving as guidance for determining how to most efficiently and effectively invest the marine species monitoring resources to address ICMP top-level goals and satisfy MMPA regulatory requirements.

The objective of the Strategic Planning Process is to continue the evolution of Navy marine species monitoring towards a single integrated program, incorporating Scientific Advisory Group recommendations, and establishing a more transparent framework for soliciting, evaluation, and implementing monitoring work across the range complexes and testing ranges. The Strategic Planning Process must consider a range of factors in addition to the scientific recommendations including logistic, operational, and funding considerations and will be revised regularly as part of the annual adaptive management process.

Past and Current Monitoring in the Navy JLOTS Training Areas

NMFS has not issued regulations nor incidental take authorizations to the Navy concerning its JLOTS training on the Atlantic coast. Therefore, no past and current monitoring is available.

Proposed Reporting

In order to issue an ITA for an activity, section 101(a)(5)(A) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring. Some of the reporting requirements are still in development and the final rule may contain additional details not contained in the proposed rule. Additionally, proposed reporting requirements may be modified, eliminated, or added based on information or comments received during the public comment period. Reports from individual monitoring events, results of analyses, publications, and periodic progress reports for specific monitoring projects will be posted to the U.S. Navy Marine Species Monitoring web portal as they become available. Currently, there are several specific reporting requirements pursuant to these proposed regulations:

General Notification of Injured or Dead Marine Mammals

Navy personnel would ensure that NMFS (regional stranding coordinator) is notified immediately (or as soon as clearance procedures allow) if an injured or dead marine mammal is found during or shortly after, and in the vicinity of, any Navy training exercise. The Navy would provide NMFS with species identification or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photographs or video (if available).

Annual Monitoring and Exercise Report

As noted above, reports from individual monitoring events, results of analyses, publications, and periodic progress reports for specific monitoring projects would be posted to the Navy's Marine Species Monitoring web portal as they become available. Progress and results from all monitoring activity conducted within the JLOTS training area would be summarized in an annual report. This report shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

Draft reports should be combined with the Navy's Atlantic Fleet Training and Testing exercise and monitoring reports and submitted to NMFS for review by February 13 (for exercises) and April 1 (for monitoring) each year. NMFS would review the report and provide comments for incorporation within 3 months.

Estimated Take of Marine Mammals

In the potential effects section, NMFS' analysis identified a variety of impacts that could potentially result from exposure to noise during the Navy's JLOTS training activities. In this section, we will relate the potential effects to marine mammals from these sound sources to the MMPA regulatory definitions of Level A and Level B Harassment and attempt to quantify the effects that might occur from the specific training activities that the Navy proposes in the JLOTS training areas.

Definition of Harassment

As mentioned previously, with respect to military readiness activities, section 3(18)(B) of the MMPA defines ''harassment'' as: (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

As discussed above, in-water pile removal and pile driving (vibratory and

impact) generate loud noises that could potentially harass marine mammals in the vicinity of the Navy's proposed JLOTS training activities.

Currently, NMFS uses 120 dB re 1 μPa and 160 dB re 1 μPa at the received levels for the onset of Level B harassment from non-impulse (vibratory pile driving and removal) and impulse sources (impact pile driving) underwater, respectively. Table 2 summarizes the current NMFS marine mammal take criteria.

TABLE 2—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND UNDERWATER

Criterion	Criterion definition	Threshold
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 μPa (cetaceans) 190 dB re 1 μPa (pinnipeds) root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 μPa (rms).
Level B Harassment	Behavioral Disruption (for non-impulse noise)	120 dB re 1 μPa (rms).

Methods for Estimating Takes

The methods for estimating the number and types of exposure are described in the sections below, followed by the method for quantifying exposures of marine mammals to sources of energy exceeding those threshold values. Exposure of each was determined by:

- The potential of each species to be impacted by the acoustic sources as determined by acoustic criteria for marine mammals.
- The potential presence of each species and their estimated density inside the range to effect.
- The range to effect for impact installation and vibratory extraction (estimated by taking into account the source levels, propagation loss, and thresholds at which each acoustic criterion is met).

Potential exposures were calculated by multiplying the density of each marine mammal species potentially present by the total impacted area for each threshold value, rounding the result to the closest integer, and then multiplying that result by the potential number of days of pile driving.

Underwater Sound From Pile Driving

Sound levels produced by pile driving are greatly influenced by factors including pile type, driving method, and the physical environment in which the activity takes place. A number of studies have examined sound pressure levels recorded from underwater pile driving projects in California and Washington, creating a large body of data for impact driving of steel pipe piles.

To determine the most appropriate sound pressure levels for this project, data from studies which met the following parameters were considered:

- Pile size and type: 24-inch diameter steel pipe piles
- Installation and removal method: vibratory and/or impact hammer
- Physical environment: water depth, sediment type

Details of the physical characteristics of the waters and substrate off the proposed JLOTS locations were taken into consideration for determining the size of ensonified zones. Source levels were selected from NAVFAC Atlantic's comprehensive dataset based on similarity to site conditions at JEB Little Creek-Fort Story (sand with shell debris sediments, average depth 1–5 meters), and Camp Lejeune (lower sedimentation with hard-bottom in some areas, depth around 7 meters), equipment (*i.e.,* diesel hammer), and lack of conditions that might introduce extra noise into the measurements (*e.g.,* riverine environments). Calculated averages of selected source levels used as proxies for modeling are summarized in Table 3.

TABLE 3—SUMMARY OF SOURCE LEVELS

Method	Location	dB re 1 μPa rms
Impact Installation	JEB Little Creek-Fort Story	188
	Camp Lejeune	189
Vibratory Removal	JEB Little Creek-Fort Story	160
	Camp Lejeune.	

Take Zone Size Calculation

Modeling sound propagation is useful in evaluating noise levels to determine distance from the pile driving activity that certain sound levels may travel. The decrease in acoustic intensity as a sound wave propagates outward from a source is known as transmission loss (TL). The formula for transmission loss is:

$TL = B * \log_{10}(R_1/R_2) + C * R_1$,

Where

B = logarithmic (predominantly spreading) loss

C = linear (scattering and absorption) loss

R_1 = range from source in meters

R_2 = range from driven pile to original measurement location (generally 10 m for pile driving activities)

The amount of linear loss (C) is proportional to the frequency of a sound. Due to the low frequencies of sound generated by impact and vibratory pile driving, this factor was assumed to be zero for all calculations in this assessment and transmission loss was calculated using only logarithmic spreading. Therefore, using practical spreading (B = 15), the revised formula for transmission loss is $TL = 15 \log_{10} (R_1/10)$.

The practical spreading loss model ($TL = 15 \log_{10} (R_1/10)$) discussed above was used to calculate the underwater propagation of pile driving sound in and around the three proposed locations. A total of 30 days of pile driving were modeled for JEB Little Creek-Fort Story and Camp Lejeune; 20 days of impact driving, and 10 days of vibratory extraction. No noise mitigation methods (bubble curtains, cofferdams, etc.) are proposed and therefore no attenuation was included in the acoustic model.

Impact driving of each pile is expected to last no more than 15 minutes. Typically, 6 piles would be installed each day, for up to 20 days. Generally, two pile drivers are used, but not simultaneously: While one is installing a pile, the other is being repositioned for the next pile. For

vibratory extraction, the acoustic model assumed that 12 piles would be extracted each day, lasting 6 minutes each, over the course of 10 days.

The range to effects (Table 4) for underwater noise is assumed to take a circular shape around the notional pile bring driven at the furthest offshore point of the ELCAS (M) (approximately 1,500 ft. [457 m] from shore). Zones with radii larger than 1,500 ft. (457 m) will be truncated by the shoreline, and were modeled as semicircles extending to the west, north, and east in the case of JEB Little Creek-Fort Story; and north, east, and south at Camp Lejeune since the beaches at each of the locations would represent the boundary for underwater propagation. The calculated ranges assume no obstructions, and sounds will attenuate as they encounter land or other solid obstacles. As a result, the distances calculated may not actually be attained at the two installations.

TABLE 4—CALCULATED RANGE TO EFFECTS AND ZONES OF INFLUENCE FOR MARINE MAMMALS DURING PILE DRIVING

Driving method	Threshold	Range		Area	
		JEB Little Creek-Fort Story	Camp Lejeune	JEB Little Creek-Fort Story	Camp Lejeune
Impact Pile Drive	Injury: 180 dB re 1 μPa rms.	37 yds (34 m)	44 yds (40 m)	0.001 mi^2 (0.0037 km^2)	0.002 mi^2 (0.005 km^2)
	Behavioral: 160 dB re 1 μPa rms.	805 yds (736 m)	938 yds (858 m)	0.328 mi^2 (0.85 km^2)	0.446 mi^2 (1.156 km^2)
Vibratory Pile Removal	Injury: 180 dB re 1 μPa rms.	n/a		n/a	
	Behavioral: 120 dB re 1 μPa rms.	5,077 yds (4,642 m)		13.07 mi^2 (33.84 km^2)	

Note: All sound levels expressed in dB re 1 μPA rms; dB = decibel; rms = root mean square; m = meter; mi^2 = square mile; km^2 = square kilometer; behavioral zones of influence are semi-circles based on notional distance from shore of the pile being driven; injury zones of influence are circular since they will not extend to and therefore be attenuated by land.

Take Number Requested

Based on the size of the areas in which pile driving and extraction may exceed established thresholds, the Navy applied estimated densities for the bottlenose dolphin and Atlantic spotted dolphin and the number of active pile driving days. The result shows that approximately 110 bottlenose dolphins and 50 Atlantic spotted dolphins could be taken by Level B behavioral harassment annually, with a total of 550 bottlenose dolphins and 250 Atlantic spotted dolphins taken by Level B behavioral harassment during the five-year period of the rule (Table 5). The annual percentage of takes of these species/stock is less than 6% of the population.

TABLE 5—SPECIES-SPECIFIC LEVEL A AND LEVEL B INCIDENTAL TAKES FOR JLOTS TRAINING ACTIVITIES

Species	Stock	Annual	Percent of population	Total (5 years)
Bottlenose dolphin	Northern North Carolina Estuarine System	50	5.26	250
	Southern North Carolina Estuarine System	60	2.44	300
Atlantic spotted dolphin	Western North Atlantic	50	0.18	250

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

The Navy's proposed JLOTS training activity would involve pile driving and removal activities during the training exercise. Elevated noise levels are expected to be generated as a result of these activities. However, the source levels generated by the pile driving and removal activities are expected be low due to the low-power hammer being used. In addition, given the standard operating procedure of soft starts and required mitigation and monitoring such as shutdown measures when marine mammals are sighted approaching the mitigation zone, no injuries or mortalities are anticipated to occur as a result of the Navy's proposed JLOTS training activities, and none are proposed to be authorized. In addition, as described above, marine mammals in the area would not be exposed to activities or sound levels which would result in hearing impairment (TTS or PTS) or non-auditory physiological effects.

In-water construction activities would occur in nearshore shallow waters at the JEB Little Creek-Fort Story in Virginia and at Camp Lejeune in North Carolina. The proposed training areas are not considered significant habitat for marine mammals. Marine mammals approaching the action area would likely be traveling or opportunistically foraging. There are no rookeries or major

haul-out sites nearby, foraging hotspots, or other ocean bottom structure of significant biological importance to marine mammals that may be present in the marine waters in the vicinity of the training areas. The proposed training areas are not prime habitats for marine mammals, nor are they considered areas frequented by marine mammals. Therefore, behavioral disturbances that could result from anthropogenic noise associated with the JLOTS training activities are expected to affect only a small number of marine mammals on an infrequent basis. Although it is possible that some individual marine mammals may be exposed to sounds from in-water pile driving activities more than once, the duration of these multi-exposures is expected to be low since animals would be constantly moving in and out of the area and in-water pile driving activities would not occur continuously throughout the day.

Marine mammals may be temporarily impacted by noise from pile driving and pile removal activities. These low intensity, localized, and short-term noise exposures may cause brief startle reactions or short-term behavioral modifications by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease. Moreover, marine mammals are expected to avoid the area during in-water construction because animals generally move away from active sound sources, thereby reducing exposure and impacts. In addition, through soft starts, a standard operating procedure, marine mammals are expected to move away from a sound source that is annoying prior to its becoming potentially injurious, and detection of marine mammals by lookouts would enable the implementation of shutdowns to avoid injury, serious injury, or mortality. In-water pile driving and pile removal are expected to occur for about 20 days and 10 days total annually at each location, respectively. Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior. Thus, even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any significant realized decrease in fitness to those individuals, and thus would not result in any adverse impact to the stock as a whole. Level B harassment will be reduced to the level of least practicable impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the project area while the activity is occurring.

Based on the application and subsequent analysis, the impact of the described in-water pile driving activities may result in, at most, short-term modification of behavior by small numbers of marine mammals within the action area. No injury, serious injury, or mortality is expected to occur and due to the nature, degree, and context of the Level B harassment anticipated, the activity is not expected to impact rates of recruitment or survival.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds preliminarily that the total marine mammal take from the Navy's JLOTS training activity will have a negligible impact on the affected marine mammal species or stocks.

Endangered Species Act (ESA)

No species listed under the ESA are expected to be affected by these activities. Therefore, NMFS has determined that a section 7 consultation under the ESA is not required.

NEPA

NMFS has participated as a cooperating agency on the JLOTS draft EA, which is scheduled to be published on January 6, 2015. The JLOTS draft EA will be posted on NMFS' Web site: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.* NMFS intends to adopt the Navy's EA, if adequate and appropriate. Currently, we believe that the adoption of the Navy's EA will allow NMFS to meet its responsibilities under NEPA for the issuance of regulations and a five-year LOA for JLOTS training activities. If the Navy's JLOTS EA is deemed inadequate, NMFS would supplement the existing analysis to ensure that we comply with NEPA prior to the issuance of the final rule or LOA.

Classification

The Office of Management and Budget has determined that this proposed rule is not significant for purposes of Executive Order 12866.

Pursuant to the Regulatory Flexibility Act (RFA), the Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The RFA requires federal agencies to prepare an analysis of a rule's impact on small entities whenever the agency is required to publish a notice of proposed rulemaking. However, a federal agency may certify, pursuant to 5 U.S.C. 605(b), that the action will not have a significant economic impact on a substantial number of small entities. The Navy, a federal agency, is the sole entity that will be affected by this rulemaking. It is not a small governmental jurisdiction, small organization, or small business, as defined by the RFA. Any requirements imposed by an LOA issued pursuant to these regulations, and any monitoring or reporting requirements imposed by these regulations, would be applicable only to the Navy. NMFS does not expect the issuance of these regulations or the associated five-year LOA to result in any impacts to small entities pursuant to the RFA. Because this action, if adopted, would only directly affect the Navy, NMFS concludes the action would not result in a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 218

Exports, Fish, Imports, Incidental take, Indians, Labeling, Marine mammals, Navy, Penalties, Reporting and recordkeeping requirements, Seafood, Sonar, Transportation.

Dated: December 23, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries.

For reasons set forth in the preamble, 50 CFR part 218 is proposed to be amended as follows:

PART 218—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

■ 1. The authority citation for part 218 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

■ 2. Subpart B is added to part 218 to read as follows:

Subpart B—Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Joint Logistics Over-the-Shore (JLOTS) Training Activities in Virginia and North Carolina

Sec.

218.10 Specified activity and specified geographical region.
218.11 Effective dates and definitions.
218.12 Permissible methods of taking.
218.13 Prohibitions.
218.14 Standard operating procedure and mitigation measures.
218.15 Requirements for monitoring and reporting.
218.16 Applications for Letters of Authorization.
218.17 Letters of Authorization.

218.18 Renewal of Letters of Authorization and Adaptive Management.
218.19 Modifications to Letters of Authorization.

Subpart B—Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Joint Logistics Over-the-Shore (JLOTS) Training Activities in Virginia and North Carolina

§ 218.10 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the U.S. Navy for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to the activities described in paragraph (c) of this section.

(b) The taking of marine mammals by the Navy is only authorized if it occurs within the JLOTS training areas, which is in nearshore shallow waters at the Joint Expeditionary Base (JEB) Little Creek-Fort Story in Virginia and at Camp Lejeune in North Carolina.

(c) The taking of marine mammals by the Navy is only authorized if it occurs incidental to the JLOTS training activities in the activity areas any time of year, but no more than once annually at JEB Little Creek-Fort Story, and once annually at Camp Lejeune.

§ 218.11 Effective dates and definitions.

(a) Regulations are effective [*DATE OF FILING for public inspection of the final rule with the Office of the Federal Register*], through [*DATE FIVE YEARS AFTER DATE OF FILING for public inspection of the final rule with the Office of the Federal Register*].

§ 218.12 Permissible methods of taking.

(a) Under Letters of Authorization (LOAs) issued pursuant to § 218.17, the Holder of the Letter of Authorization may incidentally, but not intentionally, take marine mammals within the area described in § 218.10, provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate LOA.

(b) The activities identified in § 218.10(c) must be conducted in a manner that minimizes, to the greatest extent practicable, any adverse impacts on marine mammals and their habitat.

(c) The incidental take of marine mammals under the activities identified in § 218.10(c) is limited to JLOTS training activities, by Level B behavioral harassment:

(1) Bottlenose dolphin (*Tursiops truncatus*)/Northern North Carolina Estuarine System: 250 (50 per year);

(2) Bottlenose dolphin (*Tursiops truncatus*)/Southern North Carolina Estuarine System: 300 (60 per year); and

(3) Atlantic spotted dolphin (*Stenella frontalis*)/Western North Atlantic: 250 (50 per year).

§ 218.13 Prohibitions.

Notwithstanding takings contemplated in § 218.12 and authorized by an LOA issued under §§ 216.106 of this chapter and § 218.17, no person in connection with the activities described in § 218.10 may:

(a) Take any marine mammal not specified in § 218.12(c);

(b) Take any marine mammal specified in § 218.12(c) other than by incidental take as specified in § 218.12(c);

(c) Take a marine mammal specified in § 218.12(c) if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(d) Violate, or fail to comply with, the terms, conditions, and requirements of these regulations or an LOA issued under §§ 216.106 of this chapter and 218.17.

§ 218.14 Standard operating procedure and mitigation measures.

(a) When conducting training and testing activities, as identified in § 218.10, the mitigation measures contained in the LOA issued under §§ 216.106 of this chapter and 218.17 must be implemented. These mitigation measures include, but are not limited to:

(1) *Establishing mitigation zone.* (i) A mitigation zone of 60 yards (55 m) around the pile being driven shall be established.

(ii) Visual observation will be conducted starting 30 minutes prior to, during, and 30 minutes after the ELCAS (M) exercise within the mitigation zone. The exercise will not commence if concentrations of floating vegetation (Sargassum or kelp patties) are observed in the mitigation zone.

(2) *Soft starts.* (i) Soft starts, or gradually ramping up the power of pile driving hammer, shall be performed during impact installation each day.

(ii) During a soft start, an initial set of strikes from the impact hammer at reduced energy are performed before it is able to be operated at full power and speed.

(3) *Shutdown measures.* (i) Pile driving shall cease if a marine mammal is visually detected within or approaching the mitigation zone.

(ii) Pile driving may re-commence if any one of the following conditions is met:

(A) The animal is observed exiting the mitigation zone,

(B) The animal is thought to have exited the mitigation zone based on its course and speed, or

(C) The mitigation zone has been clear from any additional sightings for a period of 30 minutes.

(b) *Marine species awareness training.* (1) All personnel standing watch on the bridge, Commanding Officers, Executive Officers, and Lookouts shall successfully complete the Marine Species Awareness Training prior to standing watch or serving as a Lookout.

(2) The Marine Species Awareness Training shall be designed to improve the effectiveness of visual observations for marine resources, including marine mammals.

(3) The training shall provide information on sighting cues, visual observation tools and techniques, and sighting notification procedures.

(c) *Vessels.* Vessels shall avoid approaching marine mammals head on and shall maneuver to maintain a mitigation zone of 500 yards (457 m) around observed whales and 200 yards (183 m) around all other marine mammals (except bow riding dolphins), providing it is safe to do so.

(d) *North Atlantic Right Whale Mid-Atlantic Migration Corridor.* When transiting within the following North Atlantic right whale Mid-Atlantic migration corridor defined below between November 1 and April 30, the Navy shall practice increased vigilance, exercise extreme caution, and proceed at the slowest speed that is consistent with safety, mission, and training objectives:

(1) Block Island Sound: The area bounded by 40°51′53.7″ N/070°36′44.9″ W; 41°20′14.1″ N/070°49′44.1″ W; 41°4′16.7″ N/071°51′21″ W; 41°35′56.5″ N/071°38′26.1″ W; then back to first set of coordinates.

(2) New York and New Jersey: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 40°29′42.2″ N/073°55′57.6″ W.

(3) Delaware Bay: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 38°52′27.4″ North/075°01′32.1″ West.

(4) Chesapeake Bay: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 37°00′36.9″ North/075°57′50.5″ West.

(5) Morehead City, North Carolina: Within a 20 nm radius of the following (as measured seaward from the COLREGS lines): 34°41′32.0″ North/076°40′08.3″ West.

(6) Wilmington, North Carolina, through South Carolina, and to Brunswick, Georgia: Within a continuous area 20 nautical miles from shore and west back to shore bounded by 34°10′30″ North/077°49′12″ West; 33°56′42″ North/077°31′30″ West; 33°36′30″ North/077°47′06″ West;

33°28′24″ North/078°32′30″ West;
32°59′06″ North/078°50′18″ West;
31°50′00″ North/080°33′12″ West;
31°27′00″ North/080°51′36″ West.

§ 218.15 Requirements for monitoring and reporting.

(a) *Monitoring measures*—(1) *Standard watch personnel.* (i) Ships operated by or for the Navy shall have personnel assigned to stand watch at all times, day and night, when moving through the water (underway).

(ii) Watch personnel shall undertake extensive training in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent, including on-the-job instruction and a formal Personal Qualification Standard program (or equivalent program for supporting contractors or civilians), to certify that they have demonstrated all necessary skills (such as detection and reporting of floating or partially submerged objects).

(iii) While on watch, watch personnel shall employ visual search techniques, including the use of binoculars, using a scanning method in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent.

(iv) After sunset and prior to sunrise, watch personnel shall employ night visual search techniques, which could include the use of night vision devices.

(v) A primary duty of watch personnel is to detect and report all objects and disturbances sighted in the water that may be indicative of a threat to the ship and its crew, such as debris, a periscope, surfaced submarine, or surface disturbance.

(vi) Per safety requirements, watch personnel also report any marine mammals sighted that have the potential to be in the direct path of the ship as a standard collision avoidance procedure. Because watch personnel are primarily posted for safety of navigation, range clearance, and man-overboard precautions, they are not normally posted while ships are moored to a pier.

(vii) When anchored or moored to a buoy, a watch team is still maintained but with fewer personnel than when underway.

(viii) When moored or at anchor, watch personnel may maintain security and safety of the ship by scanning the water for any indications of a threat.

(ix) While underway, Navy ships (with the exception of submarines) greater than 65 ft. (20 m) in length have at least two watch personnel; Navy ships less than 65 ft. (20 m) in length, surfaced submarines, and contractor ships have at least one watch person. While underway, watch personnel are alert at all times and have access to binoculars. Due to limited manning and space limitations, small boats and some craft transferring cargo from ship to shore do not have dedicated watch personnel, and the boat crew is responsible for maintaining the safety of the boat and surrounding environment.

(x) All vessels use extreme caution and proceed at a ''safe speed'' so they can take proper and effective action to avoid a collision with any sighted object or disturbance and can be stopped within a distance appropriate to the prevailing circumstances and conditions.

(2) *Lookouts.* (i) Lookouts shall perform similar duties to standard watch personnel, and are also responsible for satisfying mitigation requirements.

(ii) The Navy will have one Lookout positioned on the platform (which could include a small boat, the elevated causeway, or the shore) that will maximize the potential for sightings during pile driving and pile removal.

(iii) The Lookout positioned on the elevated causeway or the shore shall be dedicated solely to diligent observation of the air and surface of the water. They shall have multiple observation objectives, which include but are not limited to detecting the presence of biological resources and recreational or fishing boats, observing the mitigation zone, and monitoring for equipment and personnel safety concerns.

(iv) A Lookout positioned on a small boat may include a member of the boat crew, and may be responsible for tasks in addition to observing the air or surface of the water (*e.g.,* navigation of a rigid hull inflatable boat). However, a boat Lookout shall, to the maximum extent practicable and consistent with safety and training requirements, comply with the observation objectives described above for a Lookout positioned on the elevated causeway or the shore.

(v) Lookouts shall also perform visual observation starting 30 minutes prior to, during, and 30 minutes after the exercise within a mitigation zone of 60 yards (55 m) around the pile being driven.

(3) *Integrated comprehensive monitoring program.* (i) The Navy shall use the existing Integrated Comprehensive Monitoring Program (ICMP) and its new ''study-based'' approach to satisfy monitoring requirements for the JLOTS MMPA authorization.

(b) *Reporting measures*—(1) *General notification of injured or dead marine mammals.* (i) Navy personnel would ensure that NMFS (regional stranding coordinator) is notified immediately (or as soon as clearance procedures allow) if an injured or dead marine mammal is found during or shortly after, and in the vicinity of, any Navy training exercise.

(ii) The Navy shall provide NMFS with species identification or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photographs or video (if available).

(2) *Annual monitoring and exercise report.* (i) Reports from individual monitoring events, results of analyses, publications, and periodic progress reports for specific monitoring projects would be posted to the Navy's Marine Species Monitoring web portal as they become available.

(ii) Progress and results from all monitoring activity conducted within the JLOTS training area shall be summarized in an annual report. This report shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

(iii) Draft reports should be combined with the Navy's Atlantic Fleet Training and Testing exercise and monitoring reports and submitted to NMFS for review by February 13 (for exercises) and April 1 (for monitoring) each year. NMFS would review the report and provide comments for incorporation within 3 months.

§ 218.16 Applications for Letters of Authorization.

To incidentally take marine mammals pursuant to the regulations in this subpart, the U.S. citizen (as defined by § 216.106 of this chapter) conducting the activity identified in § 218.10(c) (the U.S. Navy) must apply for and obtain either an initial LOA in accordance with § 218.17 or a renewal under § 218.18.

§ 218.17 Letters of Authorization.

(a) An LOA, unless suspended or revoked, will be valid for a period of time not to exceed the period of validity of this subpart.

(b) Each LOA will set forth:

(1) Permissible methods of incidental taking;

(2) Means of effecting the least practicable adverse impact on the species, its habitat, and on the availability of the species for subsistence uses (*i.e.,* mitigation); and

(3) Requirements for mitigation, monitoring and reporting.

(c) Issuance and renewal of the LOA will be based on a determination that the total number of marine mammals

taken by the activity as a whole will have no more than a negligible impact on the affected species or stock of marine mammal(s).

§ 218.18 Renewal of Letters of Authorization.

(a) A Letter of Authorization issued under §§ 216.106 of this chapter and 218.17 for the activity identified in § 218.10(c) will be renewed based upon:

(1) Notification to NMFS that the activity described in the application submitted under § 218.18 will be undertaken and that there will not be a substantial modification to the described work, mitigation, or monitoring undertaken during the upcoming period of validity;

(2) Timely receipt (by the dates indicated in these regulations) of the monitoring reports required under § 218.15(b); and

(3) A determination by the NMFS that the mitigation, monitoring, and reporting measures required under § 218.14 and the LOA issued under §§ 216.106 of this chapter and 218.17, were undertaken and will be undertaken during the upcoming period of validity of a renewed Letter of Authorization.

(b) If a request for a renewal of an LOA issued under this § 216.106 of this chapter and § 218.17 indicates that a substantial modification, as determined by NMFS, to the described work, mitigation or monitoring undertaken during the upcoming season will occur, NMFS will provide the public a period of 30 days for review and comment on the request. Review and comment on renewals of LOAs are restricted to:

(1) New cited information and data indicating that the determinations made in this document are in need of reconsideration; and

(2) Proposed changes to the mitigation and monitoring requirements contained in these regulations or in the current LOA.

(c) A notice of issuance or denial of an LOA renewal will be published in the **Federal Register.**

(d) NMFS, in response to new information and in consultation with the Navy, may modify the mitigation or monitoring measures in subsequent LOAs if doing so creates a reasonable likelihood of more effectively accomplishing the goals of mitigation and monitoring. Below are some of the possible sources of new data that could contribute to the decision to modify the mitigation or monitoring measures:

(1) Results from the Navy's monitoring from the previous year (either from the JLOTS training areas or other locations).

(2) Compiled results of Navy-funded research and development (R&D) studies (presented pursuant to the ICMP (§ 218.15(d)).

(3) Results from specific stranding investigations (either from the JLOTS training areas or other locations, and involving coincident mid- or high-frequency active sonar or explosives training or not involving coincident use).

(4) Results from the Long Term Prospective Study.

(5) Results from general marine mammal and sound research (funded by the Navy (or otherwise).

§ 218.19 Modifications to Letters of Authorization.

(a) Except as provided in paragraph (b) of this section, no substantive modification (including withdrawal or suspension) to the LOA by NMFS, issued pursuant to §§ 216.106 of this chapter and 218.17 and subject to the provisions of this subpart shall be made until after notification and an opportunity for public comment has been provided. For purposes of this paragraph, a renewal of an LOA under § 218.18, without modification (except for the period of validity), is not considered a substantive modification.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 218.12(c), an LOA issued pursuant to §§ 216.106 of this chapter and 218.17 may be substantively modified without prior notification and an opportunity for public comment. Notification will be published in the **Federal Register** within 30 days subsequent to the action.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 100825390–5012–02]

RIN 0648–BA17

Atlantic Highly Migratory Species; Large Coastal and Small Coastal Atlantic Shark Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would implement Draft Amendment 6 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). Management measures in this proposed rulemaking are designed to respond to the problems facing Atlantic commercial shark fisheries, such as commercial landings that exceed the quotas, declining numbers of fishing permits since limited access was implemented, complex regulations, derby fishing conditions due to small quotas and short seasons, increasing numbers of regulatory discards, and declining market prices. The primary goal of Amendment 6 to the 2006 Consolidated HMS FMP (Amendment 6) is to implement management measures for the Atlantic shark fisheries that will achieve the objectives of increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries, and achieve optimum yield while rebuilding overfished shark stocks and ending overfishing. Specifically, this action proposes: Adjusting the large coastal sharks (LCS) retention limit for shark directed Limited Access Permit (LAP) holders; creating sub-regional quotas in the Atlantic and Gulf of Mexico regions for LCS and small coastal sharks (SCS); modifying the LCS and SCS quota linkages; establishing total allowable catches (TACs) and adjusting quotas for non-blacknose SCS in the Atlantic and Gulf of Mexico regions based on the results of the 2013 stock assessments for Atlantic sharpnose and bonnethead sharks; and modifying upgrading restrictions for shark permit holders. The proposed measures could affect commercial shark fishermen fishing in the Atlantic Ocean including the Gulf of Mexico and Caribbean Sea.

DATES: Written comments must be received on or before April 3, 2015. NMFS will hold 4 public hearings on Draft Amendment 6 and this implementing proposed rule on February 17, February 18, February 23, and February 26, 2015. NMFS will also hold an operator-assisted public hearing via conference call and webinar for this proposed rule on March 25, 2015, from 2 p.m. to 4 p.m. For specific locations, dates and times see the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2010–0188, by any one of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2010-*

0188, click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Margo Schulze-Haugen, NMFS/SF1, 1315 East West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

Instructions: Please include the identifier NOAA–NMFS–2010–0188 when submitting comments. Comments sent by any other method, to any other address or individual, or received after the close of the comment period, may not be considered by NMFS. All comments received are a part of the public record and generally will be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

NMFS will hold 4 public hearings and 1 conference call on this proposed rule. NMFS will hold public hearings in St. Petersburg, FL; Melbourne, FL; Belle Chasse, FL; and Manteo, NC; and via a public conference call. For specific locations, dates and times see the **SUPPLEMENTARY INFORMATION** section of this document.

Copies of the supporting documents, including the draft Environmental Assessment (EA), Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and the 2006 Consolidated Atlantic HMS FMP are available from the HMS Web site at *http://www.nmfs.noaa.gov/sfa/hms/* or by contacting LeAnn Hogan at 301–427–8503.

FOR FURTHER INFORMATION CONTACT: LeAnn Hogan, Guý DuBeck, Alexis Jackson or Karyl Brewster-Geisz by phone: 301–427–8503, or by fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: Atlantic sharks are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the authority to issue regulations has been delegated from the Secretary to the Assistant Administrator (AA) for Fisheries, NOAA. On October 2, 2006, NMFS published in the **Federal Register** (71 FR 58058) final regulations, effective November 1, 2006, implementing the 2006 Consolidated HMS FMP, which details management measures for Atlantic HMS fisheries. The implementing regulations for the 2006 Consolidated HMS FMP and its amendments are at 50 CFR part 635. This proposed rule addresses implementation of Amendment 6.

NMFS began considering management measures for Amendment 6 in 2010 with the publication of an Advanced Notice of Proposed Rulemaking (ANPR) (75 FR 57235; September 10, 2010). The 2010 ANPR solicited public comments on potential adjustments to regulations governing the Atlantic shark fisheries to address several specific issues affecting the management of those fisheries. In the ANPR, NMFS discussed that since management of sharks began in 1993, there have been many changes to the regulations and major rules, either through FMP amendments or regulatory amendments, to respond to results of stock assessments, changes in stock status, and other fishery fluctuations. Despite modifications to the regulations and Amendments to the 2006 Consolidated HMS FMP to respond to these issues, the Atlantic shark fisheries continue to be faced with problems, such as commercial landings that exceed the quotas, declining numbers of fishing permits since limited access was implemented, complex regulations, derby fishing conditions due to small quotas and short seasons, increasing numbers of regulatory discards, and declining market prices. Rather than continuing to react to these issues every year with a new regulation, or every other year with a new FMP amendment, NMFS stated that it wanted the regulations to be more proactive in management and explore methods to establish more flexible regulations that would consider the changing needs of the fisheries. More specifically, the ANPR explored management ideas related to quota structure, permit structure, and catch shares. NMFS held several public meetings regarding the ANPR and received many comments.

Based on the comments received on the ANPR, on September 16, 2011, NMFS published a Notice of Intent (NOI) (76 FR 57709) to prepare an FMP Amendment that would consider catch shares for the Atlantic shark fisheries. The NOI also established a control date for eligibility to participate in a catch share program and announced the availability of a white paper that explored potential design elements of a shark catch share program. NMFS held several public meetings and received many comments regarding the NOI.

In addition to the changes in Federal regulations, while NMFS has been considering comments on the ANPR and the NOI, there have also been changes in state shark management. Since 2010, several states have passed legislation banning the possession, sale, trade, and distribution of shark fins. In addition, the Atlantic States Marine Fisheries Commission (ASMFC) recently made changes to the Atlantic state shark management measures. The ASMFC Coastal Shark Board made the decision to amend the Interstate Coastal Shark FMP to be consistent with NMFS' recent changes in Amendment 5a, and they have expressed their preference for NMFS to open the LCS management group in the Atlantic region after July 1 each year. The Shark Board also approved measures for each Atlantic state to implement a 12 percent fin-to-carcass ratio for smooth dogfish, consistent with the 12 percent fin-to-carcass ratio specified in the smooth dogfish-specific provisions of the Shark Conservation Act of 2010 (P.L. 111–348) (the SCA).

In addition to these state measures, there have been international efforts to prohibit shark finning at sea, as well as campaigns targeted at the shark fin soup markets. All of these efforts, including the U.S. state shark fin possession bans, have impacted the market and demand for shark fins. In addition, NMFS has seen a steady decline in ex-vessel prices for shark fins in all regions since 2010.

In April 2014, NMFS released a Predraft for Amendment 6, providing NMFS with the opportunity to obtain additional information and input from HMS Advisory Panel (AP) members and HMS Consulting Parties (Atlantic, Gulf, and Caribbean Fishery Management Councils, Marine Fisheries Commissions, U.S. Coast Guard, and other State and Federal Agency representatives) on potential alternatives prior to development of the formal FMP Amendment and proposed rule. The Predraft explored potential management options for the future management of the Atlantic shark fisheries, taking into consideration comments received on the ANPR and NOI.

Since issuing the ANPR, NOI, and Predraft, and after reviewing the comments received, NMFS has continued to consider various ways to address recurring issues and provide managers and fishermen with increased flexibility, while maintaining conservation measures. Additionally, there have continued to be changes in Federal and state management of the Atlantic shark fisheries that have affected the fishery and its communities. On May, 27 2014, NMFS published another NOI announcing (1) its intent to prepare an Environmental

Assessment (EA) instead of an Environmental Impact Statement, and (2) that the agency is moving away from the catch share concept for this particular Amendment. Thus, the public should largely be aware of the change in approach. Most recently, NMFS published a proposed rule (79 FR 46217; August 7, 2014) to implement draft Amendment 9 to the 2006 Consolidated HMS FMP (Amendment 9), which considers management measures in the smoothhound and shark fisheries. Regulations proposed in this action would overlap and modify some regulations proposed in Amendment 9.

Atlantic Sharpnose and Bonnethead Sharks Stock Assessment

Atlantic sharpnose and bonnethead sharks were both previously assessed in 2007 as part of the Southeast Data, Assessment, and Review (SEDAR) process. At that time, the statuses of both species were determined to be not overfished, with no overfishing occurring. These species were assessed again in 2013 using ''standard'' assessments as part of SEDAR 34. Standard assessments generally update previous benchmark assessments with additional years of data and do not allow for major changes; standard assessments typically can be completed in approximately a year. On the first day of the face-to-face assessment workshop meeting held for both species, the scientists determined that the genetic information clearly indicated both species should be split into a Gulf of Mexico stock and an Atlantic stock. However, because the assessments had been scheduled as standard assessments as opposed to benchmark assessments, the assessment process and timing would not allow the scientists to make this change. Making such a change would have required four benchmark assessments rather than two standard assessments. It would have also required additional changes to the format and structure of the data that had not been anticipated and allowed for in the overall SEDAR schedule. Based on a request from fishery managers to continue with the standard assessments at that time, given that the previous assessments were over 5 years old and updated scientific advice was needed, the scientists agreed to continue with the standard assessment of both species as single stocks in order to provide management advice on the potential status of the stocks.

Based on the results of SEDAR 34, NMFS decided to split the Atlantic sharpnose shark species into two stocks—an Atlantic stock and a Gulf of Mexico stock—and determined, based on the overall data for the species as a whole, that the status of both stocks is not overfished and no overfishing is occurring (79 FR 53024; September 5, 2014). With regards to bonnethead sharks, NMFS also decided to split this stock into an Atlantic stock and a Gulf of Mexico stock, and determined, based on the overall data for the species as a whole, that the status of both bonnethead stocks is unknown (Id.). In this rulemaking, NMFS considers implementing total allowable catches (TAC) and commercial quotas for non-blacknose SCS (which is the management group that both Atlantic sharpnose and bonnethead sharks are managed in) in the Atlantic and Gulf of Mexico regions based on the results of the SEDAR 34 assessment and while considering the results of the 2007 finetooth stock assessment.

NMFS prepared a draft EA, RIR, and IRFA to present and analyze anticipated environmental, social, and economic impacts of each alternative contained in this proposed rule. A summary of the alternatives considered and related analyses are provided below. The complete list of alternatives and related analyses are provided in the draft EA/RIR/IRFA. A copy of the draft EA/RIR/IRFA prepared for this proposed rule is available from NMFS (see ADDRESSES).

Permit Stacking for Shark Directed LAP Holders

NMFS considered permit stacking in the 2010 ANPR and requested public comments on this potential change to the shark permit structure. A permit stacking system would allow commercial fishermen with multiple shark LAPs to use them concurrently on one vessel, resulting in aggregated, and thus higher, retention limits.

After analyzing the ecological and socioeconomic impacts of the permit stacking alternatives in the shark fishery, NMFS currently prefers the No Action alternative (Alternative A1) in this proposed rule. The No Action alterative would maintain the current shark directed LAP structure and would not implement permit stacking for these permit holders. Under this preferred alternative, NMFS would continue to allow only one directed LAP per vessel and thus one retention limit. In the short- and long-term, this preferred alternative is expected to have neutral direct ecological impacts on LCS stocks. Shark fishermen would continue to be limited by the current retention limit of 36 LCS per trip. By leaving the current permit structure in place under this alternative, and because the LCS quotas are not being modified in this action, it is likely that the No Action alternative would have neutral short- and long-term ecological impacts to the LCS stocks. With regards to socioeconomic impacts, the preferred alternative would result in potential trip revenues of $1,166 (1,224 lb of meat, 61 lb of fins) per vessel, assuming an ex-vessel price of $0.65 for meat and $6.05 for fins. Because current LCS quotas are being maintained, NMFS anticipates neutral direct socioeconomic impacts in the short-term and possibly minor adverse socioeconomic impacts in the long-term, because if fishermen are unable to retain an increased number of LCS per trip by stacking permits, the profitability of each trip could decline over time, due to declining prices for shark products and increasing prices for gas, bait and other associated costs. NMFS believes that while permit stacking may have beneficial socioeconomic impacts for those fishermen that already have multiple directed shark LAPs or that could afford to buy additional permits, permit stacking could possibly disadvantage those fishermen that are unable to buy additional permits. Because the majority of fishermen in the shark fishery have only one permit (in the Atlantic region, 130 of the 136 shark directed permits have different owners; in the Gulf of Mexico region, 73 of the 83 shark directed permits have different owners), permit stacking would not benefit most shark fishermen in the short-term, and it could possibly lead to inequity among directed shark LAP holders. NMFS believes that an increase in LCS retention limits for all directed LAP holders, as described in the Commercial Retention Limits section below, would have greater socioeconomic benefits across the entire shark fishery as a whole. Therefore, after considering the impacts of the permit stacking alternatives, NMFS prefers the No Action alternative to continue to allow only one directed LAP per vessel and thus one retention limit in this proposed rulemaking.

NMFS also analyzed two other permit stacking alternatives in the Draft EA. The first, Alternative A2, would allow fishermen to use a maximum of 2 shark directed LAPs concurrently on one vessel, which would result in aggregated, and thus higher, retention limits. Under the current LCS retention limit of 36 LCS, this would mean that a vessel with 2 stacked permits would have a LCS retention limit of 72 LCS per trip. Alternative A3 considers allowing fishermen to use a maximum of 3 shark directed LAPs concurrently on one vessel, which would result in aggregated, and thus higher, retention limits. Under the current LCS retention

limit of 36 LCS, this would mean that a vessel with 3 stacked LAPs would have a LCS retention limit of 108 LCS per trip. While these alternatives could result in increased annual revenues for shark directed LAP holders who currently own or could buy multiple LAPs, they are not preferred at this time because they could possibly lead to inequity among directed shark LAP holders. These alternatives would have beneficial socioeconomic impacts only for those shark fishermen that can afford to buy multiple shark permits, and thus would benefit from a higher retention limit and higher revenues, whereas those shark fishermen that cannot afford to buy a second or third directed shark permit would be at a disadvantage, unable to economically benefit from the higher retention limits. Given the way directed LAPs are currently held within the shark fishery, NMFS believes that an increase in LCS retention limits for all directed LAP holders, as described in the Commercial Retention Limits section below, would have greater socioeconomic benefits across the entire directed shark fishery as a whole. Therefore, after considering the impacts of the permit stacking alternatives, NMFS prefers the No Action alternative to continue to allow only one directed LAP per vessel and thus one retention limit in this proposed rulemaking.

Adjusting Commercial Retention Limits for Atlantic Shark Fisheries

The current retention limit of 36 LCS other than sandbar sharks was established in Amendment 2 as part of the rebuilding plan for sandbar sharks. As described in Amendment 2, the retention limit was established by considering, among other things, how many sandbar sharks would be discarded dead from the number of shark trips that were expected to interact with sandbar sharks. Over the past few years, the shark research fishery, which is the only part of the shark fisheries that can land and sell sandbar sharks, has not been catching the full sandbar research fishery quota. During the Predraft stage, NMFS received extensive comments from commercial fishermen and Atlantic HMS Advisory Panel members to consider adjusting the retention limits instead of allowing commercial fishermen to land sandbar sharks outside of the Atlantic shark research fishery. Thus, NMFS is considering adjusting the commercial LCS retention limit for shark directed LAP holders based on public comment.

The preferred alternative (Alternative B2) would increase the retention limit for LCS in the Atlantic and Gulf of Mexico regions from 36 to a maximum of 55 LCS other than sandbar sharks per trip and reduce the sandbar shark research fishery quota to 75.7 mt dw (166,826 lb dw). To determine the impacts of this alternative, NMFS used the same methodology used in Amendment 2 to calculate how many sandbar sharks could potentially be discarded dead by vessels harvesting the 55 LCS other than sandbar shark retention limit. Because harvesting additional LCS per trip could result in additional sandbar sharks being discarded dead, this additional mortality would be counted against the unharvested sandbar shark research fishery quota, and NMFS would reduce the sandbar shark research fishery quota accordingly. Thus overall, NMFS does not expect the mortality of sandbar sharks to increase as a result of the increased retention limit under this alternative. Since the sandbar shark research fishery quota was previously analyzed in Amendment 2, and would be reduced from 116.6 to 75.7 mt dw in order to account for increased discards under a retention limit of 55 LCS per trip, this alternative would have short- and long-term neutral ecological impacts on sandbar sharks. In addition, the retention limit increase under this preferred alternative would result in neutral direct and indirect ecological impacts to the different LCS management groups and species, because the quotas for the different LCS management groups and species are not being modified in this rulemaking and fishermen would continue to be limited by the total amount of LCS that could be harvested, as well as by seasonal closures once 80 percent of the quota is reached.

With regards to socioeconomic impacts, this new retention limit would result in potential total trip revenues of $1,781 (1,870 lb of meat, 94 lb of fins), assuming an ex-vessel price of $0.65 for meat and $6.05 for fins. The preferred alternative would have short- and long-term direct and indirect minor beneficial socioeconomic impacts since shark directed permit holders could land more sharks per trip when compared to the current retention limit of 36 LCS per trip. The higher retention limit is likely to make each trip more profitable for fishermen, as well as more efficient, if they decide to take fewer trips, and in turn save money on fuel, bait, and other associated costs.

NMFS also analyzed three other retention limit alternatives that are not preferred at this time. The No Action alternative (Alternative B1) would maintain the current commercial LCS retention limit for directed permit holders. While this would have short- and long-term neutral ecological impacts on LCS fisheries, this option denies commercial shark fishermen additional opportunities to harvest LCS within their current quotas. Due to limited resources available to fund observed trips, the sandbar quota in the research fishery has not been fully harvested in recent years (*e.g.,* 35 percent of the available sandbar shark quota was landed in 2012). As such, NMFS believes that it is appropriate to reconsider the LCS retention limit to ensure commercial fishermen have an opportunity to harvest the available various LCS management group quotas in an efficient manner. Another alternative, Alternative B3, would increase the LCS retention limit to a maximum of 72 LCS other than sandbar sharks per trip and reduce the Atlantic shark research fishery quota to 63.0 mt dw (138,937 lb dw) for sandbar sharks. The increased retention limit to 72 LCS other than sandbar sharks per trip could result in 2,448 lb dw of LCS per trip. While increasing the retention limit could result in more efficient and profitable shark directed trips, this increased retention limit is closer to the historical retention limit of 4,000 lb dw and could cause fishermen to re-enter the fishery because of the higher retention limit. If this occurs, these fishermen may not have fished under the non-sandbar LCS regulations and might not be able to avoid catching sandbar sharks while fishing for the other LCS species, which could lead to increased discards and potential adverse impacts to sandbar sharks. Also, if fishermen increase the number of hooks per set substantially in order to catch the increased retention limit, they may discard additional dead sharks as a result. This is more likely under this alternative than under Alternative B2, given the larger difference in retention limits, but, as would also be the case for Alternative B2, it would likely only happen in the short term as fishermen modify their fishing practices to the adjusted retention limit. Under Alternative B3, the new sandbar shark quota could result in average annual lost revenue of $112,508 for those fishermen participating in the shark research fishery, but the income could be recouped by the increased retention limit outside the shark research fishery. Finally, the last alternative B4, considered increasing the LCS retention limit to a maximum of 108 LCS other than sandbar sharks per trip and reducing the Atlantic shark research fishery quota to 36.2 mt dw (79,878 lb dw) for sandbar sharks. This alternative

would allow shark directed permit holders to retain three times as many LCS per trip as the current retention limit. This retention limit would result in potential trip revenues of $3,498 (3,672 lb of meat, 184 lb of fins) per vessel, assuming an ex-vessel price of $0.65 for meat and $6.05 for fins, which is an increase of $2,332 per vessel per trip compared to the status quo alternative. While a retention limit of 108 LCS per trip would make each trip more profitable and potentially require fishermen to take fewer trips per year, this large increase in the retention limit could cause a lot more permit holders to become active, as described above. Thus, the profit of individual vessels could decrease because LCS quotas could be caught at a faster rate, and the fishing season could be shortened. Additionally, in order to increase the retention limit to 108 LCS per trip, the sandbar shark research quota would need to be reduced to an amount below what is currently being landed in the shark research fishery, thereby reducing the ability to carry out research for stock assessments and having adverse impacts on fishermen in the shark research fishery, who would lose quota, and thus revenue. As such, NMFS does not prefer this alternative.

Atlantic Regional and Sub-Regional Quotas

Currently, NMFS manages several shark species and management group quotas on a regional basis with quota linkages in the Atlantic region. NMFS is proposing to implement sub-regional quotas for aggregated LCS, hammerhead sharks, blacknose sharks, and non-blacknose SCS management groups in the Atlantic region. Implementing sub-regional quotas would help alleviate some of the tensions between fishermen in certain states due to varying preferences for season opening dates and differences in regional shark availability. Additionally, sub-regional quotas could facilitate greater fishing accountability for these shark management groups within sub-regions, and also provide for extended fishing seasons in some sub-regions. In order to implement sub-regional quotas in the Atlantic region, NMFS is considering a number of measures, such as apportioning landings to sub-regions based on historical landings, adjusting linkages between certain management groups within sub-regions, and establishing commercial quotas and TACs for non-blacknose SCS based on results of the recent stock assessment, SEDAR 34.

NMFS considered several factors when calculating sub-regional quotas. It is important to consider the potential impact of early seasonal closures on historical landings by region over time. For example, the non-blacknose SCS and blacknose fisheries closed on November 2, 2010, September 30, 2013, and July 28, 2014, thereby reducing fishing opportunities for fishermen in the northern Atlantic area in those years, because sharks tend to be more available later in the year in the northern Atlantic area, whereas they tend to be available year-round in the southern Atlantic area. Conversely, in years where NMFS established opening dates later in the year (*e.g.,* July 15 opening date for Aggregated LCS in 2010 through 2012), fishermen in the southern Atlantic area may have reduced fishing opportunities. During the Predraft stage and at the September 2014 HMS AP meeting, some constituents also expressed concerns about how regional differences in how shark carcasses are dressed may impact the magnitude of shark landings reported in the Atlantic Coastal Cooperative Statistics Program (ACCSP), and thus the amount of quota that may be allocated to each sub-region. ACCSP dealer reports indicate differences in how fishermen land sharks. Dealers in some states report dressed sharks with carcass gutted, head on, and tail on, while others report dressed sharks with carcass gutted, head off, and tails off (*i.e.,* shark cores). However, observer data and port agents indicate that sharks are landed with their heads off regardless of region. Additionally, dealers cannot indicate ''heads on'' in electronic dealer reporting forms. Because observer observations suggest that sharks are landed with ''heads off,'' and since all types of dressed shark carcasses are included in landings that are counted towards the commercial quotas, NMFS has not adjusted landings estimates to account for differences in dressed weight for the sub-regional quota calculations. Finally, at the September 2014 HMS AP meeting, AP members expressed concern about using latitude and longitude lines associated with the federal fishing catch areas to define sub-regions in the Atlantic and Gulf of Mexico, instead of the state line between North Carolina and South Carolina in the Atlantic and the state line between Mississippi and Alabama in the Gulf of Mexico because fishermen in each state wanted to ensure that all their historical landings would ultimately contribute to their allotted sub-regional quota. However, after taking into consideration the HMS AP's comments, NMFS is considering using the latitude and longitude lines associated with fishing catch areas rather than state lines. Using the fishing catch area lines (*i.e.,* latitude and longitude lines) would provide for more effective monitoring of quotas and more accurate reporting, as fishermen are currently required to report landings by catch area. NMFS has also determined that there would be minimal differences (0–1.9%) in the allocation of quota to each sub-region whether using state lines versus latitude and longitude lines.

Due to the variability in the aggregated LCS and hammerhead shark fisheries between 2008 and 2013, and various impacts of seasonal closures and changes to regulations and fishery management groups that did not impact one region more than another, NMFS calculated the sub-regional quotas based on total landings during this time period.

Unlike the calculations for aggregated LCS and hammerhead sharks, the data used to calculate non-blacknose SCS and blacknose shark quotas would start after 2010 because SCS fisheries management changed in 2010 under Amendment 3 to the 2006 Consolidated HMS FMP, in which NMFS created a separate blacknose shark quota and linked the quota to the non-blacknose SCS quota. NMFS used ACCSP landings data from 2011 and 2012 to calculate SCS sub-regional quotas in Alternatives C2, C3 and C4. These years were used because they are years where the SCS fisheries were open year-round and sub-regional allocations would not be impacted by early closures; this approach was supported by some members of the HMS AP at the September 2014 meeting.

The two preferred alternatives are Alternatives C4 and C6. Alternative C4 would apportion the base annual quotas for the Atlantic LCS and SCS management groups into northern and southern sub-regional quotas, with the boundary between the northern and southern Atlantic sub-regions drawn along 34°00′ N. Latitude, based on historical landings percentages. The preferred alternative would also maintain the non-blacknose SCS and blacknose quota linkages in the southern Atlantic sub-region, eliminate the linkage between blacknose and non-blacknose SCS in the northern Atlantic sub-region, and prohibit the harvest and landings of blacknose sharks in the northern Atlantic sub-region. The preferred alternatives do not consider removing linkages between all remaining species and management groups for several reasons. Removing linkages between these management groups would require an adjustment in

quotas in order to account for potential interactions and mortalities, and could result in an increase in regulatory discards. Additionally, there are specific reasons for maintaining linkages, as described in the FMP amendments that established them. For example, as described in Amendment 5a, the link between the aggregated LCS and hammerhead shark management groups was established to end overfishing and rebuild overfished stocks. To date, the closure of these management groups in the Atlantic region has been the result of harvesting the aggregated LCS quota. As described in Amendment 3 and 5a for the link between non-blacknose SCS and blacknose sharks, the linking of quotas of species that are often caught together on the same set or trip can prevent incidental catch of sharks in a closed fishery as bycatch in other directed shark fisheries, possibly resulting in mortality and negating some of the conservation benefit of quota closures. The non-blacknose SCS quota preferred under this alternative would be split into northern and southern sub-regional quotas based on landings percentages, as described under Alternative C4 in the Draft EA. Sub-regional quotas for the preferred alternatives, based on percentages of landings apportioned to each sub-region, are outlined for Atlantic LCS and SCS in Figure 1. In addition, any overharvest of the overall regional base quota would be accounted for in the next fishing season and would affect the sub-region(s) that caused the overharvest. For example, if a northern sub-region quota was overharvested and that caused the overall regional base quota to be exceeded, then the amount overharvested by the northern sub-region would be deducted from the northern sub-region's base quota and not the southern sub-region's base quota, the following fishing season. However, if a sub-region's quota is overharvested but the overall regional quota is not exceeded, then no overharvest would be deducted from either sub-region the following fishing season. In regards to underharvest of the overall regional base quota, if the species or all species in a management group is not declared to be overfished, to have overfishing occurring, or to have an unknown status, NMFS may increase the following year's base annual quota, including regional quota, by an equivalent amount of the underharvest up to 50 percent above the base annual quota. For example, if the northern sub-region's base quota is underharvested and the southern sub-region's base quota is fully harvested, in the following year the amount underharvested by the northern sub-region would be equally distributed between the sub-regions and added to the northern and southern sub-region's base quotas. If there is underharvest of the overall regional base quota and a species' status is unknown, overfished, or overfishing is occurring, NMFS would not carry over the underharvest to the following year's base annual quota.

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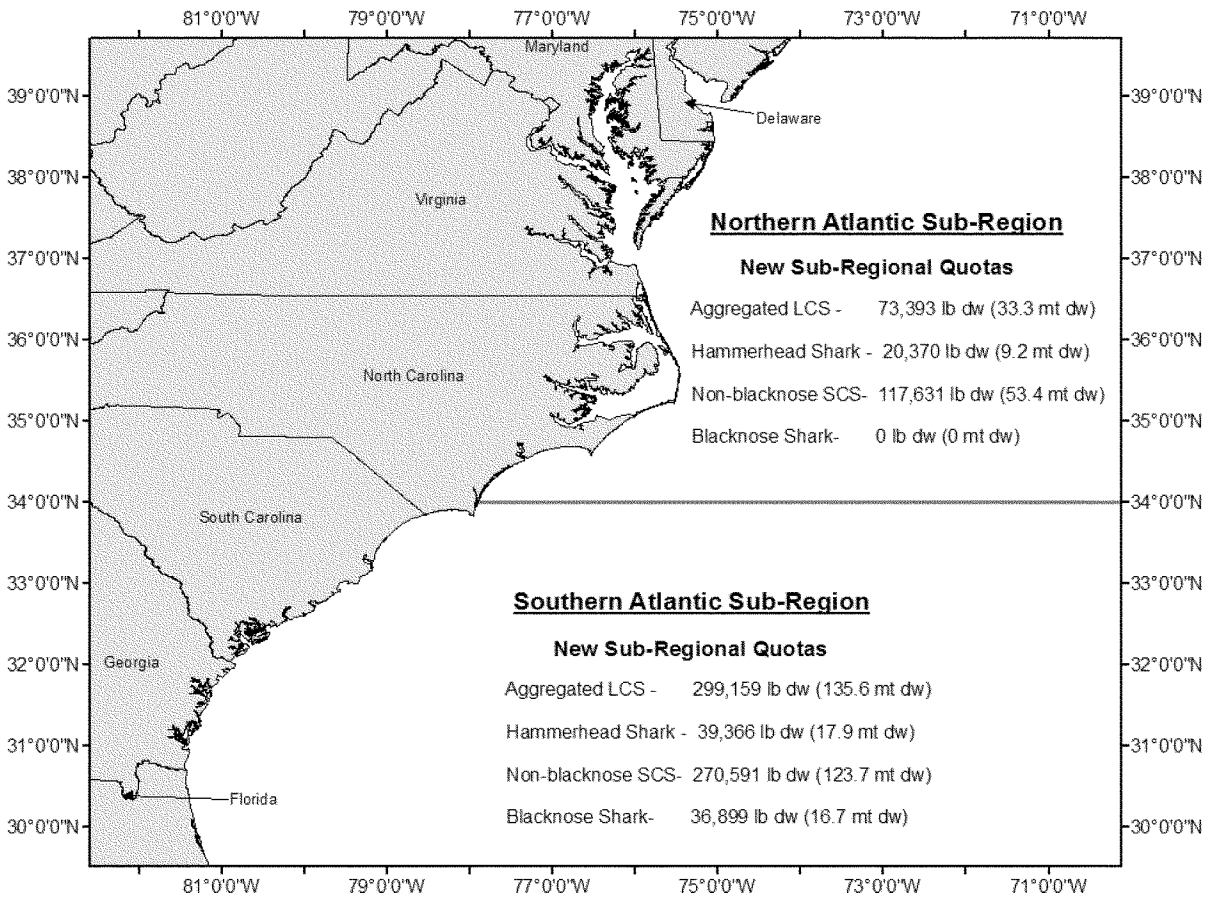
Figure 1: Map of Proposed Atlantic Regional and Sub-Regional Quotas



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Preferred Alternative C4 would likely result in direct and indirect short- and long-term neutral ecological impacts across the Atlantic region. The preferred

sub-regional quotas would have no impact on the current level of fishing pressure, catch rates or distribution of fishing effort, but instead represent an administrative change in how quotas are monitored throughout the Atlantic region. Because sub-regional quotas are estimated from historical landings, and thus based on typical fishing activity within sub-regions, there would be no expected ecological differences in how fishermen from the various Atlantic states interact with LCS and SCS. Differences between sub-regions in whether linkages were maintained, however, would have varying ecological impacts. In the northern Atlantic sub-region, due to difficulties associated with managing a small quota of 0.8 mt dw, harvest of blacknose sharks would be prohibited. Prohibiting harvest of blacknose in the northern Atlantic sub-region, would reduce the likelihood of overharvesting blacknose sharks by quickly exceeding the quota, and eliminate the need to monitor a small quota. However, in the southern Atlantic sub-region, no changes would be made in the existing quota linkages between blacknose and non-blacknose SCS, so, neutral ecological impacts on SCS would be expected, since current conditions would be maintained.

Across the entire Atlantic region, preferred alternative C4 would likely result in both direct short- and long-term moderate beneficial socioeconomic impacts. Removing quota linkages in the northern Atlantic region, in combination with apportioning the Atlantic regional quota at 34°00′ N. Lat., would allow fishermen to maximize their fishing effort, and thereby maximize revenue, during periods when sharks migrate into local waters or when regional time/area closures are not in place. Removing quota linkages within the northern Atlantic sub-region would have beneficial impacts, as increased revenues from increased landings would continue to accrue with each fishing year. Active fishermen in the northern Atlantic sub-region would be able to continue fishing for non-blacknose SCS without the fishing activities in the southern Atlantic sub-region, where the majority of blacknose sharks are landed, impacting the timing of the non-blacknose SCS fishery closure. Economic advantages associated with removing quota linkages, allowing the northern Atlantic sub-region to land a larger number of non-blacknose SCS, would outweigh the income lost from prohibiting landings of blacknose sharks ($1,750).

The other preferred alternative, Alternative C6, would establish an Atlantic non-blacknose SCS TAC of 401.3 mt dw and maintain the 2014 base annual commercial quota of 176.1 mt dw (388,222 lb dw). For this alternative, NMFS used the current Atlantic non-blacknose SCS commercial base annual quota of 176.1 mt dw to determine the new Atlantic TAC for this management group. The proposed TAC is calculated by summing the sources of mortality for Atlantic sharpnose, bonnethead, and finetooth sharks (recreational landings, commercial discards, which includes estimates of shrimp trawl discards, and research set-aside mortality) from the Atlantic region and adding the current commercial base annual quota (176.1 mt dw). The proposed Atlantic non-blacknose SCS TAC and commercial quota takes into account all sources of mortality for Atlantic sharpnose, bonnethead, and finetooth sharks and maintains the 2014 commercial base annual quota. In addition, no underharvest of the non-blacknose SCS quota in the Atlantic region would be carried forward to the next fishing season because the status of the bonnethead shark stock within the non-blacknose SCS management group is ''unknown''. Thus, because this non-blacknose SCS TAC and commercial quota takes into account all sources of mortality for both species, keeps fishing mortality capped at current levels, does not increase interactions with blacknose sharks, and accounts for the unknown status of Atlantic bonnethead sharks, NMFS believes that Alternative C6 would have direct and indirect short- and long-term neutral ecological impacts to the Atlantic non-blacknose SCS.

With regards to socioeconomic impacts of preferred Alternative C6, because this alternative would maintain the non-blacknose SCS commercial quota, it is likely to have short-term neutral socioeconomic impacts. Recent non-blacknose SCS landings have been below 176.1, thus, this commercial quota could allow for increased landings and additional revenue if the entire quota is caught, which could have beneficial socioeconomic impacts. However, since the proposed commercial quota of 176.1 mt dw would not be adjusted for underharvests due to the unknown status of bonnethead sharks, the fishermen participating in this fishery would be capped at a lower quota than is possible in the current non-blacknose SCS fisheries if there is underharvest, potentially leading to long-term minor adverse socioeconomic impacts. NMFS does not expect fishing effort to dramatically increase for non-blacknose SCS in the southern region of the Atlantic, since this fishery would continue to be limited by blacknose shark landings and the linkage between these two groups. Preferred Alternative C6 would maintain fishing mortality at current levels and would not have unnecessary adverse socioeconomic impacts.

Cumulatively, Alternatives C4 and C6 would have positive impacts on the current state of shark fisheries in the Atlantic Region. Implementing the northern and southern sub-regional quotas proposed in Alternative C4 would allow fishermen to maximize their fishing effort during periods when sharks migrate into local waters or when regional time/area closures are not in effect. Additionally, Alternative C4 would provide increased flexibility in the application of shark management measures throughout the Atlantic region, without having any adverse economic or ecological consequences. The non-blacknose SCS commercial quota under preferred Alternative C6 would continue to allow fishermen to land these species at current levels, while maintaining the Atlantic sharpnose and bonnethead stocks at sustainable levels. It more accurately reflects the status of Atlantic sharpnose and bonnethead sharks and considers the sources of mortality for all three non-blacknose SCS. Therefore, because of the neutral ecological impacts expected to shark species as well as non-target, incidental species and bycatch, and the moderately beneficial socioeconomic impacts expected by these combined measures, NMFS prefers these alternatives at this time.

NMFS also analyzed five other alternatives related to Atlantic sub-regional quotas that are not preferred at this time. Alternative C1, the No Action alternative, would not change the current commercial quota management in the Atlantic shark fisheries. Alternative C2 would apportion the Atlantic regional quotas for LCS and SCS along 33°00′ N. Latitude (approximately at Myrtle Beach, South Carolina) into northern and southern sub-regional quotas, while maintaining all current quota linkages. Alternative C3 would apportion the Atlantic regional quotas for LCS and SCS along 34°00′ N. Latitude (approximately at Wilmington, North Carolina) into northern and southern sub-regional quotas, while maintaining all current quota linkages. Alternative C5 would establish a non-blacknose SCS TAC of 177.3 mt dw and reduce the non-blacknose SCS commercial quota to 128 mt dw (282,238 lb dw), based on the results of the 2013 assessment for bonnethead sharks. Alternative C7 would establish a non-blacknose SCS

TAC of 489.3 mt dw and increase the commercial quota to 264.1 mt dw (582,333 lb dw), which is equal to the 2014 adjusted non-blacknose SCS quota. While some of these alternatives share some similar components with the preferred alternatives, NMFS does not prefer the remaining alternatives at this time for a variety of reasons. Alternative C1, the status quo alternative, does not address some of the issues facing the Atlantic shark fisheries and the current purpose of Amendment 6 to increase flexibility for shark fishermen. While neutral ecological impacts on Atlantic shark species and non-target species are anticipated from Alternatives C2 and C3, they do not take into consideration quota linkages between non-blacknose SCS and blacknose sharks. Under Alternative C5, the non-blacknose SCS TAC and commercial quota are limited by the results of the bonnethead shark stock assessment and do not take the results of the Atlantic sharpnose stock assessment or the status of finetooth sharks into account. Finally, Alternative C7 would cap the non-blacknose SCS commercial quota at a higher level than Alternative C6 and does not account for the uncertainties in the SEDAR 34 bonnethead stock assessment.

Gulf of Mexico Regional and Sub-Regional Quotas

Similar to management measures considered in the Atlantic region, NMFS is also considering implementing sub-regional quotas for shark management groups in the Gulf of Mexico region. The two preferred alternatives are Alternative D4 and D6. Alternative D4 would apportion the base annual commercial quotas for the Gulf of Mexico LCS management groups into eastern and western sub-regional quotas along 89°00′ W Longitude, based on historical landings percentages (see Discussion in section 2.4 of Draft EA). It would also maintain the linkage between aggregated LCS and hammerhead sharks in the eastern Gulf of Mexico sub-region, eliminate the linkage between aggregated LCS and hammerhead sharks in the western Gulf of Mexico sub-region, and prohibit the harvest and landings of hammerhead sharks in the western Gulf of Mexico sub-region. NMFS would maintain linkages between the remaining management groups. Removing linkages between the additional management groups would require an adjustment in quotas in order to account for potential interactions and mortalities, and could result in an increase in regulatory discards. The western sub-regional quota for hammerhead sharks would be 0 mt dw. Sub-regional quotas for LCS, based on percentages of landings apportioned to each sub-region, are outlined for the Gulf of Mexico LCS in Figure 2. As described above in the Atlantic regional and sub-regional quotas section, any overharvest of the overall regional base quota would be deducted from the sub-region(s) that caused the overharvest. However, if a sub-region's quota is overharvested but the overall regional quota is not exceeded, then no overharvest would be deducted from either sub-region the following fishing season. In addition, in cases where carry over is allowed, any underharvest of the overall regional base quota would be equally distributed to both sub-regions in the next fishing season, unless the status of the species or one of the species in the management group is unknown, overfished, or overfishing is occurring, in which case, NMFS would not carry over the underharvest to the following year's base annual quota.

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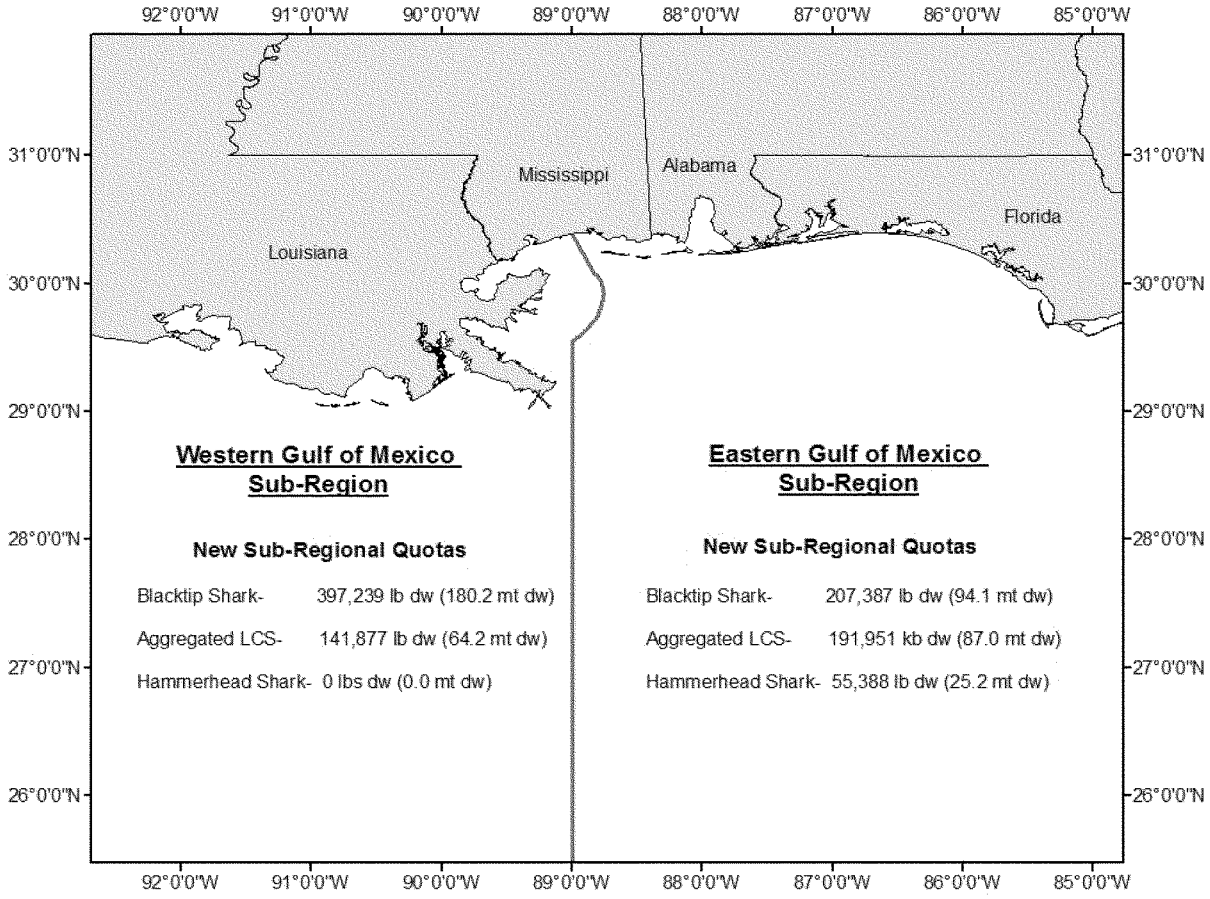
Figure 2: Map of Proposed Gulf of Mexico Regional and Sub-Regional Quotas



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Preferred Alternative D4 would likely result in both direct and indirect short- and long-term neutral ecological impacts on LCS within the western and eastern Gulf of Mexico sub-regions. The preferred sub-regional LCS quotas would have no impact on the current level of fishing pressure, catch rates or distribution of fishing effort since current LCS quotas are being maintained, but instead represents an administrative change in how quotas are monitored throughout the Gulf of Mexico region. In the eastern Gulf of Mexico sub-region, no changes would be made in the existing quota linkages between aggregated LCS and hammerhead sharks, which would likely result in neutral ecological impacts, since current conditions would be maintained. In contrast, in the western Gulf of Mexico sub-region, quota linkages would be removed between aggregated LCS and hammerhead sharks. While quota linkages mitigate incidental mortality of species caught together, only 0.6 percent of hammerhead shark landings in the Gulf of Mexico region can be attributed to fishing activities in the western Gulf of Mexico sub-region. In the western Gulf of Mexico region, due to the difficulties associated with managing a small quota of 0.1 mt dw, harvest of hammerhead sharks would be prohibited. Prohibiting harvest of hammerhead sharks in the western Gulf of Mexico would reduce the likelihood of overharvesting the hammerhead shark quota by quickly exceeding a small quota, and eliminate the need to monitor a small quota. Because landings of hammerhead in the western Gulf of Mexico are minimal, Alternative D4 would still likely result in neutral ecological impacts on LCS within the western Gulf of Mexico sub-region.

Alternative D4 would likely result in both direct and indirect short- and long-term neutral socioeconomic impacts across the entire Gulf of Mexico region, as increased revenues associated with increased flexibility with season opening dates as a result of implementing sub-regional quotas would be countered by potential losses from prohibiting landings of hammerhead sharks in the western Gulf of Mexico. Removing quota linkages within the western Gulf of Mexico sub-region would have beneficial socioeconomic impacts, as fishermen active in this region would be able to continue fishing for aggregated LCS without fishing activities in the eastern Gulf of Mexico sub-region determining the timing of the aggregated LCS fishery closure. Economic advantages associated with removing quota linkages, allowing the western Gulf of Mexico sub-region to continue to land a larger number of aggregated LCS, would offset any potential lost income from prohibiting landings of hammerhead shark. In the eastern Gulf of Mexico sub-region, no socioeconomic impacts are expected by maintaining the quota linkages already in place for LCS.

The other preferred alternative, Alternative D6, would establish a Gulf of Mexico non-blacknose SCS TAC of 954.7 mt dw and increase the commercial quota in the Gulf of Mexico region to the 2014 adjusted annual quota of 68.3 mt dw (150,476 lb dw). This TAC is calculated by summing the sources of mortality for Atlantic sharpnose, bonnethead, and finetooth sharks in the Gulf of Mexico region

(recreational landings, commercial discards, and research set-aside mortality) and adding the 2014 adjusted annual quota of 68.3 mt dw. This non-blacknose SCS TAC and commercial quota takes into account all sources of mortality for Atlantic sharpnose, bonnethead, and finetooth sharks and maintains current quota levels, due to uncertainty with the SEDAR 34 stock assessment and comments from the stock assessment peer reviewers, who expressed concern that bonnethead sharks were not split into two different stocks and analyzed in a manner that is similar to what was done with Atlantic sharpnose sharks. In addition, there is uncertainty about the data and life history information for finetooth sharks, so NMFS would prefer to take a relatively conservative approach with finetooth sharks and not increase landings substantially until a new stock assessment is complete. The commercial quota under Alternative D6 reflects the current fishing effort and pressure in the Gulf of Mexico for non-blacknose SCS. Under Alternative D6, the commercial quota and TAC would not result in any changes in current fishing effort or catch rates of non-blacknose SCS in the Gulf of Mexico. With anticipated fishing activities remaining the same, no increases in potential bycatch or increased interactions with non-target, incidentally caught species are expected. Thus, the preferred Alternative D6, would likely result in short- and long-term minor beneficial ecological impacts on non-blacknose SCS in the Gulf of Mexico region because the alternative maintains the quota at the present level, which is below the quota projected in the stock assessment, and interactions with blacknose sharks would remain the same.

Alternative D6 would result in both direct and indirect short- and long-term neutral to minor adverse socioeconomic impacts because it would increase the commercial quota above the current base non-blacknose SCS quota, providing fishermen with additional opportunities to profit from landing non-blacknose SCS in the Gulf of Mexico region, while keeping interactions with blacknose sharks at current levels, as quota linkages would be maintained. Given current financial difficulties faced by fishermen, associated with declining ex-vessel prices and restrictions on the sale of shark fins, the beneficial socioeconomic impacts of increasing the annual quota by 12.8 mt dw from the current base quota would likely be minimal. In addition, the proposed commercial quota of 68.3 mt dw could have minor adverse impacts since 2013 non-blacknose SCS landings exceeded this commercial quota. However, due to the uncertainties in SEDAR 34 and given the unknown stock status of bonnethead sharks in the Gulf of Mexico region and uncertainty about the data and life history information for finetooth sharks, NMFS believes that the proposed commercial quota would continue to provide fishermen with sufficient opportunity to harvest non-blacknose SCS, while maintaining the species at sustainable levels.

Cumulatively, Alternatives D4 and D6 would have positive impacts on the current state of shark fisheries in the Gulf of Mexico region. Implementing the eastern and western sub-regional quotas in Alternative D4 would allow fishermen to maximize their fishing effort during periods when sharks migrate into local waters or periods when sales of shark meat are increased, as well as providing increased revenue associated with potentially landing a larger portion of their sub-regional quota. Additionally, Alternative D4 would provide increased flexibility in the application of shark management measures throughout the Gulf of Mexico region, without having any adverse economic or ecological consequences. Alternative D6 would allow for non-blacknose SCS landings to be capped at the 2014 adjusted quota, and be conservative based on uncertainties associated with the SEDAR 34 stock assessment for bonnethead sharks and the SEDAR 13 stock assessment for finetooth sharks. Because of the neutral ecological impacts expected to shark species as well as non-target, incidental species and bycatch, and the moderately beneficial economic impact expected by these combined measures, NMFS prefers these alternatives at this time.

NMFS also analyzed five other alternatives related to Gulf of Mexico sub-regional quotas that are not preferred at this time. Alternative D1, the No Action alternative, would not change the current quota management of the shark fisheries in the Gulf of Mexico. Alternative D2 would apportion the Gulf of Mexico regional quotas for LCS along 89°00′ W Longitude into eastern and western sub-regional quotas, while maintaining current linkages. Alternative D3 would apportion the Gulf of Mexico regional quotas for LCS along 88°00′ W Longitude into eastern and western sub-regional quotas, while maintaining current linkages. Alternative D5 would establish a non-blacknose SCS TAC of 931.9 mt dw, based on current levels of catch, and maintain the current commercial base annual non-blacknose SCS quota of 45.5 mt dw (100,317 lb dw). Alternative D7 would establish a non-blacknose SCS TAC of 1,064.9 mt dw and increase the commercial quota to twice the 2013 landings, which is 178.5 mt dw (393,566 lb dw). While some of these alternatives share some similar components with the preferred alternatives, NMFS does not prefer the remaining alternatives at this time for a variety of reasons. Alternative D1, the status quo alternative, does not address some of the issues facing the Atlantic shark fisheries and the current purpose of Amendment 6 is to increase flexibility for shark fishermen. Alternative D2 does not take into consideration quota linkages between aggregated LCS and hammerhead sharks. While Alternative D3 would have neutral ecological impacts on Gulf of Mexico shark species and non-target species and have beneficial economic impacts, the alternative is not preferred because the split in Alternatives D2 and D4 may reflect the distribution of fishing constituents better. The quota under Alternative D5 would not address the financial difficulties faced by shark fishermen throughout the Gulf of Mexico or improve the current state of the Gulf of Mexico shark fisheries. Finally, the increased quota under Alternative D7 could likely negatively impact blacknose sharks, which have an unknown status, and would have an unknown impact on finetooth sharks.

Upgrading Restrictions

NMFS is considering removing the upgrading restrictions for shark LAP holders in order to reduce restrictions for fishermen to buy and sell shark permits. The current preferred alternative, Alternative E2, would remove current upgrading restrictions for shark directed LAP holders. Eliminating these restrictions would have short- and long-term minor beneficial socioeconomic impacts, since it would allow fishermen to buy, sell, or transfer shark directed permits without worrying about the increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. In addition, the upgrade restriction for shark permit holders was implemented in part to match the upgrading restrictions for the Northeast multispecies permits. NMFS is currently considering removing the upgrading restrictions for the Northeast multispecies permits, and if those are removed, then removing the upgrading restrictions for shark directed LAP holders could aid in maintaining consistency for fishermen who hold

multiple permits. Removing the upgrading restrictions would not affect the number of sharks being landed by vessels, as the amount of sharks landed is determined by the retention limit and quotas, not the size of the vessel. Thus, this preferred alternative would have short- and long-term neutral ecological impacts since removing restrictions on shark directed LAPs related to vessel specifications would have no impacts on the biological status of Atlantic sharks. NMFS prefers this alternative at this time because it would provide more flexibility for current shark LAP holders by eliminating the upgrading restrictions for shark directed permit holders, without having any negative ecological effects, and potentially could maintain consistency with the Northeast multispecies fisheries permit requirements, if those requirements also are removed.

NMFS also analyzed the No Action alternative that would have maintained the current upgrading restrictions related to horsepower, length overall, gross registered tonnage and net tonnage. This alternative would have neutral ecological and socioeconomic impacts, since it would maintain the status quo. However, the No Action alternative limits fishermen's ability to update vessels or engines to more fuel-efficient ones and would provide less flexibility for fishermen when buying, selling, or transferring LAPs than the preferred alternative.

Public Hearings

Comments on this proposed rule may be submitted via *http://www.regulations.gov,* mail, or fax and comments may also be submitted at a public hearing. NMFS solicits comments on this proposed rule by *April 3, 2015.* During the comment period, NMFS will hold 4 public hearings and 1 conference call for this proposed rule. The hearing locations will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to LeAnn Hogan or Guý DuBeck at 301–427–8503, at least 7 days prior to the meeting. NMFS has also asked to present information on the proposed rule and draft Amendment 6 to the Caribbean, Gulf of Mexico, South Atlantic, Mid-Atlantic, and New England Fishery Management Councils and the Atlantic and Gulf States Marine Fisheries Commissions at their meetings during the public comment period. Please see their meeting notices for dates, times, and locations.

TABLE 1—DATES, TIMES, AND LOCATIONS OF UPCOMING PUBLIC HEARINGS AND CONFERENCE CALL

Venue	Date/time	Meeting locations	Location contact information
Public Hearing	February 17, 2015, 5 p.m.–8 p.m.	St. Petersburg, FL	National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, Saint Petersburg, FL 33701.
Public Hearing	February 18, 2015, 5 p.m.–8 p.m.	Melbourne, FL	Melbourne Public Library, 540 E. Fee Ave, Melbourne, FL 32901.
Public Hearing	February 23, 2015, 5 p.m.–8 p.m.	Belle Chasse, LA	Belle Chasse Branch Library, 8442 Louisiana 23, Belle Chasse, LA 70037.
Public Hearing	February 26, 2015, 5 p.m.–8 p.m.	Manteo, NC	Commissioners Meeting Room, Dare County Administration Building, 954 Marshall C. Collins Dr., Manteo, NC 27954.
Conference call	March 25, 2015, 2 p.m.–4 p.m.		To participate in conference call, call: (877) 918–1344 Passcode: 7371832. To participate in webinar, RSVP at: *https://noaaevents2.webex.com/noaaevents2/onstage/g.php?d=998580989&t=a.* A confirmation email with webinar log-in information will be sent after RSVP is registered.

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a representative of NMFS will explain the ground rules (*e.g.,* alcohol is prohibited from the hearing room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). At the beginning of the conference call, the moderator will explain how the conference call will be conducted and how and when attendees can provide comments. The NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they may be asked to leave the hearing or may not be allowed to speak during the conference call.

Classification

Pursuant to the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

NMFS prepared a draft EA for Draft Amendment 6 that discusses the impact on the environment that would occur as a result of this proposed action. In this proposed action, NMFS is considering both adjusting current management measures affecting the Atlantic shark fisheries, as well as creating new measures that provide managers and fishermen with operational and implementation flexibility. A copy of the EA is available from NMFS (see **ADDRESSES**).

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

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule would have on small entities if adopted. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

Section 603(b)(1) requires Agencies to describe the reasons why the action is being considered. This proposed action is being considered to implement management measures for the Atlantic shark fisheries that will achieve the objectives of increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries, and achieve optimum yield while rebuilding overfished shark stocks and ending overfishing. In September 2010, NMFS published an ANPR to request public comment on potential adjustments to the regulations governing the Atlantic shark fisheries to address specific issues currently affecting management of the shark fisheries and to identify specific goals for management of these fisheries in the future. Based on the comments received on the ANPR, in September 2011, NMFS published a NOI to prepare an FMP Amendment that would consider catch shares for the Atlantic shark fisheries. Since the publication of the NOI, there have been a few major changes in the Federal management of the Atlantic shark fisheries, including the publication of Amendment 5a. In addition to the changes in Federal regulations, there have also been changes in state shark management, such as the shark fin possession prohibitions. In considering comments received on the ANPR and NOI, in April 2014, NMFS released a Predraft for Amendment 6 that included management options for changes to regional quota and permit structures. On May, 27 2014, NMFS published another NOI announcing its intent to prepare an Environmental Assessment (EA) instead of an Environmental Impact Statement and that the agency is moving away from the catch share concept for this particular Amendment. Since the publication of these documents, and reviewing the comments received, NMFS has continued to consider various ways to move forward to address recurring issues through regulations that provide managers and fishermen with increased management and implementation flexibility, while maintaining conservation measures for the commercial shark fisheries.

Section 603(b)(2) requires Agencies to describe the objectives of the proposed rule. The management goals and objectives of this action are to implement management measures for the Atlantic shark fisheries that will achieve the objectives of increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries, and achieve optimum yield while rebuilding overfished shark stocks and ending overfishing. To achieve this purpose and need, and to comply with existing statutes such as the Magnuson-Stevens Act and its objectives, NMFS has identified the following objectives with regard to this proposed action:

- Increasing the efficiency in the LCS and SCS fisheries;
- Maintaining or increasing equity across all shark fishermen and regions;
- Promoting economic viability for the shark fishery participants;
- Obtaining optimum yield from the LCS and SCS fisheries;
- Maintaining or increasing management flexibility for the shark fisheries;
- Decreasing dead discards of sharks;
- Continuing to rebuild overfished shark stocks; and
- Preventing overfishing of shark stocks.

Section 603(b)(3) requires Agencies to provide an estimate of the number of small entities to which the rule would apply. On June 12, 2014, the Small Business Administration (SBA) issued an interim final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33467). 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. *Id.* at 33656, 33660, 33666.

NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, all entities subject to this action were considered small entities, thus they all would continue to be considered small under the new standards. NMFS does not think that the new size standards affect analyses prepared for this action and solicits public comment on the analyses in light of the new size standards. Under these standards, NMFS considers all Atlantic HMS permit holders subject to this rulemaking to be small entities.

As discussed in Section 3.6.2 of the Draft EA for Amendment 6, the proposed rule would apply to the 473 commercial shark permit holders in the Atlantic shark fishery, based on an analysis of permit holders as of September 2014. Of these permit holders, 214 have directed shark permits and 259 hold incidental shark permits. Not all permit holders are active in the fishery in any given year. Active directed permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Based on 2013 HMS electronic dealer data, 68 shark directed permit holders were active in the Atlantic and 22 shark directed permit holders were active in the Gulf of Mexico. NMFS has determined that the proposed rule would not likely affect any small governmental jurisdictions. More information regarding the description of the fisheries affected and the categories and number of permit holders can be found in Chapter 3 of the Draft EA for Amendment 6.

Section 603(b)(4) of the Regulatory Flexibility Act requires Agencies to describe any new reporting, recordkeeping, and other compliance requirements. The action does not contain any new collection of information, reporting, recordkeeping, or other compliance requirements.

Under section 603(b)(5) of the RFA, agencies must identify, to the extent practicable, relevant Federal rules which duplicate, overlap, or conflict with the proposed rule. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and other FMPs. These include the Magnuson-Stevens Act, the Atlantic Tunas Convention Act (ATCA), the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act (ESA), the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. This proposed rule has been determined not to duplicate, overlap, or conflict with any Federal rules.

On July 3, 2014, NMFS published a final rule that, among other things, listed as threatened under the ESA a Central and Southwest Atlantic Distinct Population Segment (DPS) of scalloped hammerhead sharks (79 FR 38214). This DPS occurs within the boundary of Atlantic HMS commercial and recreational fisheries, which are managed by NMFS. On August 27, 2014, NMFS published a final rule that, among other things, listed as threatened, or determined that threatened status was still warranted for, seven species of corals that occur within the boundary of Atlantic HMS fisheries.

On October 30, 2014, based on the new listings, NMFS requested reinitiation of ESA section 7 consultation on the continued operation and use of HMS gear types (bandit gear, bottom longline, buoy gear, handline, and rod and reel) and associated fisheries management actions in the 2006 Consolidated Atlantic HMS FMP and its amendments. NMFS also submitted a biological evaluation to support this request for reinitiation of consultation and to provide supplemental information for an

ongoing consultation for the pelagic longline fishery. Pending completion of consultation, NMFS has determined that the ongoing operation of the fisheries is consistent with existing biological opinions and is not likely to jeopardize the continued existence or result in an irreversible or irretrievable commitment of resources which would foreclose formulation or implementation of any reasonable and prudent alternative measures on the threatened Central and Southwest DPS of scalloped hammerhead sharks or threatened coral species.

One of the requirements of an IRFA is to describe any alternatives to the proposed rule which accomplish the stated objectives and which minimize any significant economic impacts. These impacts are discussed below. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of ''significant'' alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule, or any part thereof, for small entities.

In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act, ATCA, and the ESA, NMFS cannot establish differing compliance requirements for small entities or exempt small entities from compliance requirements. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act. As described below, NMFS analyzed several different alternatives in this proposed rulemaking and provides rationales for identifying the preferred alternatives to achieve the desired objectives.

The alternatives considered and analyzed are described below. The IRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the proposed action on vessels. In this rulemaking, we considered 6 different categories of management measures to address current issues facing LCS and SCS shark fisheries. These categories are permit stacking (A1–A3), commercial retention limits (B1–B4), Atlantic sub-regional quotas (C1–C7), Gulf of Mexico sub-regional quotas (D1–D7), and upgrading restrictions (E1 and E2).

Permit Stacking

Under Alternative A1, the preferred alternative, NMFS would not implement permit stacking for the shark directed limited access permit holders. NMFS would continue to allow only one directed limited access permit per vessel and thus one retention limit. The current retention limit of 36 LCS per trip would result in potential trip revenues of $1,166 (1,224 lb of meat, 61 lb of fins) per vessel, assuming an ex-vessel price of $0.65 for meat and $6.05 for fins. It is likely that this alternative could possibly have minor adverse socioeconomic impacts in the long term, because if fishermen are unable to retain an increased number of LCS per trip by stacking permits, the profitability of each trip could decline over time, due to declining prices for shark products and increasing prices for gas, bait, and other associated costs. The No Action alternative could also have neutral indirect impacts to those supporting the commercial shark fisheries, since the retention limits, and thus current fishing efforts, would not change under this alternative.

Under Alternative A2, NMFS would allow fishermen to concurrently use a maximum of two shark directed permits on one vessel, which would result in aggregated, and thus higher, trip limits. Under the current LCS retention limit of 36 LCS, this would allow a vessel with two stacked permits to have a LCS retention limit of 72 LCS per trip. This new retention limit would result in potential trip revenues of $2,332 (2,448 lb of meat, 124 lb of fins) per vessel, assuming an ex-vessel price of $0.65 for meat and $6.05 for fins, which is an increase of $1,166 per trip compared to the status quo alternative. For fishermen that currently have two directed limited access permits, this alternative would have short-term minor beneficial socioeconomic impacts because these fishermen would be able to stack their permits and avail themselves of the retention limit of 72 LCS per trip. The higher retention limit is likely to make each trip more profitable for fishermen, as well as more efficient, if they decide to take fewer trips and in turn save money on gas, bait, and other associated costs. This alternative could also have indirect, minor beneficial socioeconomic impacts to entities supporting the commercial shark fisheries, such as fishing tackle manufacturers and suppliers, bait suppliers, fuel providers, and shark dealers, because the increased efficiency and profitability in the fisheries could also lead to increases in potential employment, personal income, and sales for the entities supporting the fisheries. However, the current number of directed permits in the Atlantic region is 136, and 130 of those permits have different owners. In the Gulf of Mexico, of the 83 directed shark permits, 73 have different owners. Therefore, it is unlikely that many of the current directed shark permit holders would be able to benefit from this alternative in the short-term. In addition, the cost of one directed shark permit can run anywhere between $2,000 and $5,000, which could be difficult for many shark fishermen to afford. For fishermen that do not currently have more than one directed shark permit, this alternative could have long-term minor beneficial impacts if these fishermen are able to acquire an additional permit and offset the cost of the additional permit by taking advantage of the potential economic benefits of the higher retention limits. Nevertheless, this alternative is unlikely to have beneficial socioeconomic impacts for the shark fishery as a whole because only shark fishermen that could afford to buy multiple shark permits would benefit from the higher retention limit and higher revenues whereas those shark fishermen that cannot afford to buy a second directed shark permit would be at a disadvantage, unable to economically benefit from the higher retention limits. Given the current make-up of the shark fishery, which primarily consists of small business fishermen with only one permit, and the cost of the additional permit, this could potentially lead to inequity and unfairness among the directed shark permit holders if those fishermen that currently have multiple directed permits or that could afford to buy an additional directed permit gain an economic advantage.

Under Alternative A3, NMFS would allow fishermen to concurrently use a maximum of three shark directed permits on one vessel, which would result in aggregated, and thus higher, trip limits. Under the current LCS retention limit of 36 LCS, this would mean that a vessel with three stacked permits would have a LCS retention limit of 108 LCS per trip. This alternative would allow shark directed permit holders to retain three times as many LCS per trip then the current retention limit. This new retention limit would result in potential trip revenues of $3,498 (3,672 lb of meat, 184 lb of

fins) per vessel, assuming an ex-vessel price of $0.65 for meat and $6.05 for fins, which is an increase of $2,332 per trip compared to the status quo alternative. The higher retention limit is likely to make each trip more profitable for fishermen, as well as more efficient, if they decide to take fewer trips and in turn save money on gas, bait, and other associated costs. Similar to Alternative A2, this alternative would have short-term minor beneficial socioeconomic impacts for fishermen that currently have three shark directed limited access permits, because these fishermen would be able to stack their permits and avail themselves of the retention limit of 108 LCS per trip. As mentioned above, the current number of shark directed permit holders is 219, with 93 percent having different owners. Therefore, it is unlikely that many of the current directed shark permit holders currently hold three directed shark permits and would be able to benefit from this alternative in the short-term. For fishermen who do not currently have more than one directed shark permit, this alternative could have larger long-term beneficial socioeconomic impacts than Alternative 2, if these fishermen are able to acquire two additional permits and offset the cost of the additional permits by taking advantage of the potential economic benefits of retaining up to 108 LCS per trip. However, for the same reasons discussed for Alternative A2, this alternative is unlikely to have socioeconomic benefits for those shark fishermen that cannot afford to buy two additional directed permits, and thus would be unable to economically benefit from a higher retention limit. Thus, given the current make-up of the shark fishery, Alternative A3 could potentially lead to more inequity and unfairness among the directed shark permit holders than Alternative A2, especially if those fishermen that currently have multiple directed permits or that could afford to buy additional directed permits gain an economic advantage under this alternative.

Commercial Retention Limits

Alternative B1 would not change the current commercial LCS retention limit for shark directed permit holders. The retention limit would remain at 36 LCS other than sandbar sharks per trip for directed permit holders. This retention limit would result in potential trip revenues of $1,166 (1,224 lb of meat, 61 lb of fins) per vessel assuming an ex-vessel price of $0.65 for meat and $6.05 for fins. It is likely that this alternative would have short-term neutral socioeconomic impacts, since the retention limits would not change under this alternative. However, not adjusting the retention limit would have long-term minor adverse socioeconomic impacts, due to the expected continuing decline in prices for shark products and increase in gas, bait, and other associated costs, which would lead to declining profitability of individual trips. In recent years, there have been changes in federal and state regulations, including the implementation of Amendment 5a and state bans on the possession, sale, and trade of shark fins, which have impacted shark fishermen. In addition to federal and state regulations, there have also been many international efforts to prohibit shark finning at sea, as well as campaigns targeted at the shark fin soup markets. All of these efforts have impacted the market and demand for shark fins. In addition, NMFS has seen a steady decline in ex-vessel prices for shark fins in all regions since 2010 (NMFS 2013).

Alternative B2, the preferred alternative, would increase the LCS retention limit to a maximum of 55 LCS other than sandbar sharks per trip for shark directed permit holders and reduce the sandbar shark research fishery quota to 75.7 mt dw (166,826 lb dw). This alternative would allow shark directed permit holders to retain 19 more LCS per trip than the current retention limit. This new retention limit would result in potential trip revenues of $1,781 (1,870 lb of meat, 94 lb of fins), assuming an ex-vessel price of $0.65 for meat and $6.05 for fins. This alternative would have short- and long-term direct minor beneficial socioeconomic impacts, since shark directed permit holders could land more sharks per trip when compared to the current retention limit of 36 LCS per trip. The higher retention limit is likely to make each trip more profitable for fishermen, as well as more efficient, if they decide to take fewer trips, and in turn save money on fuel, bait, and other associated costs. Regarding the shark research fishery, this alternative could cause an average annual loss of $85,944, since the sandbar research fishery quota would be reduced by 90,230 lb dw. This potential lost income for the research fishery could be positive for commercial fishermen, since the increased retention limit could make trips more profitable. NMFS estimates that this reduction in the sandbar research fishery quota would have neutral socioeconomic impacts, based on current limited resources available to fund observed trips in the fishery and the current harvest level of the sandbar research fishery quota. In 2013, the vessels participating in the Atlantic shark research fishery only landed 37.0 mt dw (81,628 lb dw), or 32 percent, of the available sandbar shark quota. Under the new sandbar shark quota with the Atlantic shark research fishery, the 2013 landings would result in 49 percent of the new sandbar shark quota being landed. If available resources increase in the future for more observed trips in the fishery, then this alternative could have minor adverse socioeconomic impacts if the full quota is caught and the fishery has to close earlier in the year.

Alternative B3 would increase the LCS retention limit to a maximum of 72 LCS other than sandbar sharks per trip for shark directed permit holders and reduce the sandbar shark research fishery quota to 63.0 mt dw (138,937 lb dw). This alternative would double the current retention limit. This new retention limit would result in potential trip revenues of $2,332 (2,448 lb of meat, 124 lb of fins), assuming an ex-vessel price of $0.65 for meat and $6.05 for fins. This alternative would have short- and long-term minor beneficial socioeconomic impacts, since shark directed permit holders could land twice as many LCS per trip. Shark directed trips would become more profitable, but more permit holders could become active in order to avail themselves of this higher trip limit. Before Amendment 2, there were 143 active directed shark permit holders, and the number of active directed shark permit holders has declined to 90, due to the current retention limit and declines in shark product prices. The increased retention limit could cause some fishermen to become active again, potentially causing a derby fishery and bringing the price of shark products even lower. Thus, NMFS needs to balance providing the flexibility of increasing the efficiency of trips and the associated socioeconomic benefits with the negative socioeconomic impacts of derby fishing and lower profits. This alternative could have neutral impacts for fishermen participating in the Atlantic shark research fishery, since the 2013 landings (37.0 mt dw; 81,628 lb dw) would result in 59 percent of the new sandbar shark quota being landed. Under Alternative B3, the new sandbar shark quota could result in average annual loss revenue of $112,508 for those fishermen participating in the shark research fishery, but the income could be recouped by the increased retention limit outside the shark research fishery. If available resources increase in the future for more observed trips in the fishery, then this alternative

still would have neutral socioeconomic impacts, since the observed trips would be distributed throughout the year to ensure the research fishery remains open and obtains biological and catch data all year round.

Alternative B4 would increase the LCS retention limit to a maximum of 108 LCS other than sandbar sharks per trip for shark directed permit holders and reduce the sandbar shark research fishery quota to 36.2 mt dw (79,878 lb dw). This alternative would allow shark directed permit holders to retain three times as many LCS per trip as the current retention limit. This new retention limit would result in potential trip revenues of $3,498 (3,672 lb of meat, 184 lb of fins), assuming an ex-vessel price of $0.65 for meat and $6.05 for fins. This alternative could have short- and long-term moderate beneficial socioeconomic impacts, since shark directed permit holders could land three times the current LCS retention limit. This increased retention limit could result in 3,672 lb dw of LCS per trip, which could bring the fishery almost back to historical levels of 4,000 lb dw LCS per trip. While a retention limit of 108 LCS per trip would make each trip more profitable and potentially require fishermen to take fewer trips per year, this large increase in the retention limit could cause a lot more permit holders to become active. Thus, the profit of individual vessels could decrease, because LCS quotas could be caught at a faster rate, and the fishing season could be shortened. Additionally, in order to increase the retention limit to 108 LCS per trip, the sandbar shark research quota would need to be reduced to an amount below what is currently being landed in the shark research fishery, which would have adverse impacts on fishermen in the shark research fishery, who would lose quota, and thus revenue.

Atlantic Regional and Sub-Regional Quotas

Alternative C1, the No Action alternative, would not change the current management of the Atlantic shark fisheries. This alternative would likely result in short-term, direct neutral socioeconomic impacts as fisheries would continue to operate under current conditions, with shark fishermen continuing to fish at current rates. Based on the 2013 ex-vessel prices, the annual gross revenues for the entire fleet from aggregated LCS and hammerhead shark meat in the Atlantic region would be $339,998, while the shark fins would be $76,299. Thus, total average annual gross revenues for aggregated LCS and hammerhead shark landings in the Atlantic region would be $416,297 ($339,998 + $76,299), which is 9 percent of the entire revenue for the shark fishery. For the non-blacknose SCS and blacknose shark landings, the annual gross revenues for the entire fleet from the meat would be $304,747, while the shark fins would be $75,537. The total average annual gross revenues for non-blacknose SCS and blacknose shark landings in the Atlantic region would be $380,284 ($304,747 + $75,537), which is 8 percent of the entire revenue for the shark fishery. However, this alternative would likely result in long-term minor adverse socioeconomic impacts. Negative impacts would be partly due to the continued negative effects of federal and state regulations related to shark finning and sale of shark fins, which have resulted in declining ex-vessel prices of fins since 2010, as well as continued changes in shark fishery management measures. Additionally, under the current regulations, fishermen operating in the south of the Atlantic region drastically impact the availability of quota remaining for fishermen operating in the north of the Atlantic region. If fishermen in the south fish early in the year, they have the ability to land a large proportion of the quota before fishermen in the north have the opportunity to fish, due to time/area closures and seasonal migrations of LCS and SCS. Indirect short-term socioeconomic impacts resulting from any of the actions in Alternative C1 would likely be neutral because the measures would maintain the status quo with respect to shark landings and fishing effort. However, this alternative would likely result in indirect long-term minor adverse socioeconomic impacts. Negative socioeconomic impacts and decreased revenues associated with financial difficulties experienced by fishermen within Atlantic shark fisheries would carry over to the dealers and supporting businesses they regularly interact with.

Alternative C2 would apportion the Atlantic regional quotas for LCS and SCS along 33°00′ N. Lat. (approximately at Myrtle Beach, South Carolina) into northern and southern sub-regional quotas and potentially adjust the non-blacknose SCS quota based on the results of the 2013 assessments for Atlantic sharpnose and bonnethead sharks. Establishing sub-regional quotas could allow for flexibility in seasonal openings within the Atlantic region. Different seasonal openings within sub-regions would allow fishermen to maximize their fishing effort during periods when sharks migrate into local waters or when regional time/area closures are not in effect. This would benefit the economic interests of North Carolina and Florida fishermen, the primary constituents impacted by the timing of seasonal openings for LCS and SCS in the Atlantic, by placing them in separate sub-regions with separate sub-regional quotas. Under this alternative, the northern Atlantic sub-region would receive 24.5 percent of the total aggregated LCS quota (41.4 mt dw; 91,275 lb dw) and 34.1 percent of the total hammerhead shark quota (9.2 mt dw; 20,370 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the northern Atlantic sub-region would be $86,970, while the shark fins would be $19,705. Thus, total average annual gross revenues for aggregated LCS and hammerhead shark landings in the northern Atlantic sub-region would be $106,675 ($86,970 + $19,705). There are approximately 61 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $1,749 per vessel. When compared to the other alternatives, the northern Atlantic sub-region would have minor beneficial socioeconomic impacts under Alternative C2, because this alternative would result in the highest total average annual gross revenues for aggregated LCS and hammerhead sharks. In the southern Atlantic sub-region, fishermen would receive 75.5 percent of the total aggregated LCS quota (127.5 mt dw; 281,277 lb dw) and 65.9 percent of the total hammerhead shark quota (17.9 mt dw; 39,366 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the southern Atlantic sub-region would be $253,029, while the shark fins would be $56,593. The total average annual gross revenues for aggregated LCS and hammerhead shark landings in the southern Atlantic sub-region would be $309,622 ($253,029 + $56,593). When compared to the other alternatives, the southern Atlantic sub-region would have minor adverse socioeconomic impacts under Alternative C2, because this alternative would result in lower total average annual gross revenues for aggregated LCS and hammerhead sharks.

Under Alternative C2, NMFS would determine the blacknose shark quota for each sub-region using the percentage of landings associated with blacknose sharks within each sub-region and the new non-blacknose SCS quotas in conjunction with Alternatives C5, C6,

and C7. The northern Atlantic sub-region would receive 32.3 percent of the total non-blacknose SCS quota, while the southern Atlantic sub-region would receive 67.7 percent of the total non-blacknose SCS quota in this alternative. For the blacknose sharks, the northern Atlantic sub-region would receive 4.5 percent of the total blacknose shark quota (0.8 mt dw; 1,739 lb dw), while the southern Atlantic sub-region would receive 95.5 percent of the total blacknose shark quota (16.7 mt dw; 36,899 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for blacknose shark meat in the northern Atlantic sub-region would be $1,443, while the shark fins would be $307. Thus, total average annual gross revenues for blacknose shark landings in the northern Atlantic sub-region would be $1,750 ($1,443 + $307). Based on the 2013 ex-vessel prices, the annual gross revenues for blacknose shark meat in the southern Atlantic sub-region would be $30,626, while the shark fins would be $6,513. The total average annual gross revenues for blacknose shark landings in the southern Atlantic sub-region would be $37,139 ($30,626 + $6,513).

This alternative would have minor beneficial socioeconomic impacts for the northern Atlantic sub-region fishermen when compared to Alternative C3, because fishermen in the northern Atlantic sub-region would receive a higher quota under Alternative C2. Alternative C2 would have minor adverse economic impacts for the southern Atlantic sub-region fishermen when compared to other alternatives, because fishermen in the southern Atlantic sub-region would receive a lower quota under Alternative C2. The slight increase in some of the sub-regional quotas within the northern Atlantic sub-region would result in direct short-term minor beneficial impacts, and ultimately direct long-term moderate beneficial impacts. Beneficial economic impacts are based on increased average annual gross revenues associated with increased aggregated LCS, hammerhead, and non-blacknose SCS sub-regional quotas in the northern Atlantic region seen in this alternative. While Alternative C2 would allow fishermen flexibility to maximize landings of LCS and SCS within their associated sub-regions, it does not take into consideration the SEDAR 34 stock assessment results or the quota linkages between non-blacknose SCS and blacknose sharks, and therefore, NMFS does not prefer this alternative at this time.

Alternative C3 would apportion the Atlantic regional quotas for LCS and SCS along 34°00′ N. Lat. (approximately at Wilmington, North Carolina) into northern and southern sub-regional quotas and potentially adjust the non-blacknose SCS quota based on the results of the 2013 assessments for Atlantic sharpnose and bonnethead sharks. This alternative would likely result in direct short-term minor beneficial impacts, and ultimately direct long-term moderate beneficial impacts. However, drawing the regional boundary between the northern and southern Atlantic sub-regions along 34°00′ N. Lat. would result in more equitable sub-regional quotas, in comparison to the boundary considered in Alternative C2. Under this alternative, the northern Atlantic sub-region would receive 19.7 percent of the total aggregated LCS quota (33.3 mt dw; 73,393 lb dw) and 34.1 percent of the total hammerhead shark quota (9.2 mt dw; 20,370 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the northern Atlantic sub-region would be $72,485, while the shark fins would be $16,549. Thus, total average annual gross revenues for aggregated LCS and hammerhead shark landings in the northern Atlantic sub-region would be $89,034 ($72,485 + $16,549). There are approximately 61 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $1,460 per vessel. When compared to Alternative C2, the northern Atlantic sub-region would have minor adverse economic impacts under this alternative. In the southern Atlantic sub-region, fishermen would receive 80.3 percent of the total aggregated LCS quota (135.6 mt dw; 299,159 lb dw) and 65.9 percent of the total hammerhead shark quota (17.9 mt dw; 39,366 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the southern Atlantic sub-region would be $267,513, while the shark fins would be $59,750. The total average annual gross revenues for aggregated LCS and hammerhead shark landings in the southern Atlantic sub-region would be $327,263 ($267,513 + $59,750). There are approximately 64 directed shark permit holders in the southern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $5,113 per vessel. This alternative would have minor beneficial economic impacts for the southern Atlantic sub-region fishermen when compared to Alternative C2.

As in Alternative C2, NMFS would determine the blacknose shark quota for each sub-region using the percentage of landings associated with blacknose sharks within each sub-region in Alternative C3 and the new non-blacknose SCS quotas in conjunction in Alternatives C5, C6, and C7. Under Alternative C3, the northern Atlantic sub-region would receive 30.3 percent of the total non-blacknose SCS quota, while the southern Atlantic sub-region would receive 69.7 percent of the total non-blacknose SCS quota. For the blacknose sharks, the northern Atlantic sub-region would receive 4.5 percent of the total blacknose shark quota (0.8 mt dw; 1,732 lb dw), while the southern Atlantic sub-region would receive 95.5 percent of the total blacknose shark quota (16.7 mt dw; 36,899 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for blacknose shark meat in the northern Atlantic sub-region would be $1,443, while the shark fins would be $307. Thus, total average annual gross revenues for blacknose shark landings in the northern Atlantic sub-region would be $1,750 ($1,443 + $307). Based on the 2013 ex-vessel prices, the annual gross revenues for blacknose shark meat in the southern Atlantic sub-region would be $30,626, while the shark fins would be $6,513. The total average annual gross revenues for blacknose shark landings in the southern Atlantic sub-region would be $37,139 ($30,626 + $6,513). This alternative would have neutral socioeconomic impacts for the northern Atlantic sub-region fishermen when compared to Alternative C2, and would have beneficial socioeconomic impacts for the southern Atlantic sub-region fishermen when compared to Alternative C2.

Alternative C4, one of the preferred alternatives, would apportion the Atlantic regional quotas for certain LCS and SCS management groups along 34°00′ N. Latitude (approximately at Wilmington, North Carolina) into northern and southern sub-regional quotas, maintain SCS quota linkages in the southern sub-region of the Atlantic region, remove the SCS quota linkages in the northern sub-region of the Atlantic region, and prohibit the harvest and landings of blacknose sharks in the northern Atlantic sub-region. The socioeconomic impacts of apportioning the Atlantic regional quotas for LCS and SCS along 34°00′ N. Lat. into northern and southern sub-regional quotas as preferred in this alternative would have the same impacts as described in

alternative C3 above. Removing quota linkages within the northern Atlantic sub-region would have beneficial impacts, as active fishermen in this region would be able to continue fishing for non-blacknose SCS without the fishing activities in the southern Atlantic sub-region, where the majority of blacknose sharks are landed, impacting the timing of the non-blacknose SCS fishery closure. Economic advantages associated with removing quota linkages, allowing the northern Atlantic sub-region to land a larger number of non-blacknose SCS, would outweigh the income lost from prohibiting landings of blacknose sharks ($1,750), particularly given the minimal landings of blacknose sharks attributed to the northern sub-region. In the southern Atlantic region, no socioeconomic impacts are expected by maintaining the quota linkages already in place for SCS. Thus, by removing quota linkages in the northern Atlantic region, in combination with apportioning the Atlantic regional quota at 34°00′ N. Lat. to allow fishermen to maximize their fishing effort, and thereby maximize revenue, during periods when sharks migrate into local waters or when regional time/area closures are not in place, Alternative C4 would result in overall direct and indirect, short- and long-term moderate beneficial socioeconomic impacts.

Alternative C5 would establish a non-blacknose SCS TAC of 353.2 mt dw and reduce the non-blacknose SCS commercial quota to 128 mt dw (282,238 lb dw). When combined with the other alternatives to establish sub-regional non-blacknose SCS quotas, the economic impacts of Alternative C5 would vary based on the alternative. Under Alternative C2, the northern Atlantic sub-region would receive 32.2 percent of the total non-blacknose SCS quota (41.2 mt dw; 90,881 lb dw) and the southern Atlantic sub-region would receive 67.8 percent of the total non-blacknose SCS quota (86.8 mt dw; 191,357 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $63,617, while the shark fins would be $16,040. Thus, total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $79,657 ($63,617 + $16,040). There are approximately 61 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $1,306 per vessel. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $133,950, while the shark fins would be $33,775. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $167,724 ($133,950 + $33,775). There are approximately 56 directed shark permit holders in the southern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $2,995 per vessel. Sub-regional quotas under Alternative C2 are about a two percent increase in landings allocated to the northern region for non-blacknose SCS when compared to Alternative C3. This percentage would lead to a slight increase in some of the sub-regional quotas within the northern Atlantic sub-region, as compared to Alternative C3, and would result in short-term minor beneficial impacts, and ultimately long-term moderate beneficial impacts in the northern Atlantic sub-region.

Using the quotas considered under Alternative C5 and the sub-regional split under Alternatives C3 and C4 (preferred alternative), the northern Atlantic sub-region would receive 30.3 percent of the total non-blacknose SCS quota (38.8 mt dw; 85,518 lb dw), while the southern Atlantic sub-region would receive 69.7 percent of the total non-blacknose SCS quota (89.2 mt dw; 196,720 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $59,863, while the shark fins would be $15,094. The total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $74,957 ($59,863 + $15,094). There are approximately 53 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $1,414 per vessel. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $137,704, while the shark fins would be $34,721. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $172,425 ($137,704 + $34,721). There are approximately 64 directed shark permit holders in the southern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $2,694 per vessel. Overall, the non-blacknose SCS commercial quota considered under this alternative is almost thirty percent less than the current base quota and less than half of the current adjusted quota for this management group. Therefore, NMFS believes this alternative would have short- and long-term minor adverse socioeconomic impacts due to the quota being capped at a lower level than what is currently being landed in the non-blacknose SCS fisheries, leading to a loss in annual revenue for these shark fishermen. In addition, the adverse impacts would be compounded by the unknown stock status of bonnethead, which would prevent NMFS from carrying forward underharvested quota. Thus, the commercial quota of 128 mt dw would not be adjusted and the fishermen would be limited to this amount each year, which could lead to shorter seasons and reduced flexibility, potentially affecting fishermen's decisions to participate.

Under Alternative C6, a preferred alternative, NMFS would establish a non-blacknose SCS TAC and maintain the current base annual quota of 176.1 mt dw (388,222 lb dw). When combined with the other alternatives to establish sub-regional non-blacknose SCS quotas, the economic impacts of Alternative C6 would vary based on the sub-regional quotas. Under Alternatives C2, the northern Atlantic sub-region would receive 32.2 percent of the total non-blacknose SCS quota (56.7 mt dw; 125,007 lb dw) and the southern Atlantic sub-region would receive 67.8 percent of the total non-blacknose SCS quota (119.4 mt dw; 263,215 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $87,505, while the shark fins would be $22,064. Thus, total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $109,569 ($87,505 + $22,064). There are approximately 61 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $1,796 per vessel. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $184,251, while the shark fins would be $46,457. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $230,708 ($184,251 +

$46,457). There are approximately 56 directed shark permit holders in the southern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $4,119 per vessel. Sub-regional quotas under Alternative C2 would lead to some slightly higher sub-regional quotas within the northern Atlantic sub-region, as compared to Alternative C3, and would result in short-term minor beneficial impacts, and ultimately long-term moderate beneficial impacts in the northern Atlantic sub-region.

Using the quotas considered under Alternative C6 and the sub-regional split considered under Alternatives C3 and C4 (preferred alternative), the northern Atlantic sub-region would receive 30.3 percent of the total non-blacknose SCS quota (53.4 mt dw; 117,631 lb dw), while the southern Atlantic sub-region would receive 69.7 percent of the total non-blacknose SCS quota (123.7 mt dw; 270,591 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $82,342, while the shark fins would be $20,762. The total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $103,104 ($82,342 + $20,762). There are approximately 53 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $1,945 per vessel. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $189,414, while the shark fins would be $47,759. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $237,173 ($189,414 + $47,759). There are approximately 64 directed shark permit holders in the southern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $3,706 per vessel. Overall, Alternative C6 would lead to a lower quota in the northern Atlantic sub-region, as compared to current landings under the higher base quota. However, NMFS prefers this alternative at this time because it accounts for the status of Atlantic sharpnose and bonnethead sharks and takes into account all sources of mortality for both species and would continue to allow fishermen to land non-blacknose SCS at current levels.

Under Alternative C7, NMFS would establish a non-blacknose SCS TAC of 489.3 mt dw and increase the quota to the current adjusted base annual quota of 264.1 mt dw (582,333 lb dw). The economic impacts of Alternative C7 would vary when combined with the other alternatives to establish sub-regional non-blacknose SCS quotas. Under Alternative C2, the northern Atlantic sub-region would receive 32.2 percent of the total non-blacknose SCS quota (85.0 mt dw; 187,511 lb dw) and the southern Atlantic sub-region would receive 67.8 percent of the total non-blacknose SCS quota (179.1 mt dw; 394,822 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $131,258, while the shark fins would be $33,096. Thus, total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $164,353 ($131,258 + $33,096). There are approximately 61 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $2,694 per vessel. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $276,375, while the shark fins would be $69,686. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $346,061 ($276,375 + $69,686). There are approximately 56 directed shark permit holders in the southern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $6,179 per vessel. Sub-regional quotas under Alternatives C2 would lead to some slightly higher sub-regional quotas within the northern Atlantic sub-region, as compared to Alternative C3 and C4, and would result in short-term minor beneficial impacts, and ultimately long-term moderate beneficial impacts in the northern Atlantic sub-region, especially if there is no quota linkage to blacknose sharks in the northern Atlantic sub-region.

Using the quotas considered under Alternative C7 and the sub-regional split considered under Alternatives C3 and C4 (preferred alternative), the northern Atlantic sub-region would receive 30.3 percent of the total non-blacknose SCS quota (80.0 mt dw; 176,447 lb dw), while the southern Atlantic sub-region would receive 69.7 percent of the total non-blacknose SCS quota (184.1 mt dw; 405,886 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $123,513, while the shark fins would be $31,143. The total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $154,656 ($123,513 + $31,143). There are approximately 53 directed shark permit holders in the northern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $2,918 per vessel. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $284,120, while the shark fins would be $71,639. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $355,759 ($284,120 + $71,639). There are approximately 64 directed shark permit holders in the southern Atlantic sub-region. Based on this number of individual permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $5,559 per vessel. Overall, Alternative C7 would lead to the same quota in the northern Atlantic sub-region, as compared to current landings under the higher base quota. However, NMFS does not prefer this alternative at this time, because it would cap the non-blacknose SCS commercial at a higher level than Alternative C6 and does not account for the uncertainties in the SEDAR 34 bonnethead stock assessment.

Gulf of Mexico Regional and Sub-Regional Quotas

Alternative D1, the No Action alternative, would maintain the current regional quotas and quota linkages in the Gulf of Mexico region and continue to allow harvest of hammerhead sharks throughout the entire Gulf of Mexico region. This alternative would likely result in short-term neutral direct socioeconomic impacts, because shark fishermen would continue to operate under current conditions, with shark fishermen continuing to fish at similar rates. Based on the 2013 ex-vessel prices, the annual gross revenues for the entire fleet from blacktip, aggregated LCS, and hammerhead shark meat in the Gulf of Mexico region would be $440,365, while the shark fins would be $554,750. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in

the Gulf of Mexico region would be $995,115 ($440,365 + $554,750), which would be 21 percent of the entire shark fishery. There are approximately 90 directed shark permit holders in the entire Gulf of Mexico, which would result in average annual gross revenues for all LCS species of $11,057 per vessel. For the non-blacknose SCS and blacknose shark landings, the annual gross revenues for the entire fleet from the meat would be $35,757, while the shark fins would be $58,495. The total average annual gross revenues for non-blacknose SCS and blacknose shark landings in the Atlantic region were $94,252 ($35,757 + $58,495), which is 2 percent of the entire revenue for the shark fishery. For the approximately 90 directed shark permit holders in the entire Gulf of Mexico, this which would result in average annual gross revenues for all SCS species of $1,047 per vessel. However, this alternative would likely result in long-term minor adverse socioeconomic impacts. Negative impacts would be partly due to the continued negative effects of federal and state regulations related to shark finning and sale of shark fins, which have resulted in declining ex-vessel prices of fins since 2010, as well as continued changes in shark fishery management measures. In addition, under the No Action alternative the non-blacknose SCS quota would not be modified. This could potentially lead to negative socioeconomic impacts, since the non-blacknose SCS quotas could be increased based on the most recent stock assessment, as described in alternatives D5–D7 below. Additionally, under the current regulations, differences in regional season opening dates would impact the availability of quota remaining in the Gulf of Mexico. Florida fishermen begin fishing the LCS quotas in the beginning of the year, because sharks are in local waters. This puts Louisiana fishermen at a slight economic disadvantage, as they prefer to delay fishing in order to maximize fishing efforts during the religious holiday Lent when prices for shark meat are higher. Indirect short-term socioeconomic impacts resulting from any of the actions in Alternative D1 would likely be neutral. The measures would maintain the status quo with respect to shark landings and fishing effort. However, this alternative would likely result in indirect long-term minor adverse socioeconomic impacts. Negative socioeconomic impacts and decreased revenues associated with financial hardships experienced by fishermen within the Gulf of Mexico shark fisheries would carry over to the dealers and supporting businesses they regularly interact with. In addition, this alternative would not achieve the goals of this rulemaking of increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries.

Alternative D2 would apportion the Gulf of Mexico regional quotas for blacktip, aggregated LCS and hammerhead sharks along 89°00′ W Longitude into western and eastern sub-regional quotas. Establishing sub-regional quotas would provide flexibility in seasonal openings within the Gulf of Mexico region. Different seasonal openings within sub-regions would allow fishermen to maximize their fishing effort during periods when sharks migrate into local waters or during periods when sales of shark meat are increased (*e.g.,* in Louisiana, during Lent). Drawing the regional boundary between the eastern and western sub-regions along 89°00′ W Long. (between fishing catch areas 11 and 12), would better geographically separate the fishing activities of the major fishing constituents in the Gulf of Mexico region (*i.e.,* Louisiana and Florida), in contrast to the boundary in Alternative D3, as the general range of Louisiana fishermen does not extend beyond this boundary. Under this alternative, the eastern Gulf of Mexico sub-region would receive 94.1 mt dw in blacktip shark, 87.0 mt dw in aggregated LCS, and 25.2 mt dw in hammerhead shark quotas. Based on the 2013 ex-vessel prices, the annual gross revenues for blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $203,868, while the shark fins would be $80,259. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the eastern Gulf of Mexico sub-region would be $284,127 ($203,868 + $80,259). There are approximately 66 directed shark permit holders in the eastern Gulf of Mexico sub-region. Based on this number of individual directed permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $4,305 per vessel. When compared to the other alternatives, the eastern Gulf of Mexico sub-region would have minor beneficial socioeconomic impacts under Alternative D2, because this alternative would result in the highest total average annual gross revenues for blacktip, aggregated LCS, and hammerhead sharks.

In the western Gulf of Mexico sub-region under alternative D2, fishermen would receive 65.7 percent of the total blacktip quota (180.2 mt dw; 397,239 lb dw), 42.5 percent of the total aggregated LCS quota (64.2 mt dw; 141,877 lb dw), and 0.6 percent of the total hammerhead shark quota (0.1 mt dw; 334 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $236,497, while the shark fins would be $95,213. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the eastern Gulf of Mexico sub-region would be $331,710 ($236,497 + $95,213). There are approximately 24 directed shark permit holders in the western Gulf of Mexico sub-region. Based on this number of individual directed permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $13,821 per vessel. The slight increase in the blacktip shark sub-regional quota in the eastern Gulf of Mexico sub-region, in comparison to Alternative D3, would result in direct short-term minor beneficial socioeconomic impacts. Over time, increased revenues gained from the additional blacktip shark sub-regional quota, as well as increased revenue associated with fishermen maximizing their fishing effort during periods when sharks migrate into local waters, could ultimately have direct long-term moderate beneficial socioeconomic impacts. Under this alternative the quota for hammerheads sharks in the western sub-region would be 0.1 mt dw, which would be very difficult for NMFS to monitor and control, possibly leading to the quota being overharvested. This small hammerhead quota could lead to the aggregated LCS season being closed very early, and thus fishermen losing revenues if they are not able to land the aggregated LCS species. Therefore, because this alternative does not take into consideration the quota linkages between aggregated LCS and hammerhead sharks, NMFS does not prefer this alternative.

Alternative D3 would apportion the Gulf of Mexico regional quotas for blacktip, aggregated LCS, and hammerhead sharks along 88°00′ W Longitude into western and eastern sub-regional quotas. Under this alternative, the eastern Gulf of Mexico sub-region would receive 31.2 percent of the total blacktip quota (85.6 mt dw; 188,643 lb dw), 53.2 percent of the total aggregated LCS quota (80.4 mt dw; 177,596 lb dw), and 99.4 percent of the total hammerhead shark quota (25.2 mt dw; 55,388 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues

for blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $188,961, while the shark fins would be $74,417. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the eastern Gulf of Mexico sub-region would be $263,378 ($188,961 + $74,417). There are approximately 66 directed shark permit holders in the eastern Gulf of Mexico sub-region. Based on this number of individual directed permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $3,991 per vessel. When compared to the other alternatives, the eastern Gulf of Mexico sub-region would have minor adverse socioeconomic impacts under Alternative D3, because this alternative would result in lower total average annual gross revenues for blacktip, aggregated LCS, and hammerhead sharks.

In the western Gulf of Mexico sub-region under alternative D3, fishermen would receive 68.8 percent of the total blacktip quota (188.7 mt dw; 415,983 lb dw), 46.8 percent of the total aggregated LCS quota (70.8 mt dw; 156,232 lb dw), and 0.6 percent of the total hammerhead shark quota (0.1 mt dw; 334 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for blacktip, aggregated LCS, and hammerhead shark meat in the western Gulf of Mexico sub-region would be $251,403, while the shark fins would be $101,055. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the western Gulf of Mexico sub-region would be $352,458 ($251,403 + $101,055). There are approximately 24 directed shark permit holders in the western Gulf of Mexico sub-region. Based on this number of individual directed permits, the total average annual gross revenues for the directed permit holders in this sub-region would be $14,686 per vessel. This alternative would have minor beneficial economic impacts for the western Gulf of Mexico sub-region fishermen when compared to other alternatives, because fishermen in the sub-region would receive a higher quota. This alternative would likely result in direct short-term minor beneficial impacts, and ultimately direct long-term moderate beneficial impacts. However, drawing the regional boundary between the eastern and western Gulf of Mexico sub-regions along 88°00′ W Long. (*i.e.,* between fishing catch areas 10 and 11) may not reflect geographic differences in the distribution of major fishing constituents in the region (*i.e.,* Louisiana and Florida) as well as the boundary in Alternative D2, as fishermen from Louisiana would be encouraged to fish in waters farther east than they historically occupied, which could create future user group conflicts within the region. Despite beneficial economic impacts associated with this alternative, NMFS does not prefer this alternative at this time because the split in Alternative D2 may reflect the distribution of fishing constituents better.

Alternative D4, one of the preferred alternatives, would apportion the Gulf of Mexico regional quotas for blacktip, aggregated LCS, and hammerhead sharks along 89°00′ W Longitude into western and eastern sub-regional quotas and would maintain LCS quota linkages in the eastern sub-region of the Gulf of Mexico region, remove the LCS quota linkages in the western sub-region of the Gulf of Mexico region, and prohibit the harvest of hammerhead sharks in the western Gulf of Mexico sub-region. Removing quota linkages within the western Gulf of Mexico sub-region would have beneficial socioeconomic impacts, as fishermen active in this region would be able to continuing fishing for aggregated LCS sharks without fishing activities in the eastern Gulf of Mexico sub-region dictating the timing of the aggregated LCS fishery closure. Economic advantages associated with removing quota linkages, allowing the western Gulf of Mexico sub-region to land a larger number of aggregated LCS, would outweigh the income lost from prohibiting landings of hammerhead sharks, particularly considering that the estimated hammerhead quota for the western Gulf of Mexico would be 0.1 mt dw. In the eastern Gulf of Mexico sub-region, no socioeconomic impacts are expected by maintaining the quota linkages already in place for LCS. Thus, Alternative D4 would likely result in both direct and indirect short- and long-term neutral socioeconomic impacts across the entire Gulf of Mexico region, as increased revenues associated with increased flexibility with season opening dates as a result of implementing sub-regional quotas would be countered by potential losses from prohibiting landings of hammerhead sharks in the western Gulf of Mexico. Because Alternative D4 would have neutral economic impacts, but still maintain the objective of providing flexibility of implementation of shark management measures through the region, NMFS prefers this alternative at this time.

Under Alternative D5, NMFS would establish a non-blacknose SCS TAC of 931.9 mt dw and maintain the current base annual quota of 45.5 mt dw (100,317 lb dw). This alternative would likely result in moderate adverse socioeconomic impacts, due to the quota being capped at a lower level than what the SEDAR 34 stock assessment indicated was sustainable. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS and blacknose shark meat in the Gulf of Mexico region would be $32,101, while the shark fins would be $55,977. Thus, total average annual gross revenues for non-blacknose SCS landings would be $88,078 ($32,101 + $55,977). There are approximately 90 directed shark permit holders in the entire Gulf of Mexico, which would result in average annual gross revenues for all SCS species of $979 per vessel. When compared to Alternative D6, the preferred alternative, this alternative would result in $44,040 ($132,118 − $88,078) less in total gross annual revenue, or $489 less per vessel. In addition, the smaller quota under Alternative D5 could lead to shorter seasons, when compared to 2013 landings. For these reasons, NMFS does not prefer this alternative at this time.

Under Alternative D6, the preferred alternative, NMFS would establish a non-blacknose SCS TAC of 954.7 mt dw and increase the quota to the current adjusted annual quota of 68.3 mt dw (150,476 lb dw). Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the Gulf of Mexico region would be $48,152, while the shark fins would be $83,966. Thus, total average annual gross revenues for non-blacknose SCS landings would be $132,118 ($48,152 + $83,966). There are approximately 90 directed shark permit holders in the entire Gulf of Mexico, which would result in average annual gross revenues for all SCS species of $1,468 per vessel. NMFS prefers this alternative at this time because it would increase the non-blacknose SCS commercial quota above the current base quota and provide fishermen with additional opportunities to profit from landing non-blacknose SCS in the Gulf of Mexico region, compared to the quota considered under Alternative D5, while also taking into account uncertainties in SEDAR 34, as well as the unknown status of bonnethead sharks.

Under Alternative D7, would establish a non-blacknose SCS TAC of 1,064.9 mt dw and increase the quota to 178.5 mt dw (393,566 lb dw). Under this alternative, the commercial quota would be increased to twice the current 2013 landings, which is almost four times the

current base annual quota for non-blacknose SCS. Based on the 2013 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the Gulf of Mexico region would be $125,941, while the shark fins would be $219,610. Thus, total average annual gross revenues for non-blacknose SCS landings would be $345,551 ($125,941 + $219,610). There are approximately 90 directed shark permit holders in the entire Gulf of Mexico, which would result in average annual gross revenues for all LCS species of $3,839 per vessel. The quota considered under this alternative would result in an increase of $213,433 ($345,551 − $132,118) in annual revenues or an increase of $2,371 per vessel, over the quota considered in preferred Alternative D6. However, as mentioned above, NMFS anticipates that it is not likely that fishermen would economically benefit from the non-blacknose SCS quota considered under Alternative D7, since the linkage with the blacknose quota would be maintained, and therefore the non-blacknose SCS fishery would likely be closed based on the blacknose quota before the full non-blacknose SCS quota could be landed. For this reason, and because there are uncertainties associated with the SEDAR 34 stock assessments, NMFS does not prefer this alternative at this time.

Upgrading Restrictions

Under Alternative E1, the No Action alternative, NMFS would maintain the current upgrading restrictions in place for shark limited access permit holders. Thus, shark limited access permit holders would continue to be limited to upgrading a vessel or transferring a permit only if it does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. The No Action alternative could result in direct and indirect minor adverse socioeconomic impacts if fishermen continue to be constrained by limits on horsepower and vessel size increases. Fishermen would also be limited by these upgrading restrictions when buying, selling, or transferring shark directed limited access permits. Because the No Action alternative provides fishermen with less operational flexibility, NMFS does not prefer this alternative at this time.

Alternative E2, a preferred alternative, would remove current upgrading restrictions for shark directed permit holders. Eliminating these restrictions would have short- and long-term minor beneficial socioeconomic impacts, since it would allow fishermen to buy, sell, or transfer shark directed permits without worrying about the increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. In addition, the upgrade restriction for shark permit holders was implemented to match the upgrading restrictions for the Northeast multispecies permits. NMFS is currently considering removing the upgrading restrictions for the Northeast multispecies permits, and if those are removed, then removing the upgrading restrictions for shark directed permit holders could aid in maintaining consistency for fishermen who hold multiple permits.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Penalties, Permits and fees, Commercial retention limits, Quotas.

Dated: January 12, 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 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.2, the ''Management group'' definition is added in alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Management group in regard to sharks means a group of shark species that are combined for quota management purposes. A management group may be split by region and sub-region, as defined at § 635.27(b)(1). A fishery for a management group can be opened or closed as a whole or at the regional or sub-regional levels. Sharks have the following management groups: Atlantic aggregated LCS, Gulf of Mexico aggregated LCS, research LCS, hammerhead, Atlantic non-blacknose SCS, Gulf of Mexico non-blacknose SCS, and pelagic sharks other than blue or porbeagle.

* * * * *

■ 3. In § 635.4, revise paragraphs (l)(2)(i) and the introductory text of paragraph (l)(2)(ii), and remove paragraph (l)(2)(x) to read as follows:

§ 635.4 Permits and fees.

* * * * *

(l) * * *

(2) * * *

(i) Subject to the restrictions on upgrading the harvesting capacity of permitted vessels in paragraph (l)(2)(ii) of this section, as applicable, and to the limitations on ownership of permitted vessels in paragraph (l)(2)(iii) of this section, an owner may transfer a shark or swordfish LAP or an Atlantic Tunas Longline category permit to another vessel that he or she owns or to another person. Directed handgear LAPs for swordfish may be transferred to another vessel or to another person but only for use with handgear and subject to the upgrading restrictions in paragraph (l)(2)(ii) of this section and the limitations on ownership of permitted vessels in paragraph (l)(2)(iii) of this section. Shark directed and incidental LAPs and swordfish incidental LAPs are not subject to the upgrading requirements specified in paragraph (l)(2)(ii) of this section. Shark and swordfish incidental LAPs are not subject to the ownership requirements specified in paragraph (l)(2)(iii) of this section.

(ii) An owner may upgrade a vessel with a swordfish LAP or an Atlantic Tunas Longline category permit, or transfer such permit to another vessel or to another person, and be eligible to retain or renew such permit only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. A vessel owner that concurrently held a directed or incidental swordfish LAP, a directed or incidental shark LAP, and an Atlantic Tunas Longline category permit as of August 6, 2007, is eligible to increase the vessel size or transfer the permits to another vessel as long as any increase in the three specifications of vessel size (length overall, gross registered tonnage, and net tonnage) does not exceed 35 percent of the vessel baseline specifications, as defined in paragraph (l)(2)(ii)(A) of this section; horsepower for those eligible vessels is not limited for purposes of vessel upgrades or permit transfers.

* * * * *

■ 4. In § 635.24, paragraphs (a)(2) and (3) are revised and paragraphs (a)(4)(v) and (vi) are added to read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

* * * * *

(a) * * *

(2) Except as noted in paragraphs (a)(4)(iv) through (vi) of this section, a person who owns or operates a vessel that has been issued a directed LAP for sharks and does not have a valid shark research permit, or a person who owns or operates a vessel that has been issued a directed LAP for sharks and that has been issued a shark research permit but does not have a NMFS-approved observer on board, may retain, possess, or land no more than 55 LCS other than sandbar sharks per vessel per trip if the respective LCS management group(s) is open per §§ 635.27 and 635.28. Such persons may not retain, possess, or land sandbar sharks.

(3) Except as noted in paragraphs (a)(4)(iv) through (vi) of this section, a person who owns or operates a vessel that has been issued an incidental LAP for sharks and does not have a valid shark research permit, or a person who owns or operates a vessel that has been issued an incidental LAP for sharks and that has been issued a valid shark research permit but does not have a NMFS-approved observer on board, may retain, possess, or land no more than 3 LCS other than sandbar sharks per vessel per trip if the respective LCS management group(s) is open per §§ 635.27 and 635.28. Such persons may not retain, possess, or land sandbar sharks.

(4) * * *

(v) A person who owns or operates a vessel that has been issued a shark LAP and is operating in the western Gulf of Mexico sub-region, as defined at § 635.27(b)(1)(ii), may not retain, possess, land, or sell any hammerhead sharks.

(vi) A person who owns or operates a vessel that has been issued a shark LAP and is operating in the northern Atlantic sub-region, as defined at § 635.27(b)(1)(i), may not retain, possess, land, or sell any blacknose sharks.

* * * * *

■ 5. In § 635.27:

■ a. Paragraph (b)(1) as proposed to be amended at 79 FR 46217, August 7, 2014, is further revised; and

■ b. Paragraph (b)(2) introductory text, and paragraphs (b)(2)(i), (b)(2)(ii), (b)(2)(iii) introductory text, and (b)(3) introductory text are revised to read as follows:

§ 635.27 Quotas.

* * * * *

(b) *Sharks.* (1) Commercial quotas. The commercial quotas for sharks specified in this section apply to all sharks harvested from the management unit. Sharks taken and landed commercially from state waters, even by fishermen without Federal shark permits, must be counted against the appropriate commercial quota. Any of the base quotas listed below, including regional and/or sub-regional base quotas, may be adjusted per paragraph (b)(2) of this section. Any sharks landed commercially as ''unclassified'' will be counted against the appropriate quota based on the species composition calculated from data collected by observers on non-research trips and/or dealer data. No prohibited sharks, including parts or pieces of prohibited sharks, which are listed under heading D of Table 1 of Appendix A to this part, may be retained except as authorized under § 635.32. For the purposes of this section, the boundary between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4′ N. lat, proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of quota monitoring and setting of quotas, to be within the Gulf of Mexico region. Any water and land to the north and east of that boundary, for the purposes of quota monitoring and setting of quotas, is considered to be within the Atlantic region.

(i) *Commercial quotas that apply only in the Atlantic Region.* The commercial quotas specified in this paragraph (b)(1)(i) apply only to those species of sharks and management groups within the management unit that were harvested in the Atlantic region, as defined in paragraph (b)(1) of this section. The Atlantic region is further split into northern and southern Atlantic sub-regions along 34°00′ N. lat., which is near Wilmington, North Carolina. All fish harvested within the Atlantic region in fishing catch areas in waters north of 34°00′ N. lat. are considered to be from the northern Atlantic sub-region, and all fish harvested within the Atlantic region in fishing catch areas in waters south of 34°00′ N. lat. are considered to be from the southern Atlantic sub-region.

(A) *Atlantic aggregated LCS.* The base annual commercial quota for Atlantic aggregated LCS is 168.9 mt dw. The northern Atlantic sub-region base quota is 33.3 mt dw (19.7% of the Atlantic region base quota) and southern Atlantic sub-region base quota is 135.6 mt dw (80.3% of the Atlantic region base quota).

(B) *Atlantic hammerhead sharks.* The regional base annual commercial quota for hammerhead sharks caught in the Atlantic region is 27.1 mt dw (51.7% of the overall base quota established in paragraph (b)(1)(iii) of this section). The northern Atlantic sub-region base quota is 9.2 mt dw (34.1% of this regional base quota) and southern Atlantic sub-region base quota is 17.9 mt dw (65.9% of this regional base quota).

(C) *Atlantic non-blacknose SCS.* The base annual commercial quota for Atlantic non-blacknose SCS is 176.1 mt dw. The northern Atlantic sub-region base quota is 53.4 mt dw (30.3% of the Atlantic region base quota) and southern Atlantic sub-region base quota is 123.7 mt dw (69.7% of the Atlantic region base quota).

(D) *Atlantic blacknose sharks.* The base annual commercial quota for Atlantic blacknose sharks is 18 mt dw. The northern Atlantic sub-region base quota is 0.0 mt dw (0.0% of the Atlantic region base quota) and southern Atlantic sub-region base quota is 16.7 mt dw (95.5% of the Atlantic region base quota).

(ii) *Commercial quotas that apply only in the Gulf of Mexico Region.* The commercial quotas specified in this paragraph (b)(1)(ii) apply only to those species of sharks and management groups within the management unit that were harvested in the Gulf of Mexico region, as defined in paragraph (b)(1) of this section. The Gulf of Mexico region is further split into western and eastern Gulf of Mexico sub-regions by a boundary that is drawn along 89°00′ W. long., but that circumvents the U.S. Fish and Wildlife Service Breton National Wildlife Refuge at 29°30′ N. lat., 89° W. long.; then proceeds to 30°23′ N. lat., 89° W. long.; before returning to 89°00' W. long. All fish harvested within the Gulf of Mexico region in fishing catch areas in waters westward of 89°00′ W. long. are considered to be from the western Gulf of Mexico sub-region, and all fish harvested within the Gulf of Mexico region in fishing catch areas in waters east of 89°00′ W. long., including within the Caribbean Sea, are considered to be from the eastern Gulf of Mexico sub-region.

(A) *Gulf of Mexico aggregated LCS.* The base annual commercial quota for Gulf of Mexico aggregated LCS is 157.3 mt dw. The eastern Gulf of Mexico sub-region base quota is 87.0 mt dw (57.5% of the Gulf of Mexico region base quota) and the western Gulf of Mexico sub-region base quota is 64.2 mt dw (42.5% of the Gulf of Mexico region base quota).

(B) *Gulf of Mexico hammerhead sharks.* The regional base annual commercial quota for hammerhead sharks caught in the Gulf of Mexico region is 25.3 mt dw (48.3% of the overall base quota established in paragraph (b)(1)(iii) of this section). The eastern Gulf of Mexico sub-region base quota is 25.2 mt dw (99.4% of this regional base quota) and western Gulf of

Mexico sub-region base quota is 0.0 mt dw (0.0% of this regional base quota).

(C) *Gulf of Mexico blacktip sharks.* The base annual commercial quota for Gulf of Mexico blacktip sharks is 256.6 mt dw. The eastern Gulf of Mexico sub-region base quota is 180.2 mt dw (34.3% of the Gulf of Mexico region base quota) and the western Gulf of Mexico sub-region base quota is 94.1 mt dw (65.7% of the Gulf of Mexico region base quota).

(D) *Gulf of Mexico non-blacknose SCS.* The base annual commercial quota for Gulf of Mexico non-blacknose SCS is 68.3 mt dw. This base quota is not split between the eastern and western Gulf of Mexico sub-regions.

(E) *Gulf of Mexico blacknose sharks.* The base annual commercial quota for Gulf of Mexico blacknose sharks is 2.0 mt dw. This base quota is not split between the eastern and western Gulf of Mexico sub-regions.

(iii) *Commercial quotas that apply in all regions.* The commercial quotas specified in this section apply to any sharks or management groups within the management unit that were harvested in either the Atlantic or Gulf of Mexico regions.

(A) *Sandbar sharks.* The base annual commercial quota for sandbar sharks is 75.7 mt dw. This quota, as adjusted per paragragh (b)(2) of this section, is available only to the owners of commercial shark vessels that have been issued a valid shark research permit and that have a NMFS-approved observer onboard.

(B) *Research LCS.* The base annual commercial quota for Research LCS is 50 mt dw. This quota, as adjusted per paragragh (b)(2) of this section, is available only to the owners of commercial shark vessels that have been issued a valid shark research permit and that have a NMFS-approved observer onboard.

(C) *Hammerhead sharks.* The overall base annual commercial quota for hammerhead sharks is 52.4 mt dw. This overall base quota is further split for management purposes between the regions defined in paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(D) *Pelagic sharks.* The base annual commercial quotas for pelagic sharks are 273.0 mt dw for blue sharks, 1.7 mt dw for porbeagle sharks, and 488.0 mt dw for pelagic sharks other than blue sharks or porbeagle sharks.

(E) *Smoothhound sharks.* The base annual commercial quota for smoothhound sharks is 1782.2 mt dw.

(2) *Annual and inseason adjustments of commercial quotas.* NMFS will publish in the **Federal Register** any annual or inseason adjustments to the base annual commercial overall, regional, or sub-regional quotas. No quota will be available, and the fishery will not open, until any adjustments are published in the **Federal Register** and effective. Within a fishing year or at the start of a fishing year, NMFS may transfer quotas between regions and sub-regions of the same species or management group, as appropriate, based on the criteria in paragraph (b)(2)(iii) of this section.

(i) *Annual overharvest adjustments.*

(A) *Adjustments of annual overall and regional base quotas.* Except as noted in this section, if any of the available commercial base or adjusted overall quotas or regional quotas, as described in this section, is exceeded in any fishing year, NMFS will deduct an amount equivalent to the overharvest(s) from the base overall or regional quota the following fishing year or, depending on the level of overharvest(s), NMFS may deduct from the overall or regional base quota an amount equivalent to the overharvest(s) spread over a number of subsequent fishing years to a maximum of five years. If the blue shark quota is exceeded, NMFS will reduce the annual commercial quota for pelagic sharks by the amount that the blue shark quota is exceeded prior to the start of the next fishing year or, depending on the level of overharvest(s), deduct an amount equivalent to the overharvest(s) spread over a number of subsequent fishing years to a maximum of five years.

(B) *Adjustments to sub-regional quotas.* If a sub-regional quota is exceeded but the regional quota is not, NMFS will not reduce the annual regional base quota the following year and sub-regional quotas will be determined as specified in paragraph (b)(1) of this section. If both a sub-regional quota(s) and the regional quota are exceeded, for each sub-region in which an overharvest occurred, NMFS will deduct an amount equivalent to that sub-region's overharvest from that sub-region's quota the following fishing year or, depending on the level of overharvest, NMFS may deduct from that sub-region's base quota an amount equivalent to the overharvest spread over a number of subsequent fishing years to a maximum of five years.

(C) *Adjustments to quotas when the species or management group is split into regions or sub-regions for management purposes and not as a result of a stock assessment.* If a regional quota for a species that is split into regions for management purposes only is exceeded but the overall quota is not, NMFS will not reduce the overall base quota for that species or management group the following year and the regional quota will be determined as specified in paragraph (b)(1) of this section. If both a regional quota(s) and the overall quota is exceeded, for each region in which an overharvest occurred, NMFS will deduct an amount equivalent to that region's overharvest from that region's quota the following fishing year or, depending on the level of overharvest(s), NMFS may deduct from that region's base quota an amount equivalent to the overharvest spread over a number of subsequent fishing years to a maximum of five years. If a sub-regional quota of a species or management group that is split into regions for management purposes only is exceeded, NMFS will follow the procedures specified in paragraph (b)(2)(i)(B) of this section.

(ii) *Annual underharvest adjustments.* Except as noted in this paragraph, if any of the annual base or adjusted quotas, including regional quotas, as described in this section is not harvested, NMFS may adjust the annual base quota, including regional quotas, depending on the status of the stock or management group. If a species or a specific species within a management group is declared to be overfished, to have overfishing occurring, or to have an unknown status, NMFS may not adjust the following fishing year's base quota, including regional quota, for any underharvest, and the following fishing year's quota will be equal to the base annual quota. If the species or all species in a management group is not declared to be overfished, to have overfishing occurring, or to have an unknown status, NMFS may increase the following year's base annual quota, including regional quota, by an equivalent amount of the underharvest up to 50 percent above the base annual quota. Except as noted in paragraph (b)(2)(iii) of this section, underharvests are not transferable between regions, species, and/or management groups.

(iii) *Determination criteria for inseason and annual quota transfers between regions and sub-regions.* Inseason or annual quota transfers of quotas between regions or sub-regions may be conducted only for species or management groups where the species are the same between regions or sub-regions and the quota is split between regions or sub-regions for management purposes and not as a result of a stock assessment. Before making any inseason or annual quota transfer between regions or sub-regions, NMFS will consider the following criteria and other relevant factors:

* * * * *

(3) *Opening commercial fishing season criteria.* NMFS will file with the

Office of the Federal Register for publication notification of the opening dates of the overall, regional, and sub-regional shark fisheries for each species and management group. Before making any decisions, NMFS would consider the following criteria and other relevant factors in establishing the opening dates:

* * * * *

■ 6. In § 635.28, paragraph (b) is revised to read as follows:

§ 635.28 Fishery closures.

* * * * *

(b) *Sharks.* (1) A shark fishery that meets any of the following circumstances is closed and subject to the requirements of § 635.28(b)(6):

(i) No overall, regional, and/or sub-regional quota, as applicable, is specified at § 635.27(b)(1);

(ii) The overall, regional, and/or sub-regional quota, as applicable, specified at § 635.27(b)(1) is zero;

(iii) After accounting for overharvests as specified at § 635.27(b)(2), the overall, regional, and/or sub-regional quota, as applicable, is determined to be zero or close to zero and NMFS has closed the fishery by publication of a notice in the **Federal Register;**

(iv) The species is a prohibited species as listed under Table 1 of Appendix A of this part; or

(v) Landings of the species and/or management group meet the requirements specified in § 635.28(b)(2) through (5) and NMFS has closed the fishery by publication of a notice in the **Federal Register.**

(2) Non-linked quotas: If the overall, regional, and/or sub-regional quota of a species or management group is not linked to another species or management group and that overall, regional, and/or sub-regional quota is available as specified by a publication in the **Federal Register**, then that overall, regional, and/or sub-regional commercial fishery for the shark species or management group will open as specified in § 635.27(b). When NMFS calculates that the overall, regional, and/or sub-regional landings for a shark species and/or management group, as specified in § 635.27(b)(1), has reached or is projected to reach 80 percent of the available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1), NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure, as applicable, for that shark species and/or shark management group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register,** that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fisheries for that shark species or management group are closed, even across fishing years.

(3) Linked Quotas: As specified in paragraph (b)(3) of this section, the overall, regional, and/or sub-regional quotas of some shark species and/or management groups are linked to the overall, regional, and/or sub-regional quotas of other shark species and/or management groups. For each pair of linked species and/or management groups, if the overall, regional, and/or sub-regional quota specified in § 635.27(b)(1) is available for both of the linked species and/or management groups as specified by a publication in the **Federal Register,** then the overall, regional, and/or sub-regional commercial fishery for both of the linked species and/or management groups will open as specified in § 635.27(b)(1). When NMFS calculates that the overall, regional, and/or sub-regional landings for any species and/or management group of a linked group has reached or is projected to reach 80 percent of the available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1), NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure for all of the species and/or management groups in that linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register,** that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fishery for all species and/or management groups in that linked group is closed, even across fishing years.

(4) The quotas of the following species and/or management groups are linked:

(i) Northern Atlantic hammerhead sharks and northern Atlantic aggregated LCS.

(ii) Southern Atlantic hammerhead sharks and southern Atlantic aggregated LCS.

(iii) Eastern Gulf of Mexico hammerhead sharks and eastern Gulf of Mexico aggregated LCS.

(iv) Southern Atlantic blacknose sharks and southern Atlantic non-blacknose SCS.

(v) Gulf of Mexico blacknose sharks and Gulf of Mexico non-blacknose SCS.

(5) NMFS may close the regional or sub-regional Gulf of Mexico blacktip shark management group(s) before landings reach, or are expected to reach, 80 percent of the quota. Before taking any inseason action, NMFS will consider the following criteria and other relevant factors:

(i) Estimated Gulf of Mexico blacktip shark season length based on available sub-regional quotas and average sub-regional weekly catch rates during the current fishing year and from previous years;

(ii) Variations in regional and/or sub-regional seasonal distribution, abundance, or migratory patterns of blacktip sharks, hammerhead sharks, and aggregated LCS based on scientific and fishery information;

(iii) Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments;

(iv) The amount of remaining shark quotas in the relevant sub-regions, to date, based on dealer or other reports; and,

(v) The regional and/or sub-regional catch rates of the relevant shark species or management group(s), to date, based on dealer or other reports.

(6) When the overall, regional, and/or sub-regional fishery for a shark species and/or management group is closed, a fishing vessel, issued a Federal Atlantic commercial shark permit pursuant to § 635.4, may not possess, retain, land, or sell a shark of that species and/or management group that was caught within the closed region or sub-region, except under the conditions specified in § 635.22(a) and (c) or if the vessel possesses a valid shark research permit under § 635.32, a NMFS-approved observer is onboard, and the sandbar and/or Research LCS fishery, as applicable, is open. A shark dealer, issued a permit pursuant to § 635.4, may not purchase or receive a shark of that species and/or management group that was caught within the closed region or sub-region from a vessel issued a Federal Atlantic commercial shark permit, except that a permitted shark dealer or processor may possess sharks that were caught in the closed region or sub-region that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Under a closure for a shark species or management group, a shark dealer, issued a permit pursuant to § 635.4 may, in accordance with State regulations, purchase or receive a shark of that species or management group if the shark was harvested, off-loaded, and sold, traded, or bartered from a vessel

that fishes only in State waters and that has not been issued a Federal Atlantic commercial shark permit, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4. Additionally, under an overall, a regional, or a sub-regional closure for a shark species and/or management group, a shark dealer, issued a permit pursuant to § 635.4, may purchase or receive a shark of that species group if the sandbar or Research LCS fishery, as applicable, is open and the shark was harvested, off-loaded, and sold, traded, or bartered from a vessel issued a valid shark research permit (per § 635.32) that had a NMFS-approved observer on board during the trip the shark was collected.

(7) If the Atlantic Tunas Longline category quota is closed as specified in paragraph (a)(4) of this section, vessels that have pelagic longline gear on board cannot possess, retain, land, or sell sharks.

* * * * *

■ 7. In § 635.31, paragraphs (c)(1) and (4) are revised to read as follows:

§ 635.31 Restrictions on sale and purchase.

* * * * *

(c) * * *

(1) Persons that own or operate a vessel that possesses, retains, or lands a shark from the management unit may sell such shark only if the vessel has a valid commercial shark permit issued under this part. Persons may possess, retain, land, and sell a shark only to a federally-permitted dealer and only when the fishery for that species, management group, region, and/or sub-region has not been closed, as specified in § 635.28(b). Persons that own or operate a vessel that has pelagic longline gear onboard can possess, retain, land, and sell a shark only if the Atlantic Tunas Longline category has not been closed, as specified in § 635.28(a).

* * * * *

(4) Only dealers who have a valid Federal Atlantic shark dealer permit and who have submitted reports to NMFS according to reporting requirements of § 635.5(b)(1)(ii) may first receive a shark from an owner or operator of a vessel that has, or is required to have, a valid Federal Atlantic commercial shark permit issued under this part. Dealers may purchase a shark only from an owner or operator of a vessel who has a valid commercial shark permit issued under this part, except that dealers may purchase a shark from an owner or operator of a vessel who does not have a Federal Atlantic commercial shark permit if that vessel fishes exclusively in state waters and does not possess a HMS Angling permit or HMS Charter/Headboat permit pursuant to § 635.4. Atlantic shark dealers may purchase a sandbar shark only from an owner or operator of a vessel who has a valid shark research permit and who had a NMFS-approved observer onboard the vessel for the trip in which the sandbar shark was collected. Atlantic shark dealers may purchase a shark from an owner or operator of a fishing vessel who has a valid commercial shark permit issued under this part only when the fishery for that species, management group, region, and/or sub-region has not been closed, as specified in § 635.28(b). Atlantic shark dealers may first receive a shark from a vessel that has pelagic longline gear onboard only if the Atlantic Tunas Longline category has not been closed, as specified in § 635.28(a).

* * * * *

■ 8. In § 635.34, paragraphs (a) and (b) are revised to read as follows:

§ 635.34 Adjustment of management measures.

(a) NMFS may adjust the IBQ shares or resultant allocations for bluefin tuna, as specified in § 635.15; catch limits for bluefin tuna, as specified in § 635.23; the overall, regional, and/or sub-regional quotas for bluefin tuna, sharks, swordfish, and northern albacore tuna as specified in § 635.27; the retention limits for sharks, as specified at § 635.24; the regional retention limits for Swordfish General Commercial permit holders, as specified at § 635.24; the marlin landing limit, as specified in § 635.27(d); and the minimum sizes for Atlantic blue marlin, white marlin, and roundscale spearfish as specified in § 635.20.

(b) In accordance with the framework procedures in the 2006 Consolidated HMS FMP, NMFS may establish or modify for species or species groups of Atlantic HMS the following management measures: Maximum sustainable yield or optimum yield based on the latest stock assessment or updates in the SAFE report; domestic quotas; recreational and commercial retention limits, including target catch requirements; size limits; fishing years or fishing seasons; shark fishing regions, or regional and/or sub-regional quotas; species in the management unit and the specification of the species groups to which they belong; species in the prohibited shark species group; classification system within shark species groups; permitting and reporting requirements; workshop requirements; the IBQ shares or resultant allocations for bluefin tuna; administration of the IBQ program (including but not limited to requirements pertaining to leasing of IBQ allocations, regional or minimum IBQ share requirements, IBQ share caps (individual or by category), permanent sale of shares, NED IBQ rules, etc.); time/area restrictions; allocations among user groups; gear prohibitions, modifications, or use restriction; effort restrictions; observer coverage requirements; EM requirements; essential fish habitat; and actions to implement ICCAT recommendations, as appropriate.

* * * * *

■ 9. In § 635.71, paragraphs (d)(3) and (d)(4) are revised to read as follows:

§ 635.71 Prohibitions

* * * * *

(d) * * *

(3) Retain, possess, or land a shark of a species or management group when the fishery for that species, management group, region, and/or sub-region is closed, as specified in § 635.28(b).

(4) Sell or purchase a shark of a species or management group when the fishery for that species, management group, region, and/or sub-region is closed, as specified in § 635.28(b).

* * * * *

■ 10. In Appendix A to Part 635, Section B of Table 1 is revised to read as follows:

Appendix A to Part 635—Species Tables

TABLE 1 OF APPENDIX A TO PART 635—OCEANIC SHARKS

*	*	*	*	*	*	*
B. Small Coastal Sharks.						
Atlantic and Gulf of Mexico Atlantic sharpnose, *Rhizoprionodon terraenovae.*						
Atlantic and Gulf of Mexico blacknose, *Carcharhinus acronotus.*						
Atlantic and Gulf of Mexico bonnethead, *Sphyrna tiburo.*						
Finetooth, *Carcharhinus isodon.*						
*	*	*	*	*	*	*

[FR Doc. 2015–00548 Filed 1–16–15; 8:45 am]

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Notices

Federal Register
Vol. 80, No. 12
Tuesday, January 20, 2015

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0097]

Monsanto Co.; Availability of Petition for Determination of Nonregulated Status of Maize Genetically Engineered for Increased Ear Biomass

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service (APHIS) has received a petition from the Monsanto Company (Monsanto) seeking a determination of nonregulated status of maize designated as event MON 87403, which has been genetically engineered for increased ear biomass. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. We are making the Monsanto petition available for review and comment to help us identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition.

DATES: We will consider all comments that we receive on or before March 23, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0097.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0097, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0097* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

The petition is also available on the APHIS Web site at *http://www.aphis.usda.gov/brs/aphisdocs/14_21301p.pdf.*

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 14–213–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination of nonregulated status of maize (*Zea mays*) designated as event MON 87403, which has been genetically engineered for increased ear biomass. The petition states that information collected during field trials and laboratory analyses indicates MON 87403 maize is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

MON 87403 maize is currently regulated under 7 CFR part 340. Interstate movements and field tests of MON 87403 maize have been authorized by APHIS. Field tests conducted under APHIS oversight allowed for evaluation in a natural agricultural setting while imposing measures to minimize the risk of persistence in the environment after completion of the tests. Data are gathered on multiple parameters and used by the applicant to evaluate agronomic characteristics and product performance. These and other data are used by APHIS to determine if the new variety poses a plant pest risk.

Paragraph (d) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** providing 60 days for public comment for petitions for a determination of nonregulated status. On March 6, 2012, we published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice [1] describing our process for soliciting public comment when considering petitions for determinations of nonregulated status for GE organisms. In that notice we indicated that APHIS would accept written comments regarding a petition once APHIS deemed it complete.

In accordance with § 340.6(d) of the regulations and our process for soliciting public input when considering petitions for determinations of nonregulated status for GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 60 days from the date of this notice. The petition is available for public review and comment, and copies are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. We are interested in receiving comments regarding potential

[1] To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition. We are particularly interested in receiving comments regarding biological, cultural, or ecological issues, and we encourage the submission of scientific data, studies, or research to support your comments. We also request that, when possible, commenters provide relevant information regarding specific localities or regions as maize growth, crop management, and crop utilization may vary considerably by geographic region.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. Any substantive issues identified by APHIS based on our review of the petition and our evaluation and analysis of comments will be considered in the development of our decisionmaking documents.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS prepares a plant pest risk assessment to assess its plant pest risk and the appropriate environmental documentation—either an environmental assessment (EA) or an environmental impact statement (EIS)—in accordance with the National Environmental Policy Act (NEPA), to provide the Agency with a review and analysis of any potential environmental impacts associated with the petition request. For petitions for which APHIS prepares an EA, APHIS will follow our published process for soliciting public involvement (see footnote 1) and publish a separate notice in the **Federal Register** announcing the availability of APHIS' EA and plant pest risk assessment. Should APHIS determine that an EIS is necessary, APHIS will complete the NEPA EIS process in accordance with Council on Environmental Quality regulations (40 CFR parts 1500–1508) and APHIS' NEPA implementing regulations (7 CFR part 372).

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 14th day of January 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–00722 Filed 1–16–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0043]

Monsanto Co.; Determination of Nonregulated Status of Herbicide Resistant Soybean and Cotton

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that soybean and cotton genetically engineered for herbicide resistance by the Monsanto Company are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Monsanto Company in its two petitions for a determination of nonregulated status, our analysis of publically available scientific data, and comments received from the public on the petition for nonregulated status and its associated environmental impact statement and plant pest risk assessments. This notice also announces the availability of our written determination and record of decision.

DATES: *Effective Date:* January 20, 2015.

ADDRESSES: You may read the documents referenced in this notice and any comments we received in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming. Those documents are also available on the Internet at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Numbers 10–188–01p (soybean) and 12–185–01p (cotton) and are posted with the comments we received on the Regulations.gov Web site at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0043.*

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the documents referenced in this notice, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to APHIS seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS received two petitions (referred to below as ''the petitions'') from the Monsanto Company seeking determinations of nonregulated status for soybean and cotton cultivars genetically engineered to be resistant to herbicides. The first petition, APHIS Petition Number 10–188–01p, seeks a determination of nonregulated status of soybean (*Glycine max*) designated as event MON 87708, which has been genetically engineered for tolerance to the herbicide dicamba. The second petition, APHIS Petition Number 12–185–01p, seeks a determination of nonregulated status of cotton (*Gossypium* spp.) designated as event MON 88701, which has been genetically engineered for tolerance to the herbicides dicamba and glufosinate. The petitions state that these articles are unlikely to pose a plant pest risk and, therefore, should not be regulated articles under APHIS' regulations in 7 CFR part 340.

Notices were published [1] in the **Federal Register** for each petition advising the public that APHIS had received the petition and was seeking public comments on the petition. The notices also announced that APHIS would prepare either an environmental assessment or an environmental impact

[1] Docket No. APHIS–2012–0047 published on July 13, 2012, 77 FR 41356–41357; Docket No. APHIS–2012–0097 published on February 27, 2013, 78 FR 13308–13309. The **Federal Register** notices for the petitions and supporting and related materials, including public comments, are available at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0047* and *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0097.*

statement (EIS) in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.,* NEPA) to provide the Agency with a review and analysis of any potential environmental impacts associated with the petition request.

Following review of public comments, we published another notice [2] in the **Federal Register** on May 16, 2013 (78 FR 28796–28797, Docket No. APHIS–2013–0043), advising the public of our intent to prepare an EIS for the potential determination of nonregulated status requested by the petitions. APHIS decided to prepare an EIS in order to perform a comprehensive environmental analysis of the potential environmental impacts that may occur as a result of granting determinations of nonregulated status for these two events.

National Environmental Policy Act and Record of Decision

To provide the public with documentation of APHIS' review and analysis of the potential environmental impacts associated with a determination of nonregulated status of MON 87708 soybean and MON 88701cotton, an EIS has been prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

A notice of availability regarding the draft EIS prepared by APHIS was published by the Environmental Protection Agency (EPA) in the **Federal Register** on August 11, 2014 (79 FR 46799, Docket No. ER–FRL–9016–4). Along with the draft EIS,[3] APHIS also made available the plant pest risk assessments (PPRAs) for the petitions. APHIS reviewed and evaluated all of the public comments received on the draft EIS and prepared formal responses to them as part of the final EIS.

A notice of availability regarding the final EIS prepared by APHIS was published by EPA in the **Federal Register** on December 12, 2014 (79 FR 73890, Docket No. ER–FRL–9018–4). The NEPA implementing regulations in 40 CFR 1506.10 require a minimum 30-day review period between the time the notice of availability of a final EIS is published and the time an agency makes a decision on an action covered by the EIS. APHIS has reviewed and evaluated the comments received during the 30-day review period and has concluded that it has fully and appropriately analyzed the relevant environmental issues covered by the final EIS and those comments. Based on our final EIS, the response to public comments, and other pertinent scientific data, APHIS has prepared a record of decision for the final EIS.

Determination of Nonregulated Status

Based on APHIS' analysis of field and laboratory data submitted by the Monsanto Company, references provided in the petitions, peer-reviewed publications, information analyzed in the EIS, the PPRAs, comments provided by the public, and APHIS' evaluation of and response to those comments, APHIS has determined that MON 87708 soybean and MON 88701 cotton are unlikely to pose a plant pest risk. Accordingly, the petitions requesting a determination of nonregulated status are approved and MON 87708 soybean and MON 88701 cotton are no longer subject to our regulations governing the introduction of certain genetically engineered organisms and to the plant pest provisions of the Plant Protection Act.

Copies of the two signed determination document and the signed record of decision, as well as copies of the final EIS and two PPRAs are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 13th day of January 2015.

Michael Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–00723 Filed 1–16–15; 8:45 am]

BILLING CODE 3410–34–P

[2] To view the notice the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0043.*

[3] To view the draft EIS, final EIS, supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0043.*

DEPARTMENT OF AGRICULTURE

Forest Service

Lassen National Forest; California; Lassen National Forest Over-Snow Vehicle Use Designation Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, U.S. Department of Agriculture will prepare an Environmental Impact Statement (EIS) on a proposal to designate over-snow vehicle (OSV) use as allowed, restricted, or prohibited on National Forest System roads, National Forest System trails, and Areas on National Forest System lands within the Lassen National Forest; and to identify snow trails for grooming within the Lassen National Forest. In addition, the Forest Service proposes to:

1. Formally adopt California State Parks' OSV snow grooming standards requiring a minimum of 18 inches of snow depth before grooming can occur;

2. Implement a Forest-wide snow depth requirement for OSV use that would provide for public safety and natural and cultural resource protection by allowing OSV use in designated Areas when there is a minimum of 12 inches of snow covering the landscape; and allow OSV use on designated National Forest System roads and designated National Forest System Trails when there is a minimum of 6 inches of snow covering the road or trail; and

3. Prohibit OSV use in selected Areas and on non-motorized trails.

This proposal would be implemented on all of the Lassen National Forest.

DATES: Comments concerning the scope of the analysis must be received by February 19, 2015. The draft environmental impact statement is expected in October 2015 and the final environmental impact statement is expected in September 2016.

ADDRESSES: Send written comments to Chris O'Brien, on behalf of Dave Hays, Forest Supervisor, Lassen National Forest, 2550 Riverside Drive, Susanville, CA 96130; 530–257–2151. Comments may also be sent via facsimile to 530–252–6463. Comments may be submitted on the Lassen National Forest OSV Designation Web page: *http://data.ecosystem-management.org/nepaweb/fs-usda-pop.php?project=45832*.

FOR FURTHER INFORMATION CONTACT: Christopher O'Brien, Ph.D., Public Services and Ecosystems Staff Officer, USDA Forest Service, Lassen National Forest, 2550 Riverside Drive, Susanville, CA 96130; 530–257–2151; *cjobrien@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Snow Trail Grooming Program: For over 30

years, the Forest Service, Pacific Southwest Region, in cooperation with the California Department of Parks and Recreation (California State Parks) Off-highway Motor Vehicle Division has enhanced winter recreation, and more specifically, snowmobiling recreation by maintaining National Forest System trails (snow trails) by grooming snow for snowmobile use. Most groomed snow trails are co-located on underlying National Forest System roads. Some grooming occurs on County roads and closed snow-covered highways. Grooming activities are funded by the state off-highway vehicle trust fund.

The following summarizes how the Forest Service currently manages OSV use on the approximately 1,150,020-acre Lassen National Forest:

1. Approximately 406 miles of National Forest System OSV trails;
2. Of the approximately 406 miles of National Forest System OSV trails, approximately 324 miles are groomed OSV trails;
3. Approximately 148 miles of National Forest System trail closed to OSV use;
4. Approximately 976,760 acres of National Forest System land open to off-trail cross-country OSV use; and
5. Approximately 173,260 acres of National Forest System land closed to OSV use.

In 2013, the Forest Service entered into a Settlement Agreement with Snowlands Network et al., to ''complete appropriate NEPA [National Environmental Policy Act] analysis(es) to identify snow trails for grooming'' on the Lassen National Forest and four other national forests in California. The Forest Service will comply with the terms of the Settlement Agreement for the Lassen National Forest by completing this analysis. Other requirements of the Settlement Agreement are listed in the ''Need for Analysis'' section, below.

Travel Management Rule subpart C: The Forest Service's 2005 Travel Management Rule established new procedures (see 36 CFR part 212 Subpart C), for implementing the requirements of Executive Order (E.O.) 11644, as amended by E.O. 11989 on the National Forest System. On March 29, 2013, the U.S. District Court of Idaho, in the case of *Winter Wildlands Alliance* v. *U.S. Forest Service* (2013 WL 1319598, No. 1:11–CV–586–REB (D. Idaho Mar. 29, 2013)), ruled that subpart C of the 2005 Travel Management Rule was invalid because the rule made designation of OSV use of roads, trails and Areas optional. The court ordered the Forest Service to produce a new rule that treats OSVs similar to other motor vehicles by requiring the designation of OSV use on roads, trails, and Areas, consistent with E.O. 11644, as amended by E.O. 11989.

The revised rule was issued for a 45-day public comment period in the **Federal Register** on June 18, 2014 (79 FR 34678, Jun. 18, 2014). As proposed, subpart C of the Travel Management Rule states, ''Over-snow vehicle use on National Forest System roads, on National Forest System trails, and in Areas on National Forest System lands shall be designated as allowed, restricted, or prohibited by the responsible official on administrative units or Ranger Districts, or parts of administrative units or Ranger Districts, of the National Forest System where snowfall is adequate for that use to occur . . . '' (36 CFR 212.81(a)). OSV designations made as a result of the analysis in this Environmental Impact Statement would conform to the final subpart C rule.

Purpose and Need for Action

One purpose of this project is to effectively manage OSV use on the Lassen National Forest to provide access, ensure that OSV use occurs when there is adequate snow, promote the safety of all users, enhance public enjoyment, minimize impacts to natural and cultural resources, and minimize conflicts among the various uses.

There is a need to provide a manageable, designated OSV system of trails and Areas within the Lassen National Forest, that is consistent with and achieves the purposes of the Forest Service Travel Management Rule at 36 CFR part 212. This action responds to direction provided by the Forest Service's Travel Management Rule at 36 CFR part 212 and subpart C of the Travel Management Rule, as proposed.

The existing system of available OSV trails and Areas on the Lassen National Forest is the culmination of multiple agency decisions over recent decades. Public OSV use of the majority of this available system continues to be manageable and consistent with current travel management regulations. Exceptions have been identified, based on internal and public input and the criteria listed at 36 CFR 212.55. These include needs to provide improved access for OSV users and formalize prohibitions required by Forest Plan and other management direction. These exceptions represent additional needs for change, and in these cases, changes are proposed to meet the overall objectives.

Currently, the Forest Service requires 12 or more inches of snow on the ground to operate an OSV on the Lassen National Forest. Although 12 inches of snow may exist at a given time in many higher elevation Areas, there may be less than 12 inches of snow at trailheads, which under current rules, would leave Areas with 12 or more inches of snow inaccessible to OSV use. To improve OSV access to Areas open to OSV use, the proposed action would allow OSV use on designated trails, as long as there are at least 6 inches of snow on the ground.

The Forest Service has also identified two Areas in which OSV use should be prohibited, but there are no existing orders or directives that have formally prohibited OSV use within them. One Area is located in the southwest corner of the Lassen National Forest, below 3,500 feet in elevation. Snowfall is typically not adequate in this Area for OSV use to occur. This Area is approximately 29,130 acres in size. The proposed action would prohibit OSV use in this Area.

The second Area in which OSV use should be prohibited is the Black Mountain Research Natural Area (RNA). The Lassen National Forest Land and Resource Management Plan (Forest Plan) prohibits motorized vehicles within Research Natural Areas, but no formal directive prohibiting such use has been issued. This Area is approximately 520 acres in size. The proposed action would prohibit OSV use in the Black Mountain RNA.

A second purpose of this project is to identify those designated National Forest System OSV trails where grooming for OSV use would occur as required by the Settlement Agreement between the Forest Service and Snowlands Network, et al. Under the terms of the Settlement Agreement, the Forest Service is required to complete the appropriate NEPA analysis to identify snow trails for grooming on the Lassen National Forest. This action would identify snow trails for grooming.

The snow trail grooming analysis would also address the need to provide a high quality snowmobile trail system on the Lassen National Forest that is smooth and stable for the rider. Groomed trails are designed so that the novice rider can use them without difficulty.

Need for Analysis

Pursuant to the Settlement Agreement, the Forest Service is required to complete an appropriate NEPA analysis to identify snow trails for grooming. Subpart C of the Forest Service Travel Management Regulation requires the Forest Service to designate over-snow vehicle (OSV) use as allowed, restricted, or prohibited on

National Forest System roads, National Forest System trails, and Areas on National Forest System lands. Both decisions will be informed by an analysis as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Subpart C of the Travel Management Regulation specifies that all requirements of subpart B of the Travel Management Regulations will continue to apply to the designation decision, including:

1. Public involvement as required by the National Environmental Policy Act (36 CFR 212.52);

2. Coordination with Federal, State, county, and other local governmental entities and tribal governments (36 CFR 212.53);

3. Consideration of the criteria for designation of roads, trails, and Areas (36 CFR 212.55);

4. Identification of designated uses on a publicly available use map of roads, trails, and Areas (36 CFR 212.56); and

5. Monitoring of effects (36 CFR 212.57).

Furthermore, additional terms of the Settlement Agreement require the Forest Service to:

1. Analyze ancillary activities such as the plowing of related parking lots and trailheads as part of the effects analysis;

2. Consider a range of alternative actions that would result in varying levels of snowmobile use; and

3. Consider an alternative submitted by Plaintiffs and/or Interveners in the NEPA analysis so long as the alternative meets the purpose and need, and is feasible and within the scope of the NEPA analysis, and Plaintiffs and/or Interveners provide the Forest Service with a detailed description of that alternative during the scoping period for the NEPA analysis.

Proposed Action

The Forest Service proposes several actions on the Lassen National Forest to be analyzed as required by the National Environmental Policy Act (NEPA). The actions proposed are as follows:

1. To designate OSV use on National Forest System roads, National Forest System trails, and Areas on National Forest System lands within the Lassen National Forest where snowfall depth is adequate for that use to occur. The responsible official would designate OSV use as allowed, restricted, or prohibited on administrative units or Ranger Districts, or parts of administrative units or Ranger Districts of the Lassen National Forest. Areas where off-trail cross country OSV use would be allowed would cover 947,120 acres. Trails where OSV use would be allowed would total 406 miles. All existing OSV prohibitions applying to Areas or trails would continue.

2. Of the 406 miles of designated OSV trails, 324 miles would be groomed by the Forest Service on the Lassen National Forest. Our trail mileages are estimates only and we are currently reviewing groomed trails where there is uncertainty regarding Forest Service jurisdiction.

3. To groom trails consistent with historical grooming practices, when there are 18 inches of snow or more, and formally adopt California State Parks' snow grooming standards requiring a minimum of 18 inches of snow depth before grooming can occur.

4. To implement a Forest-wide snow depth requirement for OSV use that would provide for public safety and natural and cultural resource protection by allowing OSV use in designated Areas when there is a minimum of 12 inches of snow covering the landscape; and allow OSV use on designated National Forest System roads and designated National Forest System Trails when there is a minimum of 6 inches of snow covering the road or trail. When the snow-depth requirement is not met, OSV use would be prohibited. All snow trails would be located on existing dirt, gravel, or paved trails or roads. These trails and roads are used in the summer for highway, OHV, and non-motorized recreation.

5. Area Prohibitions. Over-snow vehicle use is currently prohibited on 173,260 acres of the Lassen National Forest. The proposed action would continue OSV prohibitions in currently prohibited areas and include the following additional prohibitions:

a. Prohibit OSV use in areas below 3,500 feet in elevation in the southwest corner of the Lassen National Forest (approximately 29,130 acres).

b. Prohibit OSV use in the Black Mountain Research Natural Area to be consistent with management area direction in the Forest Plan (approximately 520 acres).

As a result, OSV use would be prohibited on a total of approximately 202,900 acres of the 1,150,020-acre Lassen National Forest.

6. Trail Prohibitions. The proposed action would continue OSV prohibitions on the following trails on the Lassen National Forest:

a. Pacific Crest Trail (approximately 106 miles).

b. Colby Mountain Cross-country Ski Trails (approximately 6 miles).

c. McGowan Lake Cross-country Ski Trails (approximately 5 miles).

d. Biz Johnson Trail from Susanville to Westwood Junction (approximately 17 miles).

e. Lake Almanor Recreation Trail (approximately 9 miles).

f. Eagle Lake Trail (approximately 5 miles).

Over-snow vehicle use that is inconsistent with these designations would be prohibited under 36 CFR part 261 once the decision is issued.

The use designations resulting from this analysis would only apply to the use of over-snow vehicles. An over-snow vehicle is defined in the Forest Service's Travel Management Regulations as ''a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow'' (36 CFR 212.1).

Limited administrative use by the Forest Service; use of any fire, military, emergency, or law enforcement vehicle for emergency purposes; authorized use of any combat or combat support vehicle for national defense purposes; law enforcement response to violations of law, including pursuit; and over-snow vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations would be exempt from these designations (36 CFR 212.81(a)).

These actions would begin immediately upon the issuance of the record of decision, which is expected in October of 2016. The Forest Service would produce an OSV use map (OSVUM) that would look like the existing motor vehicle use map (MVUM) for the Lassen National Forest. Such a map would allow OSV enthusiasts to identify the routes and Areas where OSV use would be allowed on the Lassen National Forest.

Responsible Official

The Lassen National Forest Supervisor will issue the decision.

Nature of Decision To Be Made

This decision will designate OSV use on National Forest System roads, on National Forest System trails, and in Areas on National Forest System lands as allowed, restricted, or prohibited on the Lassen National Forest where snowfall is adequate for that use to occur. It will also identify the National Forest System trails where grooming would occur. The decision would only apply to the use of over-snow vehicles as defined in the Forest Service's Travel Management Regulations (36 CFR 212.1). The Forest Supervisor will consider all reasonable alternatives and decide whether to continue current management of OSV uses on the Lassen

National Forest, implement the proposed action, or select an alternative for the management of OSV uses.

Scoping Process

This 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 manner that they are useful to the agency's preparation of the environmental impact statement. Written comments should be within the scope of the proposed action, have a direct relationship to the proposed action, and must include supporting reasons for the responsible official to consider. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The preferred format for attachments to electronically submitted comments would be as an MS Word document. Attachments in portable document format (pdf) are not preferred, but are acceptable.

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, however.

The Lassen National Forest Over-Snow Vehicle (OSV) Use Designation is an activity implementing a land management plan. It is not an activity authorized under the Healthy Forests Restoration Act of 2003 (Pub. L. 108–148). Therefore, this activity is subject to pre-decisional administrative review consistent with the Consolidated Appropriations Act of 2012 (Pub. L. 112–74) as implemented by subparts A and B of 36 CFR part 218.

Dated: January 12, 2015.

Dave Hays,

Forest Supervisor.

[FR Doc. 2015–00709 Filed 1–16–15; 8:45 am]

BILLING CODE 3410–11–P

COMMISSION ON CIVIL RIGHTS

State Advisory Committees

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of period during which individuals may apply to be appointed to the Illinois Advisory Committee, New Jersey Advisory Committee, Oregon Advisory Committee, and Vermont Advisory Committee; request for applications.

SUMMARY: Because the terms of the members of the Illinois Advisory Committee are expiring on May 30, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Illinois Advisory Committee, and applicants must be residents of Illinois to be considered. Letters of interest must be received by the Midwestern Regional Office of the U.S. Commission on Civil Rights no later than February 15, 2015. Letters of interest must be sent to the address listed below.

Because the terms of the members of the New Jersey Advisory Committee are expiring on May 30, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the New Jersey Advisory Committee, and applicants must be residents of New Jersey to be considered. Letters of interest must be received by the Eastern Regional Office of the U.S. Commission on Civil Rights no later than February 15, 2015. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Oregon Advisory Committee are expiring on May 30, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Oregon Advisory Committee, and applicants must be residents of Oregon to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than February 15, 2015. Letters of interest must be sent to the address listed below.

Because the terms of the members of the Vermont Advisory Committee are expiring on May 30, 2015, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Vermont Advisory Committee, and applicants must be residents of Vermont to be considered. Letters of interest must be received by the Eastern Regional Office of the U.S. Commission on Civil Rights no later than February 15, 2015. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Illinois Advisory Committee should be received no later than February 15, 2015.

Letters of interest for membership on the New Jersey Advisory Committee should be received no later than February 15, 2015.

Letters of interest for membership on the Oregon Advisory Committee should be received no later than February 15, 2015.

Letters of interest for membership on the Vermont Advisory Committee should be received no later than February 15, 2015.

ADDRESSES: Send letters of interest for the Illinois Advisory Committee to: U.S. Commission on Civil Rights, Midwestern Regional Office, 55 W. Monroe St., Suite 410, Chicago, IL 60603. Letter can also be sent via email to *callen@usccr.gov.*

Send letters of interest for the New Jersey Advisory Committee to: U.S. Commission on Civil Rights, Eastern Regional Office, 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20425. Letter can also be sent via email to *eroaa@usccr.gov.*

Send letters of interest for the Oregon Advisory Committee to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letters can also be sent via email to *atrevino@usccr.gov.*

Send letters of interest for the Vermont Advisory Committee to: U.S. Commission on Civil Rights, Eastern Regional Office, 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20425. Letter can also be sent via email to *eroaa@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: David Mussatt, Chief, Regional Programs Unit, 55 W. Monroe St., Suite 410, Chicago, IL 60603, (312) 353–8311. Questions can also be directed via email to *dmussatt@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Illinois, New Jersey, Oregon, and Vermont Advisory Committees (SACs) are statutorily mandated federal advisory committees of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the SACs, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. SACs also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

The SAC consists of not more than 19 members, each of whom will serve a two-year term. Members serve as unpaid Special Government Employees who are

reimbursed for travel and expenses. To be eligible to be on a SAC, applicants must be residents of the respective state and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- study and collect information about discrimination or denials of equal protection under the law,
- appraise federal civil rights laws and policies,
- serve as a national clearinghouse on discrimination laws,
- submit reports and findings and recommendations to the President and the Congress, and
- issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Illinois, New Jersey, Oregon, or Vermont Advisory Committee covered by this notice to send a letter of interest and a resume to the respective address above.

Dated: January 13, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–00693 Filed 1–16–15; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee for a Meeting To Discuss Potential Project Topics

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) will hold a meeting on Friday, February 6, 2015, at 1:00 p.m. for the purpose of discussing potential project topics for the committee to study in the coming year. Committee members will discuss the issues that they believe warrant further investigation.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–438–5453, conference ID: 9657652. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by March 6, 2015. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Nebraska Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
1:00 p.m. to 1:15 p.m.
Jonathan Benjamin-Alvarado, Chair
Discussion of Current Civil Rights Issues in Nebraska
1:15 p.m. to 1:50 p.m.
Nebraska Advisory Committee Members
Future plans and actions
1:50 p.m. to 2:00 p.m.
Adjournment
2:00 p.m.

DATES: The meeting will be held on Friday, February 6, 2015, at 1:00 p.m.

Public Call Information

Dial: 888–438–5453.
Conference ID: 9657652.

Dated January 14, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–00694 Filed 1–16–15; 8:45 am]

BILLING CODE 6335–01–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: National Oceanic and Atmospheric Administration (NOAA).

Title: Vessel Cost and Earnings Data Collection Survey in the Greater Atlantic Region.

OMB Control Number: 0648–0643.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 262.

Average Hours per Response: One hour.

Burden Hours: 262.

Needs and Uses: This request is for revision and extension of an existing information collection.

Economic data on the costs of operating commercial fishing businesses are needed by the National Marine Fisheries Service (NMFS) to meet the legislative requirements of the Magnuson-Stevens Fishery Conservation and Management Act, the National Environmental Policy Act, Executive Order 12866 and the Regulatory Flexibility Act. The Social Sciences Branch (SSB) of the NMFS, Northeast Fisheries Science Center (NEFSC) is responsible for estimating the economic and social impacts of fishery management actions.

Lack of information on fixed (non-trip related) costs, crew payments and operating (trip) costs has severely limited the ability of the SSB to assess fishermen's behavioral responses to changes in regulations, fishing conditions, and market conditions. Maintaining an ongoing, consistent, data collection program will enable the SSB to provide a level of analysis that meets the needs of the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council and NMFS, on behalf of the Secretary of Commerce, to make informed decisions about the expected economic effects of proposed management alternatives.

Revision: We will begin conducting this survey every four years rather than annually, to reduce respondent burden and fatigue. In the next iteration, to be mailed in early 2016, half the population will receive a survey for costs incurred in 2015. In early 2017, the remaining half will receive a survey for costs incurred in 2016.

Affected Public: Business or other for-profit organizations.

Frequency: Once every four years.

Respondent's Obligation: Voluntary.

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 13, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–00667 Filed 1–16–15; 8:45 am]

BILLING CODE 3510–22–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: National Oceanic and Atmospheric Administration (NOAA).

Title: Protocol for Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank.

OMB Control Number: 0648–0468.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 50.

Average Hours per Response: Tissue requests and tissue submission, 1 hour each; reporting on research, 2 hours.

Burden Hours: 160.

Needs and Uses: This request is for extension of a currently approved information collection.

In 1989, the National Marine Mammal Tissue Bank (NMMTB) was established by the National Marine Fisheries Service (NMFS) Office of Protected Resources (OPR) in collaboration with the National Institute of Standards and Technology (NIST), Minerals Management Service (MMS), and the US Geological Survey/Biological Resources Division (USGS/BRD). The NMMTB provides protocols, techniques, and physical facilities for the long-term storage of tissues from marine mammals. Scientists can request tissues from this repository for retrospective analyses to determine environmental trends of contaminants and other substances of interest. The NMMTB collects, processes, and stores tissues from specific indicator species (*e.g.,* Atlantic bottlenose dolphins, Atlantic white sided dolphins, pilot whales, harbor porpoises), animals from mass strandings, animals that have been obtained incidental to commercial fisheries, animals taken for subsistence purposes, biopsies, and animals from unusual mortality events through two projects, the Marine Mammal Health and Stranding Response Program (MMHSRP) and the Alaska Marine Mammal Tissue Archival Project (AMMTAP).

The purposes of this collection of information are: 1) to enable NOAA to allow the scientific community the opportunity to request tissue specimen samples from the NMMTB and, 2) to enable the Marine Mammal Health and Stranding Response Program (MMHSRP) of NOAA to assemble information on all specimens submitted to the Marine Environmental Specimen Bank (Marine ESB), which includes the NMMTB.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; state, local and tribal governments; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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 13, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–00648 Filed 1–16–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Mario Obdulio Padilla, Inmate #98126–004, FCI Petersburg Low, Federal Correctional Institution, P.O. Box 1000, Petersburg, VA 23804; Order Denying Export Privileges

On December 17, 2012, in the U.S. District Court for the Southern District of Florida, Mario Obdulio Padilla (''Padilla'') was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)). Specifically, Padilla conspired, knowingly and willfully attempted to export defense articles, that is AR–15M–16 firearm barrels, receivers, components, parts, and accessories, from the United States to Honduras without having first obtained a license or written approval from the U.S. Department of State. Padilla was sentenced 37 months of imprisonment, two years of supervised release and fined a $200 assessment. Padilla is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'') [1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act (''EAA''), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. § 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued in which the person had an interest in at the time of his conviction.

BIS has received notice of Padilla's conviction for violating AECA, and in accordance with Section 766.25 of the Regulations, BIS has provided notice and an opportunity for Padilla to make a written submission to BIS. BIS has not received a submission from Padilla.

Based upon my review and consultations with BIS's Office of

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2014). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401–2420 (2000)) (''EAA''). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2014 (79 FR 46959 (August 11, 2014)), has continued the Regulations in effect under IEEPA.

Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Padilla's export privileges under the Regulations for a period of 10 years from the date of Padilla's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Padilla had an interest at the time of his conviction.

Accordingly, it is hereby *ordered:*

First, from the date of this Order until December 17, 2022, Mario Obdulio Padilla, with a last known address of Inmate Number: 98126–004, FCI Petersburg Low, Federal Correctional Institution, P.O. Box 1000, Petersburg, VA 23804, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (the ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Padilla by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Padilla may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to the Padilla. This Order shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until December 17, 2022.

Issued this 12th day of January, 2015.

Karen H. Nies-Vogel,

Director, Office of Exporter Services.

[FR Doc. 2015–00708 Filed 1–16–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–018]

Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: January 20, 2015.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta or Josh Startup, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593, or (202) 482–5260, respectively.

SUPPLEMENTARY INFORMATION:

Postponement of Preliminary Determination

On September 22, 2014, the Department of Commerce (''Department'') published a notice initiating an antidumping duty investigation of boltless steel shelving units prepackaged for sale from the People's Republic of China (''PRC'').[1] Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.205(b)(1) state that the Department will make a preliminary determination no later than 140 days after the date of the initiation (*i.e.,* September 15, 2014). Accordingly, the preliminary determination of this antidumping duty investigation is currently due no later than February 2, 2015.

On January 5, 2015, Edsal Manufacturing Co., Inc. (''Petitioner''), made a timely request, pursuant to 19 CFR 351.205(e), for postponement of the preliminary determination, in order to facilitate the Department's analysis of respondents' questionnaire responses and interested parties' surrogate value data submissions. Because there are no compelling reasons to deny the request, in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for the preliminary determination by 50 days.[2]

[1] *See Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Initiation of Antidumping Duty Investigation,* 79 FR 56562 (September 22, 2014).

[2] *See* Letter to the Secretary of Commerce from Petitioner ''Request to Postpone Preliminary Determination'' (January 5, 2015).

For the reasons stated above, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination to no later than 190 days after the date on which the Department initiated this investigation. Therefore, the new deadline for the preliminary determination is March 24, 2015. In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: January 9, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–00793 Filed 1–16–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD675

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Risk Policy Working Group will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, February 9, 2014 at 9:30 a.m.

ADDRESSES:

Meeting Address: The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339–2200; fax: (508) 339–1040.

Council Address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee and advisory panel's agenda are:

The Risk Policy Working Group will discuss the implementation and application of the Council's Risk Policy across all Council-managed species; review updated matrix of ''baseline conditions'' for Council-managed species, *i.e.,* how risk and uncertainty are currently addressed; discuss baseline conditions in the Atlantic herring fishery; review available information and begin to develop recommendations regarding the application of the Risk Policy in the Atlantic Herring FMP; discuss baseline conditions in the Atlantic sea scallop fishery; plan future work and address other business as necessary.

Although non-emergency issues not contained in this agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: January 14, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–00757 Filed 1–16–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD721

Fisheries of the South Atlantic and the Gulf of Mexico; Southeast Data, Assessment and Review (SEDAR); Public Meetings

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

ACTION: Notice of SEDAR 39 Review Workshop for Highly Migratory Species (HMS) Smoothhound Sharks.

SUMMARY: The SEDAR 39 assessment of the HMS Smoothhound Sharks: a Data Workshop; a series of Assessment webinars; and a Review Workshop.

DATES: The SEDAR 39 Review Workshop will be held from 9 a.m. on February 10, 2015 until 6 p.m. on February 12, 2015. See **SUPPLEMENTARY INFORMATION.**

ADDRESSES: *Meeting address:* The SEDAR 39 Review Workshop will be held at the Wyndham Bay Point Resort, 4114 Jan Cooley Drive, Panama City Beach, FL 32408; telephone: (850) 236–6000.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator; telephone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Review Workshop agenda are as follows:

The Review Panel participants will review the stock assessment reports to determine if they are scientifically sound.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: January 14, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–00758 Filed 1–16–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant an Exclusive License; First Line Technology, L.L.C.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to First Line Technology, L.L.C. located at 3656 Centerview Drive, Suite 4, Chantilly, Virginia 20151, a revocable, nonassignable, exclusive license throughout the United States (U.S.), the Government-owned inventions described in U.S. Patent No. 7,064,241: Chemical and Biological Decontaminating Solution Using Peracids and Germinants in Microemulsions, Process and Product Thereof issued June 20, 2006, Navy Case No. 84,658//U.S. Patent No. 7,185,594: Aqueous Based Chemical and Biological Warfare Decontaminating System for Extreme Temperature Applications issued May 18, 2010, Navy Case No. 97,750//U.S. Patent No. 7,829,520: Aqueous Based Chemical and Biological Warfare Decontaminating System for Extreme Temperature Applications'' issued November 9, 2010, Navy Case No. 100,367.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than January 31, 2015.

ADDRESSES: Written objections are to be filed with the Naval Surface Warfare Center, Dahlgren Division (NSWCDD), Attention Lorraine Harting, Code 00T1, 17632 Dahlgren Road, Suite 201, Dahlgren, VA 22448–5154.

FOR FURTHER INFORMATION CONTACT: Lorraine Harting, 540–653–2680, *lorraine.harting@navy.mil,* NSWCDD, 17632 Dahlgren Road, Suite 201, Dahlgren, VA 22448–5154.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: January 12, 2015.

N. A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–00684 Filed 1–16–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Performance Review Board Membership

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to 5 U.S.C. 4314(c)(4), the Department of Navy (DON) announces the appointment of members to the DON's numerous Senior Executive Service (SES) Performance Review Boards (PRBs). The purpose of the PRBs is to provide fair and impartial review of the annual SES performance appraisal prepared by the senior executive's immediate and second level supervisor; to make recommendations to appointing officials regarding acceptance or modification of the performance rating; and to make recommendations for performance bonuses and basic pay increases. Composition of the specific PRBs will be determined on an ad hoc basis from among the individuals listed below:

CAPT Mark Bruington
CAPT Robert Palisin
Dr. Frank Herr
Dr. John Montgomery
Dr. John Zangardi
Dr. Judith Lean
Dr. Thomas Killion
Dr. Walter Jones
Honorable Juan M. Garcia
Mr. Anthony Cifone
Mr. Brian Persons
Mr. Bryan Wood
Mr. Charles Cook
Mr. Dennis Biddick
Mr. Donald McCormack
Mr. Donald Schregardus
Mr. Elliott Branch
Mr. Garry Newton
Mr. Gary Kessler
Mr. James McCarthy
Mr. James Smerchansky
Mr. James Thomsen
Mr. Jerome Punderson
Mr. John Goodhart
Mr. Joseph Ludovici
Mr. Mark Andress
Mr. Mark Honecker
Mr. Mark Lutterloh
Mr. Michael Kistler
Mr. Patrick Sullivan
Mr. Phillip Chudoba
Mr. Robert Hogue
Mr. Robert Woods
Mr. Ronald Davis
Mr. Samuel Worth
Mr. Scott O'Neil
Mr. Steven Iselin
Mr. Thomas Dee
Mr. Thomas Ledvina
Mr. Todd Balazs
Mr. Victor Ackley
Mr. Victor Gavin
Mr. William Deligne
Ms. Allison Stiller
Ms. Anne Brennan
Ms. Anne Davis
Ms. Ariane Whittemore
Ms. BJ White-Olson
Ms. Carmela Keeney
Ms. Katherine Mattson
Ms. Lynn Wright
Ms. Mary Lacey
Ms. Sharon Smoot
Ms. Sheryl Murray
RADM Elizabeth Train
RADM Kevin Slates
RDML Brian Antonio
RDML Lawrence Creevy
RDML Mark Whitney
RDML Michael Moran
RDML Tom Kearney
VADM Paul Grosklags

FOR FURTHER INFORMATION CONTACT: Jacqueline Wourman, Performance Management Program Manager, Executive Management Program Office, Office of Civilian Human Resources at 202 685–6665.

Dated: January 12, 2015.

N. A. Hagerty-Ford,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–00679 Filed 1–16–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0005]

Agency Information Collection Activities; Comment Request; Race to the Top-Early Learning Challenge: Descriptive Study of Tiered Quality Rating and Improvement Systems in Nine Round 1 States

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before March 23, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0005 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will only accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tracy Rimdzius, 202–208–7154.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Race to the Top-Early Learning Challenge: Descriptive Study of Tiered Quality Rating and Improvement Systems in Nine Round 1 States.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local or Tribal Government.

Total Estimated Number of Annual Responses: 70.

Total Estimated Number of Annual Burden Hours: 259.

Abstract: The Study of Race to the Top-Early Learning Challenge Tiered Quality Rating and Improvement Systems (RTT–ELC TQRIS) will collect data from two to three RTT–ELC states on TQRIS ratings, component-level ratings, indicator-level ratings, and kindergarten entry assessments. In the event that the kindergarten entry assessment data are not available from state databases, the study will reach out to selected districts in the RTT–ELC states to collect such data. If this step proves necessary, the study will reach out to up to 42 districts in order to ultimately recruit 14 districts from which to collect assessment data. The study will use these data to conduct analyses of the relationship between TQRIS ratings and child outcome measures to inform ongoing development and improvement of TQRIS systems at the state level.

Dated: January 13, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–00688 Filed 1–16–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Wind and Water Power Program: Guidance and Application for Hydroelectric Incentive Payments

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

ACTION: Notice of availability of guidance and open application period.

SUMMARY: The U.S. Department of Energy (DOE) is publishing Guidance for the EPAct 2005 Section 242 Program. The guidance describes the hydroelectric incentive payment requirements and explains the type of information that owners or authorized operators of qualified hydroelectric facilities can provide DOE when applying for hydroelectric incentive payments. This incentive is available for electric energy generated and sold for a specified 10-year period as authorized under section 242 of the Energy Policy Act of 2005. In Congressional appropriations for Federal fiscal year 2014, DOE received funds to support this hydroelectric incentive program for the first time. At this time, DOE is only accepting applications from owners and authorized operators of qualified hydroelectric facilities for hydroelectricity generated and sold in calendar year 2013.

DATES: DOE is currently accepting applications from January 20, 2015 through February 19, 2015. Applications information must be sent to *hydroincentive@ee.doe.gov* by midnight EDT, February 19, 2015, or they will not be considered timely filed for calendar year 2013 incentive payments.

ADDRESSES: Written correspondence may be sent to the Office of Energy Efficiency and Renewable Energy (EE–4), by email at *hydroincentive@ee.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mr. Steven Lindenberg, Office of Energy Efficiency and Renewable Energy (EE–4), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 586–2783, *hydroincentive@ee.doe.gov*. Electronic communications are recommended for correspondence and required for submission of application information.

SUPPLEMENTARY INFORMATION: In the Energy Policy Act of 2005 (EPAct 2005; Pub. L. 109–58), Congress established a new program to support the expansion of hydropower energy development at existing dams and impoundments

through an incentive payment procedure. Under section 242 of EPAct 2005, the Secretary of Energy is directed to provide incentive payments to the owner or authorized operator of qualified hydroelectric facilities for electric energy generated and sold by a qualified hydroelectric facility for a specified 10-year period (See 42 U.S.C. 15881). The conference report to the Fiscal Year 2014 Omnibus Appropriations bill includes $3,600,000 for conventional hydropower under section 242 of EPAct 2005.

In response, DOE developed and announced draft guidance intended to describe the application process and the information necessary for DOE to make a determination of eligibility under section 242. *See* 79 FR 37733 (July 2, 2014). The final guidance is available at: *http://energy.gov/eere/water/water-power-program*.

DOE accepted public comments on the guidance on two separate occasions in July and October 2014. In response to these comments, DOE developed a summary of comments and DOE's response which can be found with the final guidance, which is available at: *http://energy.gov/eere/water/water-power-program*.

When submitting information to DOE for the Section 242 program, it is recommended that applicants carefully read and review the complete content of the Guidance for this process. The terms defined in the Guidance shall apply without regard to the hydroelectric kilowatt capacity of the facility concerned, without regard to whether the facility uses a dam owned by a governmental or non-governmental entity, and without regard to whether the facility began operation on or after October 1, 2005.

As an aid to supporting the hydropower industry, DOE has developed the following checklist for application related to calendar year 2013 power production. This checklist is provided to aid the applicant and does not necessarily include all requirements stated in the Guidance.

Applicant Checklist

Administrative Requirements

—The application must be received by DOE between January 20, 2015 and February 19, 2015. The application must be sent to *hydroincentive@ee.doe.gov* by midnight, February 19, 2015, or it will not be considered for calendar year 2013 incentive payments.

—The application must include all information required in the Application Requirements, ''Sec. V'', in the Guidance.

—An owner or authorized operator must be applying on behalf of: (a) A FERC-jurisdictional hydroelectric facility as the holder of a license or exemption issued by FERC, or (b) a non-FERC jurisdictional hydroelectric facility as the holder of exclusive rights to beneficial use of a facility, including legal title.

—The application for an incentive payment must be signed by an authorized executive official of the owner or operator claiming the payment.

—In the event that DOE has clarification questions on the application and DOE requests additional information, such information must be received at *hydroincentive@ee.doe.gov* within 10 business days after the DOE request.

—DOE strongly encourages applicants to apply early for the Federal System for Award Management (SAM) account required for submitting request for payment to the Federal Government. This process can take 10 days or more and the information must be included in the application.

Equipment Requirements

—The new turbine or other generating device must be owned or solely operated by a non-federal entity.

—Operation of the new turbine or other generating device must have been initiated on or after October 1, 2005.

—The new turbine and other electric generation devices must include conventional or new and innovative technologies capable of continuous operation.

Facility Requirements

—The new turbine or other generating device must have been added to an existing dam or conduit, the construction of which was completed before August 8, 2005.

—Construction of the new turbine or other generating device must have involved only modifications with no construction or enlargement of impoundment or diversion structures (other than repair or reconstruction). Construction should not require any permanent enlargement of impoundment or diversion structure when installed.

Power Production (energy requirements)

—The claimed electricity production and sale must be net electric energy and must have occurred in the calendar year January 1 through December 31, 2013, inclusive. Applicants for the production incentive will be considered only for the energy produced during this timeframe; no payments for previous years of generation will be awarded.

—A metering device should have been used to measure net electric energy generated and sold.

—The metering device must meet generally accepted industry standards, be maintained in proper working order according to instructions of its manufacturer, and be calibrated to generally accepted industry standards.

—In the event that a project's eligible production is not specifically metered, a project must submit a reasonable, reliable, alternative method to document eligible production. Alternative methodologies must be reviewed, confirmed, and documented by a third party with valid and relevant industry experience and credentials and be submitted along with the application to DOE. DOE reserves the right to determine whether the alternative methodology sufficiently identifies the net electric energy generated to qualify under this program.

—Metered energy data must match the amount of energy claimed in the application.

—The claimed energy must have been sold, where sale means a transfer of currency between two unrelated parties in exchange for delivered electrical current, except that not-for-profit electric cooperatives or municipal utilities and their members shall be considered unrelated parties for purposes of hydroelectric production incentive payments.

Each application will be reviewed based on the Guidance at (*http://energy.gov/eere/water/water-power-program*). DOE may corroborate the information provided with information that DOE finds through FERC e-filings, contact with power off-taker, and other due diligence measures carried out by reviewing officials. DOE may require the applicant to conduct and submit an independent audit at its own expense, or DOE may conduct an audit to verify the number of kilowatt-hours claimed to have been generated and sold by the qualified hydroelectric facility and for which an incentive payment has been requested or made.

Issued in Washington, DC, on January 14, 2015.

Doug Hollett,

Deputy Assistant Secretary, Renewable Power.

[FR Doc. 2015–00781 Filed 1–16–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1944–002; ER13–1670–004; ER13–1401–001; ER10–2051–003; ER10–2044–003; ER10–2043–003; ER10–2042–015; ER10–2041–003; ER10–2040–003; ER10–2039–003; ER10–2036–004; ER10–2029–005; ER10–1938–010; ER10–1934–009; ER10–1895–002; ER10–1893–009; ER10–1889–002; ER10–1870–002; ER10–1862–009; ER10–1858–002.

Applicants: Bethpage Energy Center 3, LLC, Calpine Bethlehem, LLC, Calpine Energy Services, L.P., Calpine Mid-Atlantic Generation, LLC, Calpine Mid-Atlantic Marketing, LLC, Calpine Mid Merit, LLC, Calpine New Jersey Generation, LLC, Calpine Newark, LLC, Calpine Power America—CA, LLC, Calpine Vineland Solar, LLC, CES Marketing V, L.P., CES Marketing IX, LLC, CES Marketing X, LLC, CPN Bethpage 3rd Turbine, Inc., KIAC Partners, Nissequogue Cogen Partners, Power Contract Financing, L.L.C., TBG Cogen Partners, Westbrook Energy Center, LLC, Zion Energy LLC

Description: Supplement to June 30, 2014 Updated Market Power Analysis for the Northeast Region of the Calpine Corporation subsidiaries.

Filed Date: 1/13/15.

Accession Number: 20150113–5059.

Comments Due: 5 p.m. ET 2/3/15.

Docket Numbers: ER11–2853–003.

Applicants: Public Service Company of Colorado.

Description: Compliance filing per 35: Compliance Settlement ER11–2853 to be effective 3/15/2013.

Filed Date: 12/3/14.

Accession Number: 20141203–5164.

Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: ER11–4315–004; ER10–3110–003; ER10–3144–004.

Applicants: Gila River Power LLC, Union Power Partners, L.P., Entegra Power Services LLC.

Description: Notice of Non-Material Change in Status of the Entegra Public Utilities.

Filed Date: 1/12/15.

Accession Number: 20150112–5210.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER12–1562–001.

Applicants: Somerset Operating Company, LLC.

Description: Compliance filing per 35.37: Triennial Market Power Update to be effective 1/13/2015.

Filed Date: 1/13/15.

Accession Number: 20150113–5091.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER12–1563–001.

Applicants: Cayuga Operating Company, LLC.

Description: Compliance filing per 35.37: Triennial Market Power Update to be effective 1/13/2015.

Filed Date: 1/13/15.

Accession Number: 20150113–5092.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER14–2445–003.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–01–12 Hurdle Rate Compliance Filing to be effective 7/17/2014.

Filed Date: 1/12/15.

Accession Number: 20150112–5335.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER14–2945–000.

Applicants: Roundtop Energy LLC.

Description: Second Supplement to September 26, 2014 Roundtop Energy LLC tariff filing.

Filed Date: 1/12/15.

Accession Number: 20150112–5366.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER15–574–000; ER15–575–000; ER15–577–000.

Applicants: Rising Tree Wind Farm LLC, Rising Tree Wind Farm II LLC, Rising Tree Wind Farm III LLC.

Description: Amendment to December 4, 2014 Rising Tree Wind Farm LLC, et al. tariff filings [deleting the Waiver Request].

Filed Date: 1/9/15.

Accession Number: 20150109–5185.

Comments Due: 5 p.m. ET 1/26/15.

Docket Numbers: ER15–842–000.

Applicants: Lucky Corridor, LLC, Mora Line, LLC.

Description: Joint Application of Lucky Corridor, LLC and Mora Line, LLC for Authority to Sell Transmission Rights and Service at Negotiated Rates.

Filed Date: 1/12/15.

Accession Number: 20150112–5373.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER15–843–000.

Applicants: Kentucky Utilities Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): KU Concurrence Duke Revised Interconnection to be effective 11/10/2014.

Filed Date: 1/13/15.

Accession Number: 20150113–5060.

Comments Due: 5 p.m. ET 2/3/15.

Docket Numbers: ER15–844–000.

Applicants: Louisville Gas and Electric Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): LGE Concurrence Duke Revised Interconnection to be effective 11/10/2014.

Filed Date: 1/13/15.

Accession Number: 20150113–5078.

Comments Due: 5 p.m. ET 2/3/15.

Docket Numbers: ER15–845–000.

Applicants: PacifiCorp.

Description: Compliance filing per 35: OATT Revised Attachment H–1 (PBOPs Settlement Compliance Filing) to be effective 3/15/2015.

Filed Date: 1/13/15.

Accession Number: 20150113–5082.

Comments Due: 5 p.m. ET 2/3/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–8–000.

Applicants: MidAmerican Energy Company.

Description: Application of MidAmerican Energy Company pursuant to Section 204 of the Federal Power Act.

Filed Date: 1/13/15.

Accession Number: 20150113–5084.

Comments Due: 5 p.m. ET 2/3/15.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC15–5–000.

Applicants: Goshen Wind, LP.

Description: Notification of Self-Certification of Foreign Utility Company Status of Goshen Wind, LP.

Filed Date: 1/13/15.

Accession Number: 20150113–5080.

Comments Due: 5 p.m. ET 2/3/15.

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 13, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–00726 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3184–003; ER10–2805–003.

Applicants: FortisUS Energy Corporation, Central Hudson Gas & Electric Corporation.

Description: Notice of Non-Material Change in Status of FortisUS Energy Corporation and Central Hudson Gas & Electric Corporation, et. al.

Filed Date: 1/9/15.

Accession Number: 20150109–5262.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER12–2499–010; ER12–2498–010; ER13–764–010; ER11–4055–004; ER12–1566–004; ER14–1548–002; ER12–1470–004; ER10–2977–004; ER11–3987–005; ER14–474–002; ER10–1290–005; ER10–3026–004.

Applicants: Alpaugh North, LLC, Alpaugh 50, LLC, CED White River Solar, LLC, Copper Mountain Solar 1, LLC, Copper Mountain Solar 2, LLC, Copper Mountain Solar 3, LLC, Energia Sierra Juarez U.S., LLC, Mesquite Power, LLC, Mesquite Solar 1, LLC, Sempra Generation, LLC, San Diego Gas & Electric Company, Termoelectrica U.S., LLC.

Description: Notice of Non-Material Change in Status of the Sempra Energy Sellers.

Filed Date: 1/9/15.

Accession Number: 20150109–5267.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER13–2109–003; ER13–2106–003; ER10–1410–003; ER13–321–003; ER13–412–002; ER13–450–002; ER13–434–002; ER13–518–002; ER13–1403–004; ER14–2140–003; ER14–2141–003; ER15–632–001; ER15–634–001; ER14–2466–002; ER14–2465–002.

Applicants: Fowler Ridge Wind Farm LLC, NedPower Mount Storm, LLC, Virginia Electric and Power Company, Fairless Energy, LLC, Dominion Nuclear Connecticut, Inc., Dominion Energy Manchester Street, Inc., Dominion Energy Marketing, Inc., Dominion Retail, Inc., Dominion Bridgeport Fuel Cell, LLC, Mulberry Farm, LLC, Selmer Farm, LLC, CID Solar, LLC, Cottonwood Solar, LLC, RE Camelot LLC, RE Columbia Two LLC.

Description: Notice of Non-Material Change in Status of the Dominion Companies.

Filed Date: 1/9/15.

Accession Number: 20150109–5273.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–104–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment per 35.17(b): 2015–01–09_SA 1503 NSP-Mankato GIA Deficiency Response (G261) to be effective 10/16/2014.

Filed Date: 1/9/15.

Accession Number: 20150109–5182.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–569–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment per 35.17(b): 1895 S–R3 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2014.

Filed Date: 1/12/15.

Accession Number: 20150112–5128.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER15–838–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): TCC-San Roman Wind I Interconnection Agreement to be effective 12/19/2014.

Filed Date: 1/12/15.

Accession Number: 20150112–5103.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER15–839–000.

Applicants: Lucky Corridor, LLC.

Description: Application of Lucky Corridor, LLC for Revision and to Amend Existing Market Based Authority.

Filed Date: 1/9/15.

Accession Number: 20150109–5215.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–840–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–1–12 NSP–KSTA T–L Filing to be effective 1/1/2015.

Filed Date: 1/12/15.

Accession Number: 20150112–5124.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER15–841–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 1202; Queue No. Y3–106 to be effective 12/11/2014.

Filed Date: 1/12/15.

Accession Number: 20150112–5146.

Comments Due: 5 p.m. ET 2/2/15.

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 12, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–00738 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–41–000.

Applicants: Recurrent Energy, LLC.

Description: Self-Certification of EG or FC of Recurrent Energy, LLC.

Filed Date: 1/9/15.

Accession Number: 20150109–5211.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: EG15–42–000.

Applicants: Recurrent Energy, LLC.

Description: Self-Certification of EG or FC of Recurrent Energy, LLC.

Filed Date: 1/9/15.

Accession Number: 20150109–5216.

Comments Due: 5 p.m. ET 1/30/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–769–000.

Applicants: Entergy Mississippi, Inc.

Description: eTariff filing per 35.19a(b): EMI–EAI Refund Report in ER13–769 to be effective N/A.

Filed Date: 1/8/15.

Accession Number: 20150108–5223.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER13–770–000.

Applicants: Entergy Louisiana, LLC.

Description: eTariff filing per 35.19a(b): ELL–EAI Refund Report in ER13–769 to be effective N/A.

Filed Date: 1/8/15.

Accession Number: 20150108–5222.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER14–1569–002; ER10–2616–007; ER11–4398–003; ER11–4400–004; ER10–3247–008; ER14–922–002; ER14–883–003; ER14–924–002.

Applicants: Dynegy Energy Services, LLC, Dynegy Marketing and Trade, LLC, Dynegy Midwest Generation, LLC, Dynegy Power Marketing, LLC, Electric Energy, Inc., Illinois Power Generating Company, Illinois Power Marketing Company, Illinois Power Resources Generating, LLC.

Description: Updated Market Power Analysis in the Central Region of the Dynegy Inc. MBR subsidiaries under ER14–1569, et. al.

Filed Date: 12/23/14.

Accession Number: 20141223–5363.

Comments Due: 5 p.m. ET 3/24/15.

Docket Numbers: ER14–2138–002.

Applicants: Limon Wind III, LLC.

Description: Notice of Non-Material Change in Status of Limon Wind III, LLC.

Filed Date: 1/8/15.

Accession Number: 20150108–5228.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER14–2751–001.

Applicants: Xcel Energy Southwest Transmission Company, LLC.

Description: Formula Rate [Pro Forma] Compliance Filing of Xcel Energy Southwest Transmission Company, LLC.

Filed Date: 1/8/15.

Accession Number: 20150108–5244.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER14–2751–002.

Applicants: Xcel Energy Southwest Transmission Company, LLC.

Description: Affiliate Cost Allocation Compliance Filing of Xcel Energy Southwest Transmission Company, LLC.

Filed Date: 1/8/15.

Accession Number: 20150108–5259.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER14–2752–001.

Applicants: Xcel Energy Transmission Development Company, LLC.

Description: Formula Rate [Pro Forma] Compliance Filing of Xcel Energy Transmission Development Company, LLC.

Filed Date: 1/8/15.

Accession Number: 20150108–5254.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER14–2752–002.

Applicants: Xcel Energy Transmission Development Company, LLC.

Description: Affiliate Cost Allocation Compliance Filing of Xcel Energy Transmission Development Company, LLC.

Filed Date: 1/8/15.

Accession Number: 20150108–5260.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER14–2956–003.

Applicants: Hoopeston Wind, LLC.

Description: Tariff Amendment per 35.17(b): hoopeston mbra amendment 4th supplement 1.8.15 to be effective 1/8/2015.

Filed Date: 1/8/15.

Accession Number: 20150108–5219.

Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: ER14–2956–004.

Applicants: Hoopeston Wind, LLC.

Description: Tariff Amendment per 35.17(b): hoopeston mbra amendment format correction 1.9 to be effective 1/9/2015.

Filed Date: 1/9/15.

Accession Number: 20150109–5084.

Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: ER15–106–000.

Applicants: Trans-Allegheny Interstate Line Company, West Penn Power Company, The Potomac Edison Company, Monongahela Power Company, Pennsylvania Electric Company, PJM Interconnection, L.L.C.

Description: eTariff filing per 35.19a(b): First Energy TOs submit Refund Report under Docket No. ER15–106–000 to be effective N/A.

Filed Date: 1/9/15.

Accession Number: 20150109–5147.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–135–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing per 35: Compliance Filing per December 19, 2014 Order in Docket No. ER15–135–000 to be effective 12/19/2014.

Filed Date: 1/9/15.

Accession Number: 20150109–5155.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–600–002.

Applicants: ISO New England Inc.

Description: Tariff Amendment per 35.17(b): Amendment to Information Policy to be effective 2/9/2015.

Filed Date: 1/9/15.

Accession Number: 20150109–5095.

Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: ER15–605–001.

Applicants: Solea PJM, LLC.

Description: Tariff Amendment per 35.17(b): Amended MBR Tariff Filing to be effective 2/1/2015.

Filed Date: 1/9/15.

Accession Number: 20150109–5092.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–833–000.

Applicants: Xcel Energy Services Inc.

Description: Petition of Xcel Energy Transmission Holding Company, LLC for Waiver of Affiliate Transaction Pricing Rule.

Filed Date: 1/8/15.

Accession Number: 20150108–5235.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER15–834–000.

Applicants: Illinois Municipal Electric Agency.

Description: Request of the Illinois Municipal Electric Agency for a Limited Waiver of Tariff Provisions.

Filed Date: 1/8/15.

Accession Number: 20150108–5236.

Comments Due: 5 p.m. ET 1/29/15.

Docket Numbers: ER15–835–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–09_SA 1830 Duke Energy Certificate of Concurrence to be effective 11/10/2014.

Filed Date: 1/9/15.

Accession Number: 20150109–5156.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–836–000.

Applicants: Entergy Louisiana, LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): ELL MSS–4 Agreements to be effective 12/24/2014.

Filed Date: 1/9/15.

Accession Number: 20150109–5161.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER15–837–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–09_Entergy Succession SA 863 & SA 890 to be effective 12/19/2013.

Filed Date: 1/9/15.

Accession Number: 20150109–5222.

Comments Due: 5 p.m. ET 1/30/15.

Docket Numbers: ER88–31–008; ER88–32–008; EL88–1–009.

Applicants: Indiana Michigan Power Company.

Description: Report for 2014 on review of nuclear decommissioning costs and FERC wholesale requirement customer contributions of Indiana Michigan Power Company.

Filed Date: 1/8/15.

Accession Number: 20150108–5263.

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 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–00727 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–323–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/08/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 1/7/2015.
Filed Date: 1/8/15.
Accession Number: 20150108–5176.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–324–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/08/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB) 7540–89 to be effective 1/7/2015.
Filed Date: 1/8/15.
Accession Number: 20150108–5214.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–325–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/08/15 Negotiated Rates—Trafigura AG (HUB) 7445–89 to be effective 1/7/2015.
Filed Date: 1/8/15.
Accession Number: 20150108–5216.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–326–000.
Applicants: Millennium Pipeline Company, L.L.C.
Description: Annual Penalty Report of Millennium Pipeline Company, L.L.C.
Filed Date: 1/9/15.
Accession Number: 20150109–5063.
Comments Due: 5 p.m. ET 1/21/15.

Docket Numbers: RP15–327–000.
Applicants: Carolina Gas Transmission Corporation.
Description: Carolina Gas Transmission's Annual Interruptible Sharing Filing for the period ending October 31, 2014.
Filed Date: 1/9/15.
Accession Number: 20150109–5065.
Comments Due: 5 p.m. ET 1/21/15.

Docket Numbers: RP15–328–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) rate filing per 154.204: Removal of Expired Agreements Effecitve 2/9/15 to be effective 2/9/2015.
Filed Date: 1/9/15.
Accession Number: 20150109–5090.
Comments Due: 5 p.m. ET 1/21/15.

Docket Numbers: RP15–329–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/09/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 1/8/2015.
Filed Date: 1/9/15.
Accession Number: 20150109–5220.
Comments Due: 5 p.m. ET 1/21/15.

Docket Numbers: RP15–330–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/09/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB)—7540–89 to be effective 1/8/2015.
Filed Date: 1/9/15.
Accession Number: 20150109–5221.
Comments Due: 5 p.m. ET 1/21/15.

Docket Numbers: RP15–331–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/09/15 Negotiated Rates—Trafigura AG (HUB) 7445–89 to be effective 1/8/2015.
Filed Date: 1/9/15.
Accession Number: 20150109–5223.
Comments Due: 5 p.m. ET 1/21/15.

Docket Numbers: RP15–332–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/12/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 1/9/2015.
Filed Date: 1/12/15.
Accession Number: 20150112–5121.
Comments Due: 5 p.m. ET 1/26/15.

Docket Numbers: RP15–333–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/12/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB)—7540–89 to be effective 1/9/2015.
Filed Date: 1/12/15.
Accession Number: 20150112–5204.
Comments Due: 5 p.m. ET 1/26/15.

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.

Filings in Existing Proceedings

Docket Numbers: RP15–24–001.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: Compliance filing per 154.203: PAL and Clean-up Filing Refile to Comply with Order to be effective 11/1/2014.
Filed Date: 11/26/14.
Accession Number: 20141126–5067.
Comments Due: 5 p.m. ET 1/15/15.

Docket Numbers: RP14–1208–002.
Applicants: Equitrans, L.P.
Description: Compliance filing per 154.203: Compliance Filing—RCC Force Majeure Clarification to be effective 10/1/2014.
Filed Date: 12/10/14.
Accession Number: 20141210–5103.
Comments Due: 5 p.m. ET 1/15/15.

Docket Numbers: RP15–234–001.
Applicants: Millennium Pipeline Company, LLC.
Description: Compliance filing per 154.203: Calculation of Reservation Charge Credits—Compliance Filing to be effective 1/1/2015.
Filed Date: 1/12/15.
Accession Number: 20150112–5351.
Comments Due: 5 p.m. ET 1/26/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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 13, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–00729 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–266–000.
Applicants: Bear Creek Storage Company, L.L.C.
Description: Annual Fuel Assessment Report of Bear Creek Storage Company, L.L.C.
Filed Date: 12/17/14.
Accession Number: 20141217–5143.
Comments Due: 5 p.m. ET 1/12/15.

Docket Numbers: RP15–315–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: BUG Ramapo Jan2015 Release to Platinum Energy to be effective 1/7/2015.
Filed Date: 1/7/15.
Accession Number: 20150107–5059.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–317–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing—January 2015—LER 0222 Att A to be effective 1/7/2015.
Filed Date: 1/7/15.
Accession Number: 20150107–5129.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–318–000.
Applicants: Enable Mississippi River Transmission, L.
Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing to Amend LER 5680's Attachment A_1–7–15 to be effective 1/7/2015.
Filed Date: 1/7/15.
Accession Number: 20150107–5194.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–319–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) rate filing per 154.204: 20150107 Negotiated Rate to be effective 1/8/2015.
Filed Date: 1/7/15.
Accession Number: 20150107–5215.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–320–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/07/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 1/6/2015.
Filed Date: 1/7/15.
Accession Number: 20150107–5221.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–321–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/07/15 Negotiated Rates—Trafigura AG (HUB) 7445–89 Revised to be effective 1/6/2015.
Filed Date: 1/7/15.
Accession Number: 20150107–5222.
Comments Due: 5 p.m. ET 1/20/15.

Docket Numbers: RP15–322–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/07/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB) 7540–89 to be effective 1/6/2015.
Filed Date: 1/7/15.
Accession Number: 20150107–5229.
Comments Due: 5 p.m. ET 1/20/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified 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. 2015–00728 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–36–000]

Otter Tail Power Company v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on January 12, 2015, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824(e) and 825(e) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Otter Tail Power Company (Complainant), filed a formal complaint against Midcontinent Independent System Operator, Inc. (Respondent), alleging that the Respondent's Open Access Transmission, Energy and Operating Reserve Markets Tariff is unjust and unreasonable to the extent that the *pro forma* Facilities Construction Agreement contained therein does not permit an affected system operator to elect to self-fund Network Upgrades, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 2, 2015.

Dated: January 13, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–00731 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–8–000]

Northwest Pipeline, LLC; Supplemental Notice of Intent To Prepare an Environmental Assessment for the Proposed Kalama Lateral Project and Request for Comments on Environmental Issues

On December 11, 2014, the Commission issued a ''*Notice of Intent to Prepare an Environmental Assessment for the Kalama Lateral Project and Request for Comments on Environmental Issues''* (NOI). It has come to our attention that the environmental mailing list was not provided copies of the NOI; therefore, we are issuing this Supplemental NOI to extend the scoping period and provide additional time for interested parties to file comments on environmental issues.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Kalama Lateral Project (Project), which would involve construction and operation of a new natural gas pipeline and associated facilities by Northwest Pipeline, LLC (Northwest) in Cowlitz County, Washington. The Commission will use this EA in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces an extension of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. The NOI identified January 10, 2015 as the close of the scoping period. Please note that the scoping **period is now extended and will close on February 12, 2015**. You may submit comments as described in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Northwest provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Northwest plans to construct and operate approximately 3.1 miles of 24-inch-diameter natural gas pipeline to provide 320,000 Dekatherms per day (Dth/d) of natural gas to a proposed methanol production facility to be located within the north industrial area of the Port of Kalama, in Cowlitz County, Washington. The proposed methanol plant is not under the jurisdiction of the Commission and would not be constructed or operated by Northwest. However, the environmental impact of the plant would be part of the state of Washington's State Environmental Policy Act review process.

The Kalama Lateral Project would transport natural gas to the methanol plant from Northwest's existing Ignacio/Sumas mainline in Cowlitz County, Washington. The project would require new appurtenances to tie the new pipeline into the existing mainline including a new tap and valve. Pig launcher facilities [1] would be installed near the proposed interconnection with the mainline and at a new meter station facility constructed within the methanol plant. The new meter station facility would include standard appurtenances, piping, and buildings within an approximately 150-foot by 200-foot fenced area.

The general location of the planned facilities is shown in Appendix 1.[2]

Land Requirements for Construction

Construction of the pipeline and aboveground facilities would disturb approximately 109.4 acres of land. Following construction, about 19.4 acres would be maintained within permanent easements for ongoing operation of the pipeline, aboveground facilities, and permanent access roads. The remaining acreage disturbed during construction would be restored and allowed to revert to former uses. These acreage estimates are based on Northwest's general intention to construct its pipeline using a 100-foot-wide right-of-way and to retain a 50-foot-wide permanent right-of-way.

Background

Under Docket Nos. PF12–2–000 and CP13–18–000, FERC reviewed a pipeline route that was substantially similar to the one currently proposed by Northwest. A NOI was issued on June 22, 2012. On May 8, 2013, Northwest formally withdrew its Application of Certificate of Public Convenience and Necessity for the Kalama Lateral Pipeline Project because the project proponent, Veresen U.S. Power Inc. terminated the Facilities Agreement. The project currently under review involves a pipeline following the same general corridor with a new customer located at the Port of Kalama.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;

[1] A ''pig'' is a tool that is inserted into and moves through the pipeline and is used for cleaning the pipeline, internal inspections, or other purposes.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call 202–502–8371. For instructions on connecting to eLibrary, refer to page 5 of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects (OEP).

- vegetation and wildlife;
- endangered and threatened species;
- cultural resources;
- land use;
- air quality and noise;
- public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas. We will present our independent analysis of the issues in the EA. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider your comments, please carefully follow the instructions in the Public Participation section beginning on page 5 of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Washington State Historic Preservation Office (SHPO), and to solicit the SHPO's views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Northwest and public comments. This preliminary list of issues may change based on your comments and our analysis.

These issues identified include:

- Geology and soils;
- land use; and
- public safety

This preliminary list of issues may be changed based on your comments and our analysis.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before January 9, 2015.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP15–8–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically by using the *eComment* feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature which is located on the Commission's Web site at *www.ferc.gov* under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You will be asked to select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

When the EA is published, copies may be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

last three digits in the Docket Number field (*i.e.,* CP15–8). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: January 13, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–00735 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–1–000]

PennEast Pipeline Company, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Penneast Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the PennEast Pipeline Project (Project) involving construction and operation of facilities by PennEast Pipeline Company, LLC (PennEast), a partnership of six member companies including AGL Resources, New Jersey Resources Pipeline Company, South Jersey Industries, Public Service Electric and Gas Company Power LLC, Spectra Energy Partners, and UGI Energy Services. The Commission will use this EIS in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies and stakeholders on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. Please note that the scoping period will close on February 12, 2015. However, this is not your only public input opportunity; please refer to the Review Process flow chart in appendix 1.[1]

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meetings scheduled as follows:

Date and time	Location
January 27, 2015, 6:00 p.m. Eastern Time	College of New Jersey, 2000 Pennington Road, Ewing, NJ 08628.
January 28, 2015, 6:00 p.m. Eastern Time	Bucks County Community College, 275 Swamp Road, Newtown, PA 18940.
February 10, 2015, 6:00 p.m. Eastern Time	Northampton Community College, 3835 Green Pond Rd, Bethlehem, PA 18020.
February 11, 2015, 6:00 p.m. Eastern Time	Penn's Peak, 325 Maury Road, Jim Thorpe, PA 18229.
February 12, 2015, 6:00 p.m. Eastern Time	Best Western Hotel & Conference Center, 77 E Market Street, Wilkes-Barre, PA.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this planned Project and encourage them to comment on their areas of concern.

The purpose of these scoping meetings is to provide the public an opportunity to learn more about the Commission's environmental review process, and to verbally comment on the Project. Each scoping meeting will start at 6:00 p.m. and representatives from PennEast will be present one hour prior to the start of each meeting to answer questions about the Project. Affected landowners and interested groups and individuals are encouraged to attend the scoping meetings and present comments on the issues they believe should be addressed in the EIS. A transcript of each meeting will be added to the Commission's administrative record to ensure that your comments are accurately recorded.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

The ''For Citizens'' section of the FERC Web site (*www.ferc.gov*) provides more information about the FERC and the environmental review process. This section also includes information about getting involved in FERC jurisdictional projects, and a citizens' guide entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' The guide addresses a number of frequently asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Summary of the Planned Project

PennEast plans to construct, install, own, operate, and maintain the planned Project to provide approximately 1.0 billion cubic feet per day of year-round transportation service from northern Pennsylvania to markets in eastern and southeastern Pennsylvania and New Jersey. PennEast states the Project would bring natural gas produced in the Marcellus Shale region in eastern Pennsylvania to homes and businesses in Pennsylvania and New Jersey. The Project would extend from various receipt point interconnections, including interconnections with Transcontinental Gas Pipeline Company, LLC and gathering systems operated by Williams Partners L.P., Regency Energy Partners LP, and UGI Energy Services, LLC, all in Luzerne County, Pennsylvania. Various delivery point interconnections would be constructed including UGI Utilities, Inc. in Carbon and Northampton Counties, Pennsylvania, Columbia Gas Transmission, LLC in Northampton County; and Elizabethtown Gas, Texas Eastern Transmission, LP and Algonquin Transmission, LLC, all in Hunterdon, New Jersey.

The planned Project would consist of constructing or installing the following components:

- 108.8 miles of new 36-inch-diameter pipeline, originating near Dallas, Luzerne County, Pennsylvania and terminating near Pennington, Mercer County, New Jersey. The pipeline route would also traverse Carbon, Northampton, and Bucks Counties, Pennsylvania, and Hunterdon and Mercer Counties, New Jersey;
- the Hellertown Lateral, a 2.1-mile, 24-inch-diameter new pipeline and the associated TCO Interconnect and UGI Lehigh Interconnect and Launcher/Receiver Site in Northampton County, Pennsylvania;
- one new compressor station near Blakeslee in Kidder Township, Carbon County, Pennsylvania. Installation of three gas turbine-driven Taurus 70 units rated at 10,916 horsepower (hp) each under ISO conditions (32,745 total ISO hp);
- the Wyoming Interconnect at Milepost (MP) 0.00 in Luzerne County, Pennsylvania;
- the Springville Interconnect at MP 0.25 in Luzerne County, Pennsylvania;
- the Auburn and Leidy Interconnects at MP 4.50 in Luzerne County, Pennsylvania;
- the UGI HAZ Interconnect at MP 25.50 in Carbon County, Pennsylvania;
- the Elizabethtown Interconnect at MP 76.35 in Hunterdon County, New Jersey;
- the Algonquin and TETCO Interconnects in Hunterdon County, New Jersey;
- the Transco Interconnect at MP 108.8 in Mercer County, New Jersey; and
- seven mainline block valves at locations along the planned pipeline segments in Luzerne, Carbon, and Northampton Counties, Pennsylvania and Hunterdon County, New Jersey.

The general location of the Project facilities is shown in appendix 2.

PennEast plans to conduct tree clearing in the fourth quarter of 2016 with construction starting in Spring 2017 and a projected in-service date of October 1, 2017.

Land Requirements for Construction

PennEast is still in the planning phase of the Project and workspace requirements have not been finalized. However, PennEast is planning on using a 100-foot-wide construction right-of-way for the 36-inch-diameter pipeline, affecting approximately 1,308 acres of land based on the length of the pipeline. Following construction, PennEast would retain a 50-foot-wide easement for operation of the Project. PennEast would also require land for additional temporary workspaces at road, railroad, waterbody, and wetland crossings; topsoil storage; access roads; storage or pipe yards; and other purposes during construction.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS, and address as appropriate.

In the EIS we will discuss impacts that could occur as a result of the construction and operation and maintenance of the planned Project under these general headings:

- Geology;
- soils;
- water resources, including surface water and groundwater;
- wetlands;
- vegetation and wildlife, including migratory birds;
- fisheries and aquatic resources;
- threatened, endangered, and other special-status species;
- land use, recreation, special interest areas, and visual resources;
- socioeconomics;
- cultural resources;
- air quality and noise;
- public safety and reliability; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we participated in public Open House meetings sponsored by PennEast in the project area in November 2014 to explain the environmental review process to interested stakeholders. We have also begun to contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this Project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers (USACE) has expressed their intention to participate as a cooperating agency in the preparation of the EIS to satisfy their NEPA responsibilities related to this

[2] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

Project. The USACE has jurisdictional authority pursuant to Section 404 of the Clean Water Act, which governs the discharge of dredged or fill material into waters of the United States, and Section 10 of the Rivers and Harbors Act, which regulates any work or structures that potentially affect the navigability of a waterway.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

Based on our preliminary review of the Project; information provided by PennEast; and public comments filed in the Commission's administrative record and submitted to staff at the applicant-sponsored open houses; we have identified several issues that we think deserve attention. This preliminary list of issues may change based on your comments and our ongoing environmental analysis. These issues are:

- Purpose and need for the Project;
- impacts on forested areas including fragmentation;
- impacts on agricultural areas and soils;
- impacts on residential areas and use of eminent domain;
- impacts on recreational areas including parks and nature preserves including Appalachian Trail, Sourland Conservancy, and other state-managed and preserved lands;
- impacts on preservation easements on private lands or conservation easements and property values;
- impacts on surface water including Susquehanna, Delaware, and Lehigh Rivers;
- impacts on groundwater including wells and springs;
- impacts on wildlife and vegetation;
- impacts on federal and state-listed threatened, endangered, and sensitive species;
- geologic hazards including karst and seismic areas;
- impacts on air quality;
- impacts related to noise during construction and operation;
- assessment of alternative pipeline routes and compressor station locations; and
- cumulative impacts.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before February 12, 2015. However, this is not your only public input opportunity; please refer to the Review Process flow chart in appendix 1.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF15–1–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes: federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 3).

Becoming an Intervenor

Once PennEast files its application with the Commission, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF15–1). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.* Public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Finally, PennEast has established a toll-free phone number (1–844–347–7119) and an email support address (*answers@penneastpipeline.com*) so that parties can contact it directly with questions about the Project. PennEast has also established a Project Web site (*http://penneastpipeline.com*) where additional information on the Project is available.

Dated: January 13, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–00734 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–23–000]

Columbia Gas Transmission, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Leach Xpress Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Leach XPress Project involving construction and operation of facilities by Columbia Gas Transmission, LLC (Columbia Gas) in Marshall and Wayne Counties, West Virginia and Fairfield, Vinton, Lawrence, Noble, Jackson and Hocking Counties, Ohio. The Commission will use this EIS in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. Please note that the scoping period will close on February 12, 2015. However, this is not your only public input opportunity; please refer to the Review Process flow chart in appendix 1.[1]

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meetings scheduled as follows:

Date and time	Meeting Location
Tuesday, January 27, 2015, 6:30 p.m. EST	Grand Vue Park (Banquet Hall), 250 Trail Drive, Moundsville, WV 26041.
Wednesday, January 28, 2015, 6:30 p.m. EST	Noble County Community Center, Noble County Fairgrounds, (Fairground Road), Caldwell, OH 43724.
Thursday, January 29, 2015, 6:30 p.m. EST	Oak Hill Elementary School, 401 East Evans Street, Oak Hill, OH 45656.
Tuesday, February 3, 2015, 6:30 p.m. EST	Lee's Banquet Haus, 580 Radio Lane, Logan, OH 43138.
Wednesday, February 4, 2015, 6:30 p.m. EST	Huntington High School, 1 Highlander Way, Huntington, WV 25701.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

The purpose of these scoping meetings is to provide the public an opportunity to learn more about the Commission's environmental review process, and to verbally comment on the Project. Each scoping meeting will start at 6:30 p.m. and representatives from Columbia Gas will be present one hour prior to the start of each scoping meeting to answer questions about the Project. Affected landowners and other interested parties are encouraged to attend the scoping meetings and to give their comments on the issues they believe should be addressed in the EIS. A transcript of each meeting will be added to the Commission's administrative record to ensure that your comments are accurately recorded.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

The ''For Citizens'' section of the FERC Web site (*www.ferc.gov*) provides

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

more information about the FERC and the environmental review process. This section also includes information about getting involved in FERC jurisdictional projects, and a citizens' guide entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need to Know?'' This guide addresses a number of frequently asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Columbia Gas plans to construct approximately 161 miles of new natural gas pipeline in West Virginia and Ohio; two new compressor stations in Ohio and one new compressor station in West Virginia; and four new regulator stations in Ohio; and modify two existing compressor stations in West Virginia and Ohio as well as one existing regulator station in Ohio. The Leach XPress Project would provide about 1.5 million dekatherms of natural gas per day of firm transportation service to natural gas consumers served by the Columbia Gas and Columbia Gulf pipeline systems. According to Columbia Gas, its project would provide shippers outlets from constrained supply basins and access to higher value markets.

The Leach XPress Project would consist of the following facilities:

- LEX Pipeline—130 miles of new 36-inch-diameter pipeline in Marshall County, West Virginia and Fairfield, Hocking, Monroe, Morgan, Muskingum, Noble, and Perry Counties, Ohio;
- R–801 Loop—27 miles of new 36-inch-diameter pipeline loop in Fairfield, Hocking, and Vinton Counties, Ohio; [2]
- BM–111 Loop—2.9 miles of new 36-inch-diameter pipeline loop from Lawrence County, Ohio to Wayne County, West Virginia;
- LEX1 Pipeline—0.6 miles of new 30-inch-diameter pipeline in Fairfield County, Ohio;
- three new compressor stations, designated as the Lone Oak, Summerfield, and Oak Hill Compressor Stations to be located in Marshall County, West Virginia, and Noble and Jackson Counties, Ohio, respectively;
- four new regulator stations in Hocking and Vinton Counties, Ohio, respectively;
- modifications to the existing Ceredo and Crawford Compressor Stations in Wayne County, West Virginia and Fairfield County, Ohio, respectively;
- modifications to the existing RS–1286 regular station in Vinton County, Ohio; and
- abandonment in-place of 28 miles of the 20-inch-diameter R–501 Pipeline in Fairfield, Hocking, and Vinton Counties, Ohio.

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the planned facilities would disturb about 2,534 acres of land for the aboveground facilities and the pipelines. Following construction, Columbia Gas would maintain about 1,008 acres for permanent operation of the project's aboveground facilities and permanent pipeline easements; the remaining acreage would be restored and revert to former uses. About 48 percent of the planned pipeline routes parallels existing pipeline, utility, or road rights-of-way.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology
- soils;
- water resources, including surface water and groundwater
- wetlands;
- vegetation and wildlife;
- fisheries and aquatic resources;
- threatened, endangered, and other special status species;
- land use, recreation, special interest areas, and visual resources;
- socioeconomics;
- cultural resources;
- air quality and noise;
- public safety and reliability; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we participated in public Open Houses meetings sponsored by Columbia Gas in the project area in November 2014 to explain the environmental review process to interested stakeholder. We have also begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 7.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EIS.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the Ohio Environmental Protection Agency has expressed its intention to participate as a cooperating agency in the preparation of the EIS to satisfy its NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on

[2] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Columbia Gas. This preliminary list of issues may change based on your comments and our analysis. Issues identified include:

- Geology—effects as a result of blasting to remove existing surface and subsurface bedrock during Project construction;
- soils—effects on soil stability during and after project construction;
- land use—effects on residential areas and agricultural lands during construction and operation of Project facilities including public safety;
- water resources—effects on wetlands and waterbodies;
- Mississippi River crossing in two locations, as well as Muskingum River;
- biological resources—effect on threatened and endangered species occurring within or adjacent to the Project right-of-way;
- cultural—effects on archeological sites and historic resources;
- socioeconomic and transportation—effects of increased workforce and impacts to local population; and
- air quality and noise—effect on local air quality and noise environment from construction and operation and maintenance of Project facilities.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before February 12, 2015.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF14–23–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Columbia Gas files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF14–23). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.* Public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/*

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

EventsList.aspx along with other related information.

Finally, Columbia Gas has established a toll-free phone number (1–888–499–3450) and an email support address (*zdaniels@nisource.com*) so that parties can contact it directly with questions about the Project. Columbia Gas has also established a Project Web site (*https://www.columbiapipelinegroup.com/current-projects/leach-xpress-project*) where additional information on the Project is available.

Dated: January 13, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–00733 Filed 1–16–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice Of Staff Attendance at Southwest Power Pool Regional Entity Trustee, Regional State Committee, Members' and Board of Directors' Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. (SPP) Regional Entity Trustee (RE), Regional State Committee (RSC), SPP Members Committee and Board of Directors, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

All meetings will be held at the Doubletree Dallas near the Galleria, 4099 Valley View Lane, Dallas, TX 75244.

SPP RE

January 26, 2015 (8:00 a.m.–3:00 p.m.)

SPP RSC

January 26, 2015 (1:00 p.m.–5:00 p.m.)

SPP Members/Board of Directors

January 27, 2015 (8:00 a.m.–3:00 p.m.)

The discussions may address matters at issue in the following proceedings:

Docket No. EL05–19, *Southwestern Public Service Company.*
Docket No. ER05–168, *Southwestern Public Service Company.*
Docket No. ER06–274, *Southwestern Public Service Company.*
Docket No. ER07–1069, *American Electric Power.*
Docket No. ER09–35, *Tallgrass Transmission, LLC.*
Docket No. ER09–36, *Prairie Wind Transmission, LLC.*
Docket No. ER09–548, *ITC Great Plains, LLC.*
Docket No. EL11–34, *Midcontinent Independent System Operator, Inc.*
Docket No. ER11–4105, *Southwest Power Pool, Inc.*
Docket No. EL12–28, *Xcel Energy Services Inc., et al.*
Docket No. EL12–59, *Golden Spread Electric Cooperative, Inc.*
Docket No. EL12–60, *Southwest Power Pool, Inc., et al.*
Docket No. ER12–480, *Midcontinent Independent System Operator, Inc.*
Docket No. ER12–1586, *Southwest Power Pool, Inc.*
Docket No. ER13–366, *Southwest Power Pool, Inc.*
Docket No. ER13–367, *Southwest Power Pool, Inc.*
Docket No. ER13–1748, *Southwest Power Pool, Inc.*
Docket No. ER13–1864, *Southwest Power Pool, Inc.*
Docket No. EL14–21, *Southwest Power Pool, Inc.*
Docket No. EL14–30, *Midcontinent Independent System Operator, Inc.*
Docket No. EL14–49, *Southwest Power Pool, Inc.*
Docket No. EL14–65, *Southwest Power Pool, Inc.*
Docket No. ER14–67, *Southwest Power Pool, Inc.*
Docket No. ER14–781, *Southwest Power Pool, Inc.*
Docket No. ER14–1174, *Southwest Power Pool, Inc.*
Docket No. ER14–1993, *Southwest Power Pool, Inc.*
Docket No. ER14–2081, *Southwest Power Pool, Inc.*
Docket No. ER14–2363, *Southwestern Public Service Company.*
Docket No. ER14–2399, *Southwest Power Pool, Inc.*
Docket No. ER14–2445, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2553, *Southwest Power Pool, Inc.*
Docket No. ER14–2570, *Southwest Power Pool, Inc.*
Docket No. ER14–2739, *Southwest Power Pool, Inc.*
Docket No. ER14–2753, *Southwest Power Pool, Inc.*
Docket No. ER14–2850, *Southwest Power Pool, Inc.*
Docket No. ER14–2851, *Southwest Power Pool, Inc.*
Docket No. ER14–2887, *Southwest Power Pool, Inc.*
Docket No. ER14–2891, *Southwest Power Pool, Inc.*
Docket No. ER14–2910, *Southwest Power Pool, Inc.*
Docket No. ER15–45, *Southwest Power Pool, Inc.*
Docket No. ER15–329, *Golden Spread Electric Cooperative, Inc.*
Docket No. ER15–492, *Southwest Power Pool, Inc.*
Docket No. ER15–534, *Southwest Power Pool, Inc.*
Docket No. ER15–551, *Southwest Power Pool, Inc.*
Docket No. ER15–552, *Southwest Power Pool, Inc.*
Docket No. ER15–532, *Southwest Power Pool, Inc.*
Docket No. ER15–561, *Southwestern Public Service Company.*
Docket No. ER15–562, *Southwestern Public Service Company.*
Docket No. ER15–568, *Southwest Power Pool, Inc.*
Docket No. ER15–569, *Southwest Power Pool, Inc.*
Docket No. ER15–570, *Southwest Power Pool, Inc.*
Docket No. ER15–571, *Southwest Power Pool, Inc.*
Docket No. ER15–576, *Southwest Power Pool, Inc.*
Docket No. ER15–579, *Southwest Power Pool, Inc.*
Docket No. ER15–599, *Southwest Power Pool, Inc.*
Docket No. ER15–603, *Southwest Power Pool, Inc.*
Docket No. ER15–617, *Southwest Power Pool, Inc.*
Docket No. ER15–627, *Golden Spread Electric Cooperative, Inc.*
Docket No. ER15–630, *Southwest Power Pool, Inc.*
Docket No. ER15–633, *Southwest Power Pool, Inc.*
Docket No. ER15–673, *Southwest Power Pool, Inc.*
Docket No. ER15–692, *Southwest Power Pool, Inc.*
Docket No. ER15–752, *Southwestern Public Service Company.*
Docket No. ER15–763, *Southwest Power Pool, Inc.*
Docket No. ER15–774, *Southwest Power Pool, Inc.*
Docket No. ER15–787, *Southwest Power Pool, Inc.*
Docket No. ER15–788, *Southwest Power Pool, Inc.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: January 13, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–00732 Filed 1–16–15; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0027; FRL–9920–99–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Bulk Gasoline Terminals (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Bulk Gasoline Terminals (40 CFR part 60, subpart XX) (Renewal)'' (EPA ICR No. 0664.11, OMB Control No. 2060–0006) 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.*). This is a proposed extension of the ICR, which is currently approved through January 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before February 19, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0027, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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, William Jefferson Clinton 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.*

Abstract: This rule applies to affected facilities at bulk gasoline terminals which have a throughput greater than 75,700 liters per day, delivering liquid product into gasoline tank trucks. The affected facility includes the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill delivery tank trucks. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. The standard sets initial notification, initial performance test, and ongoing recordkeeping requirements. The required monthly leak detection records are used to determine periods of excess emissions, identify problems at the facility, verify operation/maintenance procedures and for compliance determinations. This information is collected to assure compliance with 40 CFR part 60, subpart XX.

Form Numbers: None.

Respondents/affected entities: Bulk gasoline terminals.

Respondent's obligation to respond: Mandatory (40 CFR part 60, Subpart XX).

Estimated number of respondents: 40 (total).

Frequency of response: Initially.

Total estimated burden: 13,165 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,288,907 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in the labor hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–00770 Filed 1–16–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0080; FRL–9920–07–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Cellulose Products Manufacturing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Cellulose Products Manufacturing (40 CFR part 63, subpart UUUU) (Renewal)'' (EPA ICR No. 1974.07, OMB Control No. 2060–0488) 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*). This is a proposed extension of the ICR, which is currently approved through January 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before February 19, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0080, to: (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance,

and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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.*

Abstract: Respondents are either owners or operators of cellulose products manufacturing facilities. Respondents would submit notifications and reports and maintain records required by the General Provisions (40 CFR part 63, subpart A). Recordkeeping of parameters related to air pollution control technologies is required.

Form Numbers: None.

Respondents/affected entities: Cellulose products manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart UUUU).

Estimated number of respondents: 13 (total).

Frequency of response: Occasionally and semiannually.

Total estimated burden: 12,088 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,184,426 (per year), which includes $1,014 in either annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in labor hours in this ICR compared to the previous ICR. However, there is a small adjustment decrease in the respondent and Agency labor costs to correct mathematical and rounding errors.

Courtney Kerwin,

Acting-Director, Collection Strategies Division.

[FR Doc. 2015–00777 Filed 1–16–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2014–0549; FRL–9921–24–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA, Section 123 (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under CERCLA, section 123 (Renewal)'' (EPA ICR No. 1425.10, OMB Control No. 2050–0077) 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.*). This is a proposed extension of the ICR, which is currently approved through January 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 45189) on Aug 4, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before February 19, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2014–0549, to (1) EPA 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, and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

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: Lisa Boynton, Office of Solid Waste and Emergency Response, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2487; fax number: (202) 564–8729; email address: *Boynton.Lisa@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, William Jefferson Clinton 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*.

Abstract: The Agency requires applicants for reimbursement under this program authorized under Section 123 of CERCLA to submit an application that demonstrates consistency with program eligibility requirements. This is necessary to ensure proper use of the Superfund. EPA reviews the information to ensure compliance with all statutory and program requirements. The applicants are local governments who have incurred expenses, above and beyond their budgets, for hazardous substance response. Submission of this information is voluntary and to the applicant's benefit.

Form Numbers: 9310–1.

Respondents/affected entities: Local governments.

Respondent's obligation to respond: Voluntary (CERCLA Section 123).

Estimated number of respondents: 30 (total).

Frequency of response: On occasion.

Total estimated burden: 270 hours (per year). Burden is defined at 5 CFR 1320.3(b)

Total estimated cost: $4,995 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 270 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to the

number of respondents reducing from 60 to 30.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–00768 Filed 1–16–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0083; FRL–9920–86—OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Leather Finishing Operations (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Leather Finishing Operations (40 CFR part 63, subpart TTTT) (Renewal)'' (EPA ICR No. 1985.06, OMB Control No. 2060–0478) 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.*). This is a proposed extension of the ICR, which is currently approved through January 1, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before February 19, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0083, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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, William Jefferson Clinton 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.*

Abstract: Owners or operators of leather finishing operations that are subject to 40 CFR part 63, subpart TTTT are require to provide initial notifications, performance tests, and periodic reports. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. The required annual reports are used to determine periods of excess emissions, identify problems at the facility, verify operation/maintenance procedures and for compliance determinations.

Form Numbers: None.

Respondents/affected entities: Owners or operators of leather finishing operations that are a major source of HAP emissions.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart TTTT).

Estimated number of respondents: 10 (total).

Frequency of response: Initially, occasionally and annually.

Total estimated burden: 334 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $32,651(per year), including no annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change of hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–00769 Filed 1–16–15; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Proposed Collection; Submission for OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final notice of submission for OMB review—Extension with change: State and Local Government Information Report (EEO–4).

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) hereby gives notice that it has submitted to the Office of Management and Budget (OMB) a request for a three-year extension with change of the State and Local Government Information Report (EEO–4). The EEOC is proposing revisions to the race and ethnicity categories on the EEO–4 report to conform to OMB's *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (October 30, 1997) (Revised Standards), as applied in OMB *Bulletin No. 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement* (March 9, 2000).

DATES: Written comments on this notice must be submitted on or before February 19, 2015.

ADDRESSES: A copy of this ICR and applicable supporting documentation submitted to OMB for this review may be obtained from: Ronald Edwards, Director, Program Research and Surveys Division, Equal Employment Opportunity Commission, 131 M Street NE., Room 4SW30F, Washington, DC 20507. Comments on this final notice must be submitted to Chad A. Lallemand, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, DC 20503 or electronically mailed to *Chad_A._Lallemand@omb.eop.gov.* Copies of comments should be sent to Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission,

131 M Street NE., Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (''FAX'') machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663–4114. (This is not a toll-free number). Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTY). (These are not toll-free telephone numbers.) Instead of sending written comments to EEOC, you may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide. Copies of comments submitted by the public to EEOC directly or through the Federal eRulemaking Portal will be available for review, by advance appointment only, at the Commission's library between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time or can be reviewed at *http://www.regulations.gov*. To schedule an appointment to inspect the comments at EEOC's library, contact the library staff at (202) 663–4630 (voice) or (202) 663–4641 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Ronald Edwards, Director, Program Research and Surveys Division, Equal Employment Opportunity Commission, 131 M Street NE., Room 4SW30F, Washington, DC 20507; (202) 663–4949 (voice) or (202) 663–7063 (TTY). Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663–4191 (voice) or (202) 663–4494 (TTY).

SUPPLEMENTARY INFORMATION: The EEOC has collected information from state and local governments with 100 or more full-time employees since 1974. The Commission is proposing revisions to the EEO–4 report to conform with OMB's *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (October 30, 1997) (Revised Standards), as applied in OMB *Bulletin No. 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement* (March 9, 2000). The revisions to the EEO–4 report, Form 164, include the following race and ethnicity categories: Hispanic or Latino; White; Black or African American; Asian; Native Hawaiian or Other Pacific Islander; American Indian or Alaska Native; and Two or More Races.

A notice that EEOC would be submitting this request was published in the **Federal Register** on August 27, 2014 allowing for a 60-day public comment period. There were no comments received from the public.

Overview of Current Information Collection

Collection Title: State and Local Government Information Report (EEO–4).

OMB—Number: 3046–0008.

Frequency of Report: Biennial.

Type of Respondent: State and local government jurisdictions with 100 or more employees.

Description of Affected Public: State and local governments excluding elementary and secondary public school districts.

Number of Responses: 12,458.

Reporting Hours: 89,188.

Cost Burden: $21,600,000.

Number of Forms: 1.

Form Number: EEOC FORM 164.

Federal Cost: $226,549.

ABSTRACT: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records and to produce reports as the Commission prescribes by regulation or order. Accordingly, the EEOC issued regulations at 29 CFR 1602.32–1602.37 prescribing the reporting requirements for State and local governments. State and local governments with 100 or more employees have been required to submit EEO–4 reports since 1974 (biennially in odd-numbered years since 1993). The individual reports are confidential.

EEO–4 data are used by the EEOC to investigate charges of discrimination against state and local governments and to provide information on the employment status of minorities and women. The data are shared with several other Federal agencies. Pursuant to section 709(d) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–8(d), as amended, EEO–4 data are shared with State and Local Fair Employment Practices Agencies (FEPAs). Aggregated data are also used by researchers and the general public.

Burden Statement: The estimated number of respondents included in the EEO–4 survey is 9,000 state and local governments. (These 9,000 jurisdictions file about 12,458 reports based on the 2011 filing of the EEO–4.) Reports exceed jurisdictions due to the requirement for some to file separate reports by function. The changes discussed herein will increase respondent burden hours from 73,185 to 89,188 and EEOC costs from $187,500 to $226,549. The burden per report will be 7.16 hours.

Estimated burden hours were calculated by multiplying the number of reports expected to be filed annually (12,458 in 2011) by the estimated average time to complete and submit each report (7.16 hours).

These burden estimates are largely based on an assumption of paper reporting. However, the EEOC has made electronic filing much easier for employers required to file the EEO–4 Report. As a result, more jurisdictions are using this filing method. This development, along with the greater availability of human resource information software, is expected to have significantly reduced the actual burden of reporting, but empirical data in this area is lacking. Accordingly, efforts will be undertaken by the Commission to (1) develop more reliable estimates of reporting burdens given the significant increase in electronic filing and (2) to implement new approaches to make such reporting even less burdensome.

The other new burden is the one-time cost of employers changing the manner in which they collect and store the new race and ethnicity changes as well as changes to computer programs and systems. There will be no cost for employers whose current systems are already designed to handle the full multiple race and ethnicity classifications, and we estimate that about ten percent of employers currently have this ability. The estimated cost for employers that will have to re-survey the workforce to comply with the new race and ethnicity changes is $21,600,000.

Dated: January 9, 2015.

For the Commission.

Jenny R. Yang,

Chair.

[FR Doc. 2015–00736 Filed 1–16–15; 8:45 am]

BILLING CODE 6570–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Proposed Collection; Submission for OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final notice of submission for OMB review—extension with change: Local Union Report (EEO–3).

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) hereby gives notice that it has submitted to the Office of Management and Budget (OMB) a request for a three-year extension with change of the Local Union Report (EEO–3). The EEOC is proposing revisions to the race and ethnicity categories on the EEO–3 report to conform to OMB's *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (October 30, 1997) (Revised Standards), as applied in OMB *Bulletin No. 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement* (March 9, 2000).

DATES: Written comments on this notice must be submitted on or before February 19, 2015.

ADDRESSES: A copy of this ICR and applicable supporting documentation submitted to OMB for this review may be obtained from: Ronald Edwards, Director, Program Research and Surveys Division, Equal Employment Opportunity Commission, 131 M Street NE., Room 4SW30F, Washington, DC 20507. Comments on this final notice must be submitted to Chad A. Lallemand, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, DC 20503 or electronically mailed to *Chad_A._Lallemand@omb.eop.gov.* Copies of comments should be sent to Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (''FAX'') machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663–4114. (This is not a toll-free number). Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTY). (These are not toll-free telephone numbers.) Instead of sending written comments to EEOC, you may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide. Copies of comments submitted by the public to EEOC directly or through the Federal eRulemaking Portal will be available for review, by advance appointment only, at the Commission's library between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time or can be reviewed at *http://www.regulations.gov.* To schedule an appointment to inspect the comments at EEOC's library, contact the library staff at (202) 663–4630 (voice) or (202) 663–4641 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Ronald Edwards, Director, Program Research and Surveys Division, Equal Employment Opportunity Commission, 131 M Street NE., Room 4SW30F, Washington, DC 20507; (202) 663–4949 (voice) or (202) 663–7063 (TTY). Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663–4191 (voice) or (202) 663–4494 (TTY).

SUPPLEMENTARY INFORMATION: The EEOC has collected information from local unions on the EEO–3 form since 1966. The Commission is proposing revisions to the EEO–3 report to conform to OMB's *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (October 30, 1997) (Revised Standards), as applied in OMB *Bulletin No. 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement* (March 9, 2000). The revisions to the EEO–3 report, Form 274, include the following race and ethnicity categories: Hispanic or Latino; White; Black or African American; Asian; Native Hawaiian or Other Pacific Islander; American Indian or Alaska Native; and Two or More Races.

A notice that EEOC would be submitting this request was published in the **Federal Register** on August 27, 2014 allowing for a 60-day public comment period. There were no comments received from the public.

Overview of Information Collection

Collection Title: Local Union Report (EEO–3).

OMB Number: 3046–0006.

Frequency of Report: Biennial.

Type of Respondent: Referral local unions with 100 or more members.

Description of Affected Public: Referral local unions and independent or unaffiliated referral unions and similar labor organizations.

Responses: 1,176.

Reporting Hours: 2,405.

Cost Burden: $2,822,400.

Federal Cost: $81,935.

Number of Forms: 1.

Form Number: EEOC Form 274.

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), requires labor organizations to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to produce reports from the data. The EEOC issued regulations requiring referral local unions with 100 or more members to submit EEO–3 reports. The individual reports are confidential. The EEOC uses EEO–3 data to investigate charges of discrimination and for research.

Burden Statement: The estimated number of respondents included in the biennial EEO–3 survey is 1,176 referral unions. The changes discussed herein will increase the biennial respondent burden hours from 2,102 to 2,405 and EEOC costs from $60,000 to $81,935. The burden per report will be 2.05 hours. The increase in burden hours per report is due to the changes made to the Form 274.

Estimated burden hours were calculated by multiplying the number of reports expected to be filed biennially (1,176 in 2012) by the estimated average time to complete and submit each report (2.05 hours). These estimates are based on an assumption of paper reporting. However, the EEOC has made electronic filing much easier for respondents required to file the EEO–3 Report. As a result, more jurisdictions are using this filing method. This development, along with the greater availability of human resource information software, is expected to have significantly reduced the actual burden of reporting, but empirical data in this area is lacking. Accordingly, efforts will be undertaken by the Commission to (1) develop more reliable estimates of reporting burdens given the significant increase in electronic filing; and (2) to implement new approaches to make such reporting even less burdensome.

The other new burden is the one-time cost of respondents changing the manner in which they collect and store the new race and ethnicity changes as well as changes to computer programs and systems. There will be no cost for respondents with a current system that is already designed to handle the full multiple race and ethnicity classifications. It is estimated that about ten percent of respondents currently

have this ability. The estimated cost for respondents that will have to re-survey the members to comply with the new race and ethnicity changes is $2,822,400.

Dated: January 9, 2015.

For the Commission.

Jenny R. Yang,

Chair.

[FR Doc. 2015–00737 Filed 1–16–15; 8:45 am]

BILLING CODE 6570–01–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Regular Board Meeting

AGENCY: Farm Credit System Insurance Corporation Board; Regular Meeting.

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

DATES: *Date and Time:* The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 22, 2015, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- December 11, 2014

B. New Business

- Review of Insurance Premium Rates
- Policy Statement Concerning Investments

Dated: January 13, 2015.

Dale L. Aultman,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 2015–00677 Filed 1–16–15; 8:45 am]

BILLING CODE 6710–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0859]

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before March 23, 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: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0859.

Title: Suggested Guidelines for Petitions for Ruling Under Section 253 of the Communications Act of 1934, as amended.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and State, Local, or Tribal Governments.

Number of Respondents: 24 respondents; 24 responses.

Estimated Time per Response: 63 to 125 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47 U.S.C. Section 253 of the Communications Act of 1934, as amended.

Total Annual Burden: 1,698 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. Respondents may request confidential treatment of such information, in some cases, under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission published a Public Notice in November 1998 which established various guidelines for the filing of petitions for preemption pursuant to section 253 of the Communications Act of 1934, as amended, as well as guidelines for the filing of comments opposing such requests for preemption. The Commission will use this information to discharge its statutory mandate relating to the preemption of state or local statutes, regulations, or other state or local legal requirements.

Section 253 of the Communications Act of 1934, as amended; added by the Telecommunications Act of 1996, requires the Commission, with certain important exceptions, to preempt (to the extent necessary) the enforcement of any state or local statute or regulation, or other state or local legal requirement that prohibits or has the effect of prohibiting any entity from providing

any interstate or intrastate telecommunications service. The Commission's consideration of preemption under section 253 typically begins with the filing of a petition by an aggrieved party. The Commission typically places such petitions on public notice and requests comment by interested parties. The Commission's decision is based on the public record, generally composed of the petition and comments. The Commission has considered a number of preemption items since the passage of the Telecommunications Act of 1996, and believes it is in the public interest to inform the public of the information necessary for full consideration of the issues likely to be involved in section 253 preemption actions. In order to render a timely and informed decision, the Commission expects petitioners and commenters to provide it with relevant information sufficient to describe the legal regime involved in the controversy and to provide the factual information necessary for a decision.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–00680 Filed 1–16–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, January 13, 2015 at 10:00 a.m. and its continuation on Thursday January 15, 2015 at the conclusion of the Open Meeting.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

Federal Register Citation of Previous Announcement—80 FR 1030 (January 8, 2015)

This meeting will be continued on February 10, 2015.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2015–00905 Filed 1–15–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

TIME AND DATE: 8:30 a.m. (Eastern Time) January 26, 2015.

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Approval of the Minutes of the December 15, 2014 Board Member Meeting
2. Leadership Development Program
3. Thrift Savings Plan Reports
   a. Monthly Participant Activity Report
   b. Quarterly Investment Policy Report
   c. Legislative Report
   d. Vendor Financials
   e. Audit Status
   f. Budget Review
4. Annual Expense Ratio Review
5. Project Prioritization Overview
6. Enterprise Risk Assessment

Closed to the Public

7. Litigation

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

DATE: January 15, 2015.

James Petrick,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2015–00921 Filed 1–15–15; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision to Evaluate a Petition To Designate a Class of Employees From the Lawrence Livermore National Laboratory in Livermore, California, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice as required by 42 CFR 83.12(e) of a decision to evaluate a petition to designate a class of employees from the Lawrence Livermore National Laboratory in Livermore, California, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000. The initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Lawrence Livermore National Laboratory.

Location: Livermore, California.

Job Titles and/or Job Duties: All employees of the Department of Energy, its predecessor agencies, and its contractors and subcontractors who worked in any area.

Period of Employment: January 1, 1974 through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2015–00685 Filed 1–16–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Bin Kang, Ph.D., Oklahoma Medical Research Foundation: Based on the Respondent's admission, an assessment conducted by the Oklahoma Medical Research Foundation (OMRF), and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Bin Kang, Postdoctoral Fellow, Immunobiology and Cancer Research Program, OMRF, engaged in research misconduct in research supported by National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), grants AI056129 and AI104057.

ORI and OMRF found that Respondent engaged in research misconduct by reporting falsified data in:

• ''Asb2 regulates the activity of SCF E3 ubiquitin ligases by antagonizing CAND1-mediated exchange of F-box proteins,'' submitted to *Molecular Cell* on June 26, 2014; hereafter referred to as the ''original *Molecular Cell* manuscript''

• the revised version of ''Asb2 regulates the activity of SCF E3 ubiquitin ligases by antagonizing CAND1-mediated exchange of F-box proteins,'' submitted to *Molecular Cell* on September 29, 2014; hereafter referred to as the ''revised *Molecular Cell* manuscript

• grant application CA189216–01 submitted to the National Cancer Institute (NCI), NIH; hereafter referred to as the ''original NCI grant application''

• grant application CA189216–01A1 submitted to NCI, NIH; hereafter referred to as the ''revised NCI grant application''

ORI found that Respondent knowingly falsified and/or fabricated Western blot gel images by duplication, reuse and relabeling, and/or alteration through contrast, rotation, and/or scale of the images.

Specifically, Respondent included falsified images in all of the figures (Figures 1–6 and S1–5) in the original *Molecular Cell* manuscript, all of the figures (Figures 1–6 and S1–7) in the revised

Molecular Cell manuscript, Figures 2–4, 9, and 11 in the original NCI grant application, and Figures 3–5, 10, and 11 in the revised NCI grant application.

Dr. Kang has entered into a Voluntary Settlement Agreement (Agreement) and has voluntarily agreed for a period of three (3) years, beginning on December 23, 2014:

(1) To have his research supervised; Respondent agreed to ensure that prior to the submission of an application for U.S. Public Health Service (PHS) support for a research project on which the Respondent's participation is proposed and prior to Respondent's participation in any capacity on PHS-supported research, the institution employing him must submit a plan for supervision of his duties to ORI for approval; the plan for supervision must be designed to ensure the scientific integrity of Respondent's research contribution; Respondent agreed that he will not participate in any PHS-supported research until such a supervision plan is submitted to and approved by ORI; Respondent agreed to maintain responsibility for compliance with the agreed upon plan for supervision;

(2) that any institution employing him must submit, in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS-supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual experiments or are otherwise legitimately derived and that the data, procedures, and methodology are accurately reported in the application, report, manuscript, or abstract; and

(3) to exclude himself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2015–00802 Filed 1–16–15; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary; Office of Medicare Hearings and Appeals; Statement of Organization, Functions, and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, is being amended at Chapter AK, Office of Medicare Hearings and Appeals (OMHA), as last amended at 70 FR 36386–36387, dated June 23, 2005, and most recently at 76 FR 19995 (Apr. 11, 2011) as follows:

I. Under Section AK.10, Organization, delete the bullets and sub-bullets after the phrase, ''OMHA consists of the following components,'' and replace with the following:

• Medicare Hearings and Appeals Chief Judge's Office (CJO) (Headquarters Office)

— Office of Operations

— Office of Programs

• Medicare Hearings and Appeals Field Offices

II. Under Section AK.20, Functions, Paragraph B, replace ''Medicare Hearings and Appeals Field Offices (AKB1–4)'' with ''Medicare Hearings and Appeals Field Offices.''

III. Under Section AK.20, Functions, Paragraph B, ''Medicare Hearings and Appeals Field Offices,'' replace all references to the ''Managing Administrative Law Judge (MALJ)'' with ''Associate Chief Administrative Law Judge (ACALJ).''

Dated: January 13, 2015.

E.J. Holland, Jr.,

Assistant Secretary for Administration (ASA).

[FR Doc. 2015–00743 Filed 1–16–15; 8:45 am]

BILLING CODE 4150–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3303–FN]

Medicare and Medicaid Programs; Continued Approval of the Accreditation Commission for Health Care, Inc.; Home Health Agency Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the Accreditation Commission for Health Care, Inc., (ACHC) for continued recognition as a national accrediting organization for home health agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. An HHA that participates in Medicaid must also meet the Medicare conditions for participation (CoPs) as required under 42 CFR 488.6(b).

DATES: This final notice is effective February 24, 2015 through February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Cindy Melanson, (410) 786–0310, or Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

A healthcare provider may enter into an agreement with Medicare to participate in the program as a HHA provided certain requirements are met. Sections 1861(o) and 1891 of the Social Security Act (the Act), establish distinct criteria for facilities seeking designation as a HHA. Regulations concerning Medicare provider agreements in general are at 42 CFR part 489 and those pertaining to the survey and certification for Medicare participation of providers and certain types of suppliers are at part 488. The regulations at part 484 specify the specific conditions that a provider must meet to participate in the Medicare program as an HHA.

Generally, to enter into a Medicare provider agreement, a facility must first be certified as complying with the conditions set forth in part 484 and recommended to us for participation by

a state survey agency. Thereafter, the HHA is subject to periodic surveys by a state survey agency to determine whether it continues to meet these conditions. However, there is an alternative to certification surveys by state agencies. Accreditation by a nationally recognized Medicare accreditation program approved by us may substitute for both initial and ongoing state review.

Section 1865(a)(1) of the Act provides that, if the Secretary of the Department of Health and Human Services, (the Secretary) finds that accreditation of a provider entity by an approved national accrediting organization meets or exceeds all applicable Medicare conditions, we may treat the provider entity as having met those conditions, that is, we may ''deem'' the provider entity to be in compliance. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

Part 488, subpart A, implements the provisions of section 1865 and requires that a national accrediting organization applying for approval of its Medicare accreditation program must provide us with reasonable assurance that the accrediting organization requires its accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require an accrediting organization to reapply for continued approval of its Medicare accreditation program every 6 years or sooner as determined by us. ACHC's current term of approval as a recognized Medicare accreditation program for HHAs expires February 24, 2015.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us with 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

In the August 22, 2014 **Federal Register** (79 FR 49777), we published a proposed notice announcing ACHC's request for continued approval of its Medicare HHA accreditation program. In that notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.4 and § 488.8, we conducted a review of ACHC's Medicare HHA accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of ACHC's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its HHA surveyors; (4) ability to investigate and respond appropriately to complaints against accredited HHAs; and, (5) survey review and decision-making process for accreditation.
- The comparison of ACHC's Medicare accreditation program standards to our current Medicare HHA CoPs.
- A documentation review of ACHC's survey process to:

++ Determine the composition of the survey team, surveyor qualifications, and ACHC's ability to provide continuing surveyor training.

++ Compare ACHC's processes to those we require of state survey agencies, including periodic resurvey and the ability to investigate and respond appropriately to complaints against accredited HHAs.

++ Evaluate ACHC's procedures for monitoring HHAs it has found to be out of compliance with ACHC's program requirements. (This pertains only to monitoring procedures when ACHC identifies non-compliance. If noncompliance is identified by a state survey agency through a validation survey, the state survey agency monitors corrections as specified at § 488.7(d).)

++ Assess ACHC's ability to report deficiencies to the surveyed HHA and respond to the HHA's plan of correction in a timely manner.

++ Establish ACHC's ability to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of ACHC's staff and other resources.

++ Confirm ACHC's ability to provide adequate funding for performing required surveys.

++ Confirm ACHC's policies with respect to surveys being unannounced.

++ Obtain ACHC's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the August 22, 2014 proposed notice also solicited public comments regarding whether ACHC's requirements met or exceeded the Medicare CoPs for HHAs. No comments were received in response to our proposed notice.

IV. Provisions of the Final Notice

A. Differences Between ACHC's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared ACHC's HHA accreditation requirements and survey process with the Medicare CoPs of 42 CFR part 484, and the survey and certification process requirements of parts 488 and 489. Our review and evaluation of ACHC's HHA application, which were conducted as described in section III of this final notice, yielded the following areas where, as of the date of this notice, ACHC has completed revising its standards and certification processes to meet the requirements at:

- Section 1891(c)(2)(A) of the Act, to ensure all renewal surveys are conducted within 36 months of the last survey end date.
- § 484.10(c)(2), to address the patient's right to participate in the planning of care.
- § 484.14(e), to ensure personnel records include qualifications and current licensure.
- § 488.8(a)(2)(v), to ensure data submitted in CMS' Accrediting Organization System for Storing User Recorded Experiences (ASSURE) database is complete and accurate.
- § 489.3, to ensure situations that rise to the level of immediate jeopardy (IJ) are cited at the condition level.

B. Term of Approval

Based on our review and observations described in section IV of this final notice, we have determined that the ACHC accreditation program requirements meet or exceed our requirements. Therefore, we approve the ACHC as a national accreditation organization for HHAs that request participation in the Medicare program, effective February 24, 2015 through February 24, 2021.

V. Collection of Information Requirements

This document does not impose information collection and

recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Dated: January 9, 2015.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2015–00699 Filed 1–16–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0025]

Medical Device Accessories: Defining Accessories and Classification Pathway for New Accessory Types; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Medical Device Accessories: Defining Accessories and Classification Pathway for New Accessory Types.'' This draft document provides proposed guidance to industry and FDA staff about the regulation of accessories in medical devices. The guidance explains what FDA considers to be an ''accessory,'' outlines how the risk-based framework for the classification of devices applies to accessories, and describes the use of the *de novo* classification process for the classification of new types of accessories. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment of this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by April 20, 2015. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by March 23, 2015. See section IV of this document, the ''Paperwork Reduction Act of 1995.''

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Medical Device Accessories: Defining Accessories and Classification Pathway for New Accessory Types'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance or the information collection to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Sugato De, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5435, Silver Spring, MD 20993–0002, 301–796–6270 or Stephen Ripley, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

This draft guidance document is intended to provide guidance to industry and FDA staff about the regulation of accessories to other medical devices. In doing so, this guidance document explains what FDA considers to be an ''accessory'' and outlines how the risk-based framework for the classification of devices applies to accessories. In addition, this guidance describes use of the *de novo* classification process to classify new types of accessory devices under Section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(2)) based on risk and the ability of general and special controls to assure safety and effectiveness.

For the purposes of this guidance document, FDA considers an ''accessory'' as a medical device that is intended to support, supplement, and/or augment the performance of one or more medical devices. In practice, the distinctions among devices that support, supplement, and/or augment parent devices are subtle and many devices that we would consider to be an accessory may do more than one of these things. Thus, if the device is intended to support, supplement, and/or augment the performance of one or more parent devices, we intend to consider the device as an accessory.

Once a specific article has been determined to be an accessory, the guidance document describes how the accessory is classified based on its risks when used as intended with the intended parent device(s). In practice, FDA may classify individual accessories either by inclusion in the classification regulation of the parent device (either via a premarket submission or via express inclusion in the language of the regulation or order) or via development of a unique, separate classification regulation or order for the accessory.

For accessories of a new type, the guidance outlines the use of the *de novo* process for classification. This process provides a pathway to class I or class II classification for accessory devices for which general controls, or general and special controls, provide a reasonable assurance of safety and effectiveness, but for which there are no legally marketed predicate device.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the regulation of medical device accessories. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. Persons unable to download an electronic copy of ''Medical Device Accessories: Defining Accessories and Classification Pathway for New Accessory Types'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1770 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Accessory Classification De Novo Request—(OMB Control Number 0910–NEW)

The draft guidance encourages manufacturers and other parties to utilize the process defined in section 513(f)(2) of the FD&C Act to request risk-based classifications of new types of accessories. This process provides a pathway to class I or class II classification for accessory devices for which general controls, or general and special controls, provide a reasonable assurance of safety and effectiveness, but for which there is no legally marketed predicate device.

In accordance with section 513(f)(2) of the FD&C Act, manufacturers and other parties may submit a *de novo* requesting FDA to make a classification determination for the accessory device according to the criteria in section 513(a)(1) of the FD&C Act. The *de novo* must include a description of the device and detailed information and reasons for any recommended classification (see section 513(f)(2)(A)(v) of the FD&C Act).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Accessory classification *de novo* request	8	1	8	180	1,440

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Respondents are medical device manufacturers seeking to market device accessories. Of the approximately 41 *de novo* applications received per year, only two have been associated with accessories. With heightened awareness of the availability of the *de novo* pathway for accessories, we expect to receive four to six additional accessories applications per year. Therefore, we estimate that we will receive approximately eight accessory classification *de novo* requests per year.

Based on estimates by FDA administrative and technical staff who are familiar with the proposed submission process for accessory classification requests and on our burden estimate for a similar information collection request (see ''*De Novo* Classification Process Evaluation of Automatic Class III Designation; Draft Guidance for Industry and Food and Drug Administration Staff; Availability,'' 79 FR 47651 at 47653, August 14, 2014), we estimate that the submission process for each accessory classification request will take approximately 180 hours.

The draft guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR parts 801 and 809 have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231; and the collections of information in 21 CFR part 860, subpart C, have been approved under OMB control number 0910–0138.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: January 12, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–00856 Filed 1–16–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–2153]

Mitigating the Risk of Cross-Contamination From Valves and Accessories Used for Irrigation Through Flexible Gastrointestinal Endoscopes; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Mitigating the Risk of Cross-Contamination From Valves and Accessories Used for Irrigation Through Flexible Gastrointestinal Endoscopes.'' FDA has received reports of blood and stool traveling through colonoscope irrigation channels and into the water bottle and tubing when the irrigation channel did not have a backflow-prevention mechanism in place. This draft guidance document, when finalized, will highlight the cross-contamination risk associated with

specific types of irrigation valves and accessories when used with flexible gastrointestinal endoscopes, clarify terminology used to describe these devices, and outline strategies to mitigate the risk of cross-contamination between patients. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment of this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by April 20, 2015.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Mitigating the Risk of Cross-Contamination From Valves and Accessories Used for Irrigation Through Flexible Gastrointestinal Endoscopes'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rebecca Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1540, Silver Spring, MD 20993–0002, 301–796–6527.

SUPPLEMENTARY INFORMATION:

I. Background

During colonoscopy or esophagogastroduodenoscopy, clinicians often use a water bottle to supply irrigation for the procedure. Clinicians typically use a single water bottle for multiple patients without reprocessing the water bottle between patients. This practice raises the risk of cross-contamination between patients, because the water bottle and associated tubing/connectors can become contaminated with blood or stool that travels up through the endoscope channels and tubing (a phenomenon referred to as ''backflow''). FDA has received reports of backflow from colonoscope irrigation channels into the water bottle and tubing when the irrigation channel did not have a backflow-prevention mechanism in place.

This draft guidance document, when finalized, will: (1) Highlight the cross-contamination risk associated with specific types of irrigation valves and accessories when used with flexible gastrointestinal endoscopes; (2) clarify terminology used to describe these devices; and (3) and outline strategies to mitigate the risk of cross-contamination between patients. These strategies will include recommendations on device design and appropriate labeling.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on mitigating the risk of cross-contamination from valves and accessories used for irrigation through flexible gastrointestinal endoscopes. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. Persons unable to download an electronic copy of ''Mitigating the Risk of Cross-Contamination from Valves and Accessories Used for Irrigation Through Flexible Gastrointestinal Endoscopes'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1400054 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 and 809 have been approved under OMB control number 0910–0485.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: January 14, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–00755 Filed 1–16–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1039]

General Wellness: Policy for Low Risk Devices; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''General Wellness: Policy for Low Risk Devices.'' FDA is issuing this draft guidance to provide clarity to industry and FDA staff on the Center for Devices and Radiological Health's (CDRH's) compliance policy for low risk products that promote a healthy lifestyle (general wellness products). This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the

final version of the guidance, submit either electronic or written comments on the draft guidance by April 20, 2015.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''General Wellness: Policy for Low Risk Devices'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Bakul Patel, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5449, Silver Spring, MD 20993–0002, 301–796–8589.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing this draft guidance to provide clarity to industry and FDA staff on CDRH's compliance policy for low-risk products that promote a healthy lifestyle (general wellness products). CDRH does not intend to examine low-risk general wellness products, as discussed in this guidance, to determine whether they are devices within the meaning of section 201(h) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 321(h)), or, if they are devices, whether they comply with the FD&C Act's regulatory requirements for devices. This guidance does not apply to products regulated by other FDA Centers (*e.g.,* drugs, biologics, dietary supplements, foods, or cosmetics) or to combination products, including those regulated by CDRH. By clarifying CDRH's policy on general wellness products, we hope to improve the predictability, consistency, and transparency on CDRH's regulation of these products.

For purposes of the guidance, CDRH defines ''general wellness products'' as products which meet the following factors: (1) Are intended for only general wellness use, as defined in this guidance and (2) present a very low risk to users' safety. General wellness products can include exercise equipment, audio recordings, mobile apps, video games, and other products that are typically available from retail establishments (including online retailers and distributors that offer mobile apps to be directly downloaded), when consistent with the two factors above.

The scope of the guidance is limited to certain products that have either: (1) An intended use that relates to maintaining or encouraging a general state of health or a healthy activity or (2) an intended use that associates the role of healthy lifestyle with helping to reduce the risk or impact of certain chronic diseases or conditions. For the first category of general wellness products, the intended use do not include any reference or connection to diseases or conditions and only relate to weight management, physical fitness, relaxation or stress management, mental acuity, self-esteem, sleep management, or sexual function. For the second category of general wellness products, the product is intended to promote, track, and/or encourage choice(s), which, as part of a healthy lifestyle, may either help to reduce the risk of, or help living well with, chronic diseases or conditions where it is well understood that the healthy lifestyle choice(s) may reduce the risk or impact of a chronic disease or condition.

The general wellness policy does not extend to devices that present inherent risks to a user's safety. The guidance sets out factors we will consider to identify a device as low risk. If the product is invasive, involves an intervention or technology that may pose a risk to a user's safety if device controls are not applied (such as risks from lasers, radiation exposure, or implants), raises novel questions of usability, or raises questions of biocompatibility, then the device is not covered by this guidance.

We welcome comments on all aspects of this draft guidance. We are particularly interested in comments regarding CDRH's proposed list of general wellness intended uses that relate to maintaining or encouraging a general state of health or a healthy activity. Please comment on the current list as well as other intended uses regarding sustaining or offering general improvement to conditions and functions associated with a general state of health that do not make any reference to diseases or conditions that CDRH should consider including in the list.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's proposed approach on general wellness products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. Persons unable to download an electronic copy of ''General Wellness: Policy for Low Risk Devices'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1830 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807 (registration and listing and premarket notification (510(k))) have been approved under OMB control numbers 0910–0625 and 0910–0120, respectively; the collections of information in 21 CFR part 801 and 21 CFR 809.10 (labeling) have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 820 (good manufacturing practice requirements as set forth in the quality system regulation) have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 803 (medical device reporting (MDR) requirements) have been approved under OMB control number 0910–0437.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of

Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: January 12, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–00756 Filed 1–16–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (60 FR 56605, as amended November 6, 1995; as last amended at 79 FR 75164–75165 dated December 17, 2014).

This notice reflects organizational changes in the Health Resources and Services Administration (HRSA). Specifically, this notice: (1) Establishes the Office of Human Resources (RB6); (2) establishes the Division of HR Operations (RB61), Division of Workforce Relations (RB62), and the Division of HR Policy and Technology (RB63), within the Office of Human Resources (RB6); (3) transfers the Division of Workforce Development (RB64) to the newly established Office of Human Resources (RB6); (4) abolishes the Division of Human Resources Management (RB42); (5) renames the Office of Management to the Office of Administrative Management (RB4); (6) renames the Division of Policy and Information Coordination to the Division of the Executive Secretariat (RB41); (7) establishes the Division of Executive Office Services (RB45), Division of Logistics and Support (RB46), and the Division of Security Services (RB47), within the Office of Administrative Management (RB4); (8) abolishes the Division of Management Services (RB43); (9) renames the Division of Contract Services for Primary Care, Health Systems and Clinician Recruitment and Retention to the Division of Technology and Enterprise Solutions (RB3A), and the Division of Contract Services for Maternal and Child Health and Administrative Support Offices to the Division of Primary Care and Health Infrastructure Support (RB3B), and the Division of Contract Services for HIV/AIDS, Health Professions, Rural Health and Grants Management to the Division of Population-Based Support (RB3C), within the Office of Acquisitions Management and Policy (RB3); (10) establishes the Division of Policy and Data Analysis (RB33) and the Division of Financial Support Services (RB34) within the Office of Acquisitions Management and Policy (RB3); (11) abolishes the Contract Administration Division (RB38) within the Office of Acquisitions Management and Policy (RB3); (12) renames the Division of IT Operational Support Services to the Division of End User Support (RB58), within the Office of Information Technology (RB5); (13) establishes the Division of Infrastructure Services (RB57), within the Office of Information Technology (RB5); and (14) abolishes the Division of IT Management Support Services (RB57), the Division of Web Support and Collaboration Services (RB59), and the Division of IT Security and Records Management (RB5R) within the Office of Information Technology (RB5).

Chapter RB—Office of Operations

Section RB–00, Mission

To improve health and achieve health equity through access to quality services, a skilled health workforce and innovative programs.

Section RB–10, Organization

Delete the organization for the Office of Operations (RB) in its entirety and replace with the following:

The Office of Operations (RB) is headed by the Chief Operating Officer, who reports directly to the Administrator, Health Resources and Services Administration. The Office of Operations includes the following components:

(1) Office of Operations (RB);

(2) Office of Budget (RB1);

a. Division of Budget Formulation and Presentation (RB11);

b. Division of Budget Execution and Management (RB12);

c. Division of Program Budget Services (RB13);

(3) Office of Financial Policy and Controls (RB2);

a. Division of Internal Controls (RB21);

b. Division of Financial Policy and Analysis (RB22);

(4) Office of Acquisitions Management and Policy (RB3);

a. Division of Technology and Enterprise Solutions (RB3A);

b. Division of Primary Care and Health Infrastructure Support (RB3B);

c. Division of Population-Based Support (RB3C);

d. Division of Policy and Data Analysis (RB33);

e. Division of Financial Support Services (RB34);

(5) Office of Administrative Management (RB4);

a. Division of the Executive Secretariat (RB41);

b. Division of Executive Office Services (RB45);

c. Division of Logistics and Support (RB46);

d. Division of Security Services (RB47);

(6) Office of Information Technology (RB5);

a. Division of Capital Planning, Architecture and Project Management (RB52);

b. Division of Data and Information Services (RB55);

c. Division of Enterprise Solutions and Applications Management (RB56);

d. Division of Infrastructure Services (RB57);

e. Division of End User Support (RB58); and

(7) Office of Human Resources (RB6);

a. Division of HR Operations (RB61);

b. Division of Workforce Relations (RB62);

c. Division of HR Policy and Technology (RB63);

d. Division of Workforce Development (RB64).

Section RB–20, Functions

This notice reflects organizational changes in the Health Resources and Services Administration (HRSA). Specifically, this notice: (1) Transfers the human resources function from the Office of Management to the Office of Human Resources (RB6); (2) transfers the emergency operations function from the Office of Information Technology (RB5) to the Office of Administrative Management (RB4); (3) transfers the functions from the Division of Management Services to the Division of Executive Office Services (RB45), Division of Logistics and Support (RB46), and the Division of Security Services (RB47), within the Office of Administrative Management (RB4); (4) transfers the function of the Contract Administration Division to the Division of Policy and Data Analysis (RB33), and the Division of Financial Support Services (RB34), within the Office of Acquisitions Management and Policy (RB3); (5) transfers the functions of the Division of IT Management Support

Services to the Division of End User Support (RB58) and to the CIO's Office; (6) transfers the functions of the Division of Web Support and Collaboration Services to the Division of Capital Planning, Architecture and Project Management (RB56) and to the Division of Infrastructure Services (RB57); and (7) transfers the function of the Division of IT Security and Records Management to the Division of Capital Planning, Architecture and Project Management (RB52) and to the CIO's Office.

Delete the functions for the Office of Acquisitions Management and Policy, the Office of Information and Technology, and the Office of Management, and replace in their entirety.

Office of Acquisitions Management and Policy (RB3)

The Office of Acquisitions Management and Policy: (1) Provides leadership in the planning, development, and implementation of policies and procedures for contracts; (2) exercises the sole responsibility within HRSA for the award and management of contracts; (3) provides advice and consultation of interpretation and application of the Department of Health and Human Services policies and procedures governing contracts management and inter/intra agency agreements; (4) develops operating procedures and policies for the Agency's contracts programs and inter/intra-agency agreements; (5) establishes standards, guides, and evaluation procedures for contract operations throughout the Agency; (6) coordinates the Agency's positions and actions with respect to the audit of contracts; (7) maintains liaison directly with or through Agency Bureaus or Offices with contractors, other organizations, and various components of the department; (8) provides leadership, guidance, and advice on the promotion of the activities in HRSA relating to procurement and material management governed by the Small Business Act of 1958, Executive Order 11625, other statutes and national policy directives for augmenting the role of private industry, small and minority businesses as sources of supply to the Government and Government contractors; and (9) plans, directs, and coordinates the Agency's strategic sourcing program.

Division of Technology and Enterprise Solutions (RB3A)

The Division of Technology and Enterprise Solutions: (1) Provides comprehensive acquisition services including planning, soliciting, negotiating, awarding, and administering simplified and negotiated procurement actions tailored to the functions of its assigned Bureau/Offices; (2) ensures compliance with federal laws and regulations, departmental and Agency guidelines, policies and procedures; (3) utilizes the automated contracts reporting systems including data input, data accuracy assessments, review, and correction of data reports; (4) provides professional, in-depth advice and consultation, customized to the Bureaus/Offices, regarding the appropriate contract vehicles and the various phases of the acquisition cycle; (5) conducts pre-award reviews of proposed contracts that exceed the requirements called for in the federal and departmental acquisition regulations in conjunction with the other contract services divisions; (6) plans and coordinates acquisition reviews of contracting activities within HRSA headquarters and the field components; and (7) responds to congressional inquiries and requests for acquisition information from other federal agencies and non-federal sources.

Division of Primary Care and Health Infrastructure Support (RB3B)

The Division of Primary Care and Health Infrastructure Support: (1) Provides comprehensive acquisition services including planning, soliciting, negotiating, awarding, and administering simplified and negotiated procurement actions tailored to the functions of its assigned Bureau/Offices; (2) ensures compliance with federal laws and regulations, departmental, and Agency guidelines, policies and procedures; (3) utilizes the automated contracts reporting systems including data input, data accuracy assessments, review, and correction of data reports; (4) provides professional, in-depth advice and consultation, customized to the Bureaus/Offices named above, regarding the appropriate contract vehicles and the various phases of the acquisition cycle; (5) conducts pre-award reviews of proposed contracts that exceed the requirements called for in the federal and departmental acquisition regulations in conjunction with the other contract services divisions; (6) plans and coordinates acquisition reviews of contracting activities within HRSA headquarters and the field components; and (7) responds to congressional inquiries and requests for acquisition information from other federal agencies and non-federal sources.

Division of Population-Based Support (RB3C)

The Division of Population-Based Support: (1) Provides comprehensive acquisition services including planning, soliciting, negotiating, awarding, and administering simplified and negotiated procurement actions tailored to the functions of its assigned Bureau/Offices; (2) ensures compliance with federal laws and regulations, departmental and Agency guidelines, policies and procedures; (3) utilizes the automated contracts reporting systems including data input, data accuracy assessments, review, and correction of data reports; (4) provides professional, in-depth advice and consultation, customized to the Bureaus/Offices, regarding the appropriate contract vehicles and the various phases of the acquisition cycle; (5) conducts pre-award reviews of proposed contracts that exceed the requirements called for in the federal and departmental acquisition regulations in conjunction with the other contract services divisions; (6) plans and coordinates acquisition reviews of contracting activities within HRSA headquarters and the field components; and (7) responds to congressional inquiries and requests for acquisition information from other federal agencies and non-federal sources.

Division of Policy and Data Analysis (RB33)

The Division of Policy and Data Analysis: (1) Administers the training and certification programs in collaboration with HRSA's programs and offices for HRSA's Contracting Officers' Representatives (CORS), FAC–C acquisition professionals, and Program and Project Mangers (P/PMs); (2) administers and oversees HRSA's automated contracts reporting systems; (3) conducts and monitors the performance of the HRSA purchase card program for headquarters, satellite contracts office, and regional field offices; (4) develops and implements policies, procedures, and other internal controls in compliance with federal, departmental, and Agency acquisition laws, regulations, policies and procedures; (5) coordinates and responds to acquisition-related information requests including congressional inquiries, performance management reviews, and requests for information from the General Accounting Office, Office of the Inspector General and other departments and non-federal sources; (6) conducts independent reviews and analysis requested by external and

internal customers; (7) coordinates the Office of Management and Budget Circular No. A–123 efforts; and (8) maintains the HRSA-wide contract portfolio for IDIQs and BPAs.

Division of Financial Support Services (RB34)

The Division of Financial Support Services: (1) Manages the close-out process of negotiated and simplified acquisition actions and other related actions; (2) in coordination with the Divisions of Contract Services, provides contract audits and analysis related to HRSA's acquisition actions, including terminations, modifications, cost proposals, and invoices; (3) manages the invoice tracker process; (4) manages the inter/intra-agency agreement process; (5) manages input into the Small Business Procurement Forecast Data Repository; (6) manages the contractor performance assessment reporting system and the procurement writing system; and (7) provides credit card audits to ensure compliance with HRSA Policy.

Office of Administrative Management (RB4)

The Office of Administrative Management provides HRSA-wide leadership, program direction, and coordination of all phases of administrative management. Specifically, the Office of Administrative Management: (1) Provides management expertise, staff advice, and support to the Chief Operating Officer in administrative program and policy formulation and execution; (2) provides administrative management services including property management, space planning, Contingency of Operations, safety, physical security, and general administrative services; (3) plans, directs, and coordinates organizational personnel security and badging activities; (4) coordinates the development of policy and regulations; (5) directs and coordinates the agency's delegations of authority; (7) administers the agency's Executive Secretariat and committee management functions; (8) administers the agency's Freedom of Information Program; and (9) serves as the agency's Senior Travel Official.

Division of the Executive Secretariat (RB41)

The Division of the Executive Secretariat provides leadership, management and guidance HRSA-wide for correspondence, policy and information coordination and Freedom of Information Act requests. Specifically, the Executive Secretariat: (1) Advises the Administrator and other key agency officials on cross-cutting policy issues and assists in the identification and resolution of cross-cutting policy issues and problems; (2) establishes and maintains tracking systems that provide HRSA-wide coordination and clearance of policies, regulations and guidelines; (3) plans, organizes and directs the Executive Secretariat with primary responsibility for preparation and management of written correspondence; (4) arranges briefings for Department officials on critical policy issues and oversees the development of necessary briefing documents; (5) coordinates the preparation of proposed rules and regulations relating to HRSA programs and coordinates review and comment on other Department regulations and policy directives that may affect HRSA programs; (6) oversees and coordinates the committee management activities; (7) coordinates the review and publication of **Federal Register** notices; and (8) coordinates the implementation of the Freedom of Information Act for the agency.

Division of Executive Office Services (RB45)

The Division of Executive Office Services plans, directs, and coordinates administrative activities for the offices within the Office of the Administrator (OA). Specifically: (1) Provides administrative management services including property, and general administrative services; (2) ensures implementation of statutes, Executive Orders, and regulations related to official travel and transportation; (3) provides oversight for the HRSA OA travel management program involving use of travel management systems, passenger transportation, and travel charge cards; (4) manages, controls, and/or coordinates all matters relating to mail management within OA; (5) serves as liaison for the Office of the Administrator awards coordination; (6) manages and/or coordinates small purchases and Iprocurements; and (7) coordinates human resource activities for the Office of the Administrator offices.

Division of Logistics and Support (RB46)

The Division of Logistics and Support plans, directs, and coordinates administrative activities for the HRSA Bureaus and Offices. Specifically: (1) Ensures implementation of statutes, Executive Orders, and regulations related to official travel, transportation, and relocation; (2) provides oversight for the HRSA travel management program involving use of travel management services/systems, passenger transportation, and travel charge cards; (3) manages, controls, and/or coordinates all matters relating to mail management within HRSA, including developing and implementing procedures for the receipt, delivery, collection, and dispatch of mail; (4) ensures implementation of regulations and policies related to time and attendance throughout HRSA; (5) responsible for the HRSA time and attendance program; (6) manages and/or coordinates small purchases and Iprocurements for Reasonable Accommodations; (7) ensures implementation of statutes, Executive Orders, and regulations related to official relocations of HRSA staff; (8) manages, controls, and/or coordinates all matters relating to mail management within HRSA including developing and implementing procedures for the receipt, delivery, collection, and dispatch of mail; (9) maintains overall responsibility for the HRSA Forms Management Program; (10) provides oversight for the HRSA travel management program involving use of travel management systems, passenger transportation, and travel charge cards; (11) manages the quality of work life programs; (12) provides administrative management services including procurement, property, space planning, and general administrative services; (13) provides planning, management, and oversight of all interior design projects, move services and furniture requirements; (14) develops space and furniture standards and related policies; (15) provides analysis of office space requirements required in supporting decisions relating to the acquisition of commercial leases; (16) manages the copier maintenance program; and (17) manages ergonomics throughout HRSA.

Division of Security Services (RB47)

The Division of Security Services plans, directs, and coordinates safety, physical security, personnel security, COOP/Emergency Management, parking/transit subsidy and badging. Specifically: (1) Ensures implementation of Executive Orders, and regulations related to badging and personnel security related functions; (2) manages Transhare and parking coordination programs; (3) provides support and guidance on badging and personnel security issues; (4) approves foreign travel; (5) performs security briefings; (6) approves UFMS and other system requests; (7) performs on-boarding and off-boarding duties; (8) serves as Transhare coordinator and provides oversight for the Transhare and

parking programs, involving applicant verification, approval, and cost analysis; (9) ensures implementation of Executive Orders and regulations related to Safety and Security functions; (10) provides advice, counsel direction and support to employees to fulfill the agency's primary responsibility of providing a workplace free from recognizable safety and health concerns; (11) manages the Continuity of Operations Plan (COOP) program for the offices supported by the Office of Administrative Services as well as coordinating with their counterparts in the HRSA Bureaus; (12) provides Emergency Management support nationwide to HRSA customers to include departmental reporting; (13) manages the GETS card program HRSA wide; (14) serves as the liaison to the department for the foreign visitor requests; (15) manages the card readers for all HRSA space; (16) manages the HRSA accountability program, shelter in place program and evacuation coordination for employees with disabilities; (17) provides training for the safety and security programs; (18) plans, directs and coordinates HRSA's emergency operations activities; (19) serves as HRSA's liaison to HHS and interagency partners on emergency preparedness matters; and (20) coordinates HRSA continuity of operations and continuity of Government activities and maintains HRSA's Alternate Operating Facilities.

Office of the Director and Chief Information Officer (RB5)

The Chief Information Officer is responsible for the organization, management, and administrative functions necessary to carry out the responsibilities of the Chief Information Officer including: (1) Architects, deploys, and supports IT infrastructure; (2) provides IT end user support; (3) develops enterprise and custom applications; (4) provides investment control, budget formulation and execution, policy development, strategic and tactical planning, and performance monitoring; (5) provides leadership in the development, review, and implementation of policies and procedures to promote improved information technology (IT) management capabilities and best practices throughout HRSA; (6) coordinates IT workforce issues and works closely with the Office of Administrative Services on IT recruitment and training issues; and (7) oversees HRSA security operations and management program.

Division of Capital Planning, Architecture and Project Management (RB52)

The Division of Capital Planning, Architecture and Project Management coordinates HRSA's capital planning and investment control, Enterprise Architecture, and Enterprise Project Life Cycle processes including: (1) Provides direct planning development and support to assure that IT activities support and achieve agency business planning and mission objectives; (2) works to obtain required information and analyze it as appropriate; coordinates control and evaluation of ongoing IT projects and investments, including support to the HRSA Enterprise Governance Board and the Technical and Business Review Board in conducting such reviews; (3) implements, coordinates, and administers the records management program for HRSA; and (4) establishes Agency records management policy, HRSA records schedules, and provides training in compliance with National Archives and Records Administration standards.

Division of Data and Information Services (RB55)

The Division of Data and Information Services develops and maintains an overall data and information management strategy for HRSA that is integrated with HHS and government-wide strategies, including: (1) Serves as HRSA's coordination center for data transparency and Open Government data initiatives; (2) provides for HRSA's data quality and ensures that data required for HRSA's enterprise information requirements are captured in appropriate enterprise applications and that necessary data repositories are built and maintained; (3) evaluates and integrates emerging technologies to facilitate the translation of data and information from data repositories into electronic formats for internal and external dissemination; (4) identifies information needs across HRSA and develops approaches for meeting those needs using appropriate technologies, including development and maintenance of an enterprise reporting platform and a geospatial data warehouse; (5) enhances and expands the use and utility of HRSA's data by providing basic analytic and user support, develops and maintains a range of information products for internal and external users, and demonstrates potential uses of information in supporting management decisions; (6) provides leadership and establishes policies to address legislative or regulatory requirements in its areas of responsibility; and (7) advises HRSA's Chief Information Officer on technical and analytical support that can be made available to other HRSA Bureaus and Offices.

Division of Enterprise Solutions and Applications Management (RB56)

The Division of Enterprise Solutions and Applications Management (DESAM) develops enterprise and customize software applications to meet customer and mission needs. DESAM evaluates business processes, and develops and integrates systems, and functional and data architectures based on requirements. DESAM develops, maintains and supports software application including Commercial-Off-The-Shelf (COTS) applications.

Division of Infrastructure Services (RB57)

The Division of Infrastructure Services provides leadership and consultation including the following functions: (1) Directs and manages the support and acquisition of HRSA's network and desktop hardware, servers, wireless communication devices, and software licenses; (2) manages the HRSA Data Center and the operation and maintenance of a complex, high-availability network infrastructure on which mission-critical applications are made available 24 hours per day, 7 days per week; (3) controls infrastructure configuration management, installations and upgrades, security perimeter protection, and system resource access; and (4) coordinates IT activities for Continuity of Operations Planning Agency-wide including provisioning and maintaining IT infrastructure and hardware at designated Continuity of Operations Planning locations to support emergency and Continuity of Operations Planning requirements.

Division of End User Support (RB58)

The Division of End User Support provides leadership, consultation, training, and management services for HRSA's enterprise user computing environment. Specifically: (1) Directs and manages the support and acquisition of HRSA's desktop hardware, mobile devices, telecommunication, and cabling; (2) maintains workstation hardware and software configuration management controls; (3) accounts for property life cycle management, and tracks Agency-wide IT capital equipment; (4) oversees the delivery of desktop services to staff in HRSA Regional Offices; and (5) provides telecommunications accountability, oversight, and support.

Office of Human Resources (RB6)

(1) Provides advice and guidance on all aspects of the HRSA human resources management program; (2) provides the full range of human resources operations including: employment; staffing and recruitment; compensation; classification; executive resources; labor and employee relations; employee benefits; and retirement; (3) develops and coordinates the implementation of human resources policies and procedures for HRSA's human resources activities; (4) monitors, evaluates, and reports on the effectiveness, efficiency, and compliance with HR laws, rules, and regulations; (5) provides advice and guidance for the establishment or modification of organization structures; (6) manages the HRSA's Ethics Program; (7) administers the agency's performance management programs; (8) manages the incentive and honor awards programs; (9) represents HRSA in human resources matters both within and outside of the Department; (10) oversees the commissioned corps liaison activities including the day-to-day operations of workforce management; (11) monitors HR accountability; (12) manages HR information technology; (13) provides staff support to the Deputy Ethics Counselor; (14) directs, coordinates, and conducts workforce development activities for the agency and (15) conducts HRSA-wide workforce analysis studies and surveys.

Division of HR Operations (RB61)

The Division of HR Operations is responsible for providing advice, guidance and advisory services on human resources activities. (1) Provides the full range of human resources operations activities including: employment; staffing and recruitment; compensation; classification; and personnel action processing; (2) develops and implements human resources policies and procedures for classification, and staffing and recruitment; (3) provides expert guidance to managers on the recruitment process; and (4) ensures human resources staff is meeting customer service and performance expectations.

Division of Workforce Relations (RB62)

The Division of Workforce Relations is responsible for providing advice, guidance, and counsel to agency employees and managers. (1) Represents HRSA on human resources matters before the Department, the Office of the General Counsel, the Office of Government Ethics, the Office of Personnel Management, the unions, and the Federal Labor Relations Authority; (2) provides human resources to managers and employees, including: labor relations, employee relations, performance management, employee benefits, and retirement; (3) manages the unemployment and voluntary leave transfer programs; (4) manages the HRSA-wide ethics program; (5) administers the performance management programs; (6) manages commissioned corps liaison activities; and (7) manages HRSA's Telework Program.

Division of HR Policy and Technology (RB63)

The Division of HR Policy and Technology: (1) Develops and implements HRSA-wide human resources policies; (2) establishes standard operating procedures for the human resources office; (3) guides the identification, review, and implementation of HR information technology that enables workforce empowerment and supports HR in achieving its ability to execute a variety of duties efficiently and effectively; (4) manages an accountability program that includes preparation and responses to audits and reviews; (5) manages the incentive and honor awards programs; (6) manages the HR helpdesk by providing timely, reliable, and accurate HR-related information to customers and other stakeholders; (7) manages the executive resources functions to include recruitment, staffing, and performance management; and (8) works on HR projects and initiatives.

Division of Workforce Development (RB64)

(1) Establishes long-term workforce skills and capacity building strategies; (2) plans, directs, manages, evaluates HRSA-wide learning programs, technical, career growth and leadership development programs; (3) develops, designs, implements, and evaluates a comprehensive strategic workforce leadership development and career management program for all occupational series throughout HRSA; (4) provides technical assistance and recommendations in creating high-performance in organizations, career management, and employee learning and development; (5) maximizes economies of scale through systematic planning and evaluation of agency-wide learning and leadership development initiatives; (6) identifies and assesses relevant scanning/benchmarking on workforce and career development processes, services and products; (7) establishes policies governing major learning initiatives and new learning activities, and works collaboratively with other components of HRSA in planning, developing, implementing, and evaluating policies related to professional development initiatives; (8) plans, directs, and manages HRSA-wide skills-building and service programs for fellows and interns; (9) conducts agency-wide workforce analysis studies and surveys; (10) develops comprehensive workforce capacity-building strategies that meet the requirements of the Office of Personnel Management and the Department of Health and Human Services, programmatic needs of HRSA, and the governance and management needs of HRSA leadership; and (11) evaluates workforce capacity-building strategies to ensure that HRSA is able to retain a cadre of talented and ready public health professionals, reduce risks associated with turnover in mission critical positions and create a match between future needs and the aspirations of individuals.

Section RB–30, Delegations of Authority

All delegations of authority and re-delegations of authority made to HRSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

This reorganization is effective upon date of signature.

Dated: January 12, 2015.

Mary K. Wakefield,

Administrator.

[FR Doc. 2015–00710 Filed 1–16–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–14–257: Research Using Biosamples from Selected Type 1 Diabetes Clinical Studies (DP3).

Date: February 13, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–14–258: Research Using Subjects from Selected Type 1 Diabetes Clinical Studies (DP3).

Date: February 18, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Closed Loop Technologies: Clinical.

Date: March 6, 2015.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Digestive Diseases Research Core Centers.

Date: March 26–27, 2015.

Time: 6:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 13, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00652 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 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 Cancer Institute Special Emphasis Panel Small Grants Program for Cancer Epidemiology (R03) Review at NCI.

Date: February 24, 2015.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 4W030, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Scott A. Chen, Ph.D. Scientific Review Officer, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W604 Rockville, MD 20850, 240–276–6038 *chensc@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 13, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00650 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the Neurological Sciences and Disorders C, February 26, 2015, 08:00 a.m. to February 27, 2015, 06:00 p.m., Embassy Suites Alexandria, Alexandria, VA which was published in the **Federal Register** on January 6, 2015, 80 FR 513.

The meeting date has been changed from February 26–27, 2015 to March 30–31, 2015. The location remains the same. The meeting is closed to the public.

Dated: January 13, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00671 Filed 1–16–15; 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 Center for Scientific Review Special Emphasis Panel, February 6, 2015, 11:00 a.m. to February 6, 2015, 01:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on January 8, 2015, 80 FR 1031.

The meeting will be held on February 11, 2015. The meeting location and time remain the same. The meeting is closed to the public.

Dated: January 13, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00651 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Kidney Disease Ancillary Studies.

Date: February 2, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 741a, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–5404, *hoffertj@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special, Emphasis Panel; R13 Conference Grant Applications.

Date: February 5, 2015.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Study on Liver Diseases.

Date: February 24, 2015.

Time: 4:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Maternal Health Ancillary Studies.

Date: March 6, 2015.

Time: 2:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 741a, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–5404, *hoffertj@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR12–265: Ancillary Studies on Nutrition and Metabolism.

Date: March 18, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR12–265: Ancillary Studies to the ACCORD, ADVANCE and MESA Trials.

Date: March 25, 2015.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK14–016 Type 1 Diabetes TrialNet Clinical Centers (U01).

Date: March 30, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 13, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00653 Filed 1–16–15; 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 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 Resource Related Research Projects (R24).

Date: February 9, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Room 3F100, 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 Fisher Lane, MSC 7616, Bethesda, MD 20892–7616, 240–669–5019, *schleefrr@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 13, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00660 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, Epilepsy CWOW Review.

Date: March 3–4, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Downtown Convention Center Hotel, 859 Convention Center Boulevard, New Orleans, LA 70130.

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660, *benzingw@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 13, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00672 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Hip Fracture Trial.

Date: February 5, 2015.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Isis S. Mikhail, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7702, *MIKHAILI@mail.nih.gov.*

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. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 13, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00656 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Frederick National Laboratory Advisory Committee to the National Cancer Institute, February 3, 2015, 09:00 a.m. to February 4, 2015, 02:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on December 30, 2014, 79 FR 78457.

The meeting notice is amended to change the date and time of the meeting to February 3, 2015 from 08:30 a.m. to 05:00 p.m. The meeting is open to the public.

Dated: January 13, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00655 Filed 1–16–15; 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 Skeletal Biology Development and Disease Study Section, February 05, 2015, 08:00 a.m. to February 06, 2015, 05:00 p.m., Marriott Courtyard Gaithersburg Washingtonian Ctr, 204 Boardwalk Place, Gaithersburg, MD, 20878 which was published in the **Federal Register** on January 08, 2015, 80 FR 1030.

The meeting will be held at Crowne Plaza Rockville, 3 Research Court, Rockville, MD 20850. The meeting date and time remain the same. The meeting is closed to the public.

Dated: January 13, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00661 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Policy and Program Evaluation.

Date: January 22, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK DEM Fellowship Grant Review.

Date: February 2–3, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Ancillary Studies.

Date: February 11, 2015.

Time: 10:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Fellowships in Digestive Diseases and Nutrition.

Date: February 18–19, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Ancillary Studies to Major Ongoing Clinical Research Studies (R01) Kidney Disease.

Date: February 18, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Interdisciplinary Team Science in NIDDK Research Areas (R24)—Cell Therapy for Diabetes.

Date: March 12, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Interdisciplinary Team Science in NIDDK (R24) Chip Platform for Muscle and Fat Metabolism.

Date: March 16, 2015.

Time: 12:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 13, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00654 Filed 1–16–15; 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: February 10, 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, Room 3E61, Rockville, MD 20892–7616, 301–451–3679, *schleefrr@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 13, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–00659 Filed 1–16–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0002]

Declaration of Sea Area A1

ACTION: Notice.

SUMMARY: The Coast Guard is declaring Sea Area A1 in certain areas off the coast of the United States based upon the performance of the Coast Guard's

Rescue 21 System, and in accordance with applicable provisions of the International Convention for the Safety of Life at Sea, 1974 (SOLAS). The Coast Guard defines Sea Area A1 as those areas where more than ninety percent of the area within 20 nautical miles seaward of the territorial baseline along the East, West and Gulf Coasts of the United States, excluding Alaska, and including Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Northern Mariana Islands of Saipan, Tinian, and Rota, is within coverage of Coast Guard very high frequency (VHF) Coast Stations that provide both a continuous watch for Digital Selective Calling (DSC) distress alerts on Channel 70 and a capability to respond to distress alerts.

FOR FURTHER INFORMATION CONTACT: For questions on this Notice, contact Robert F. Salmon, telephone: 202–475–3537; email: *Robert.F.Salmon@uscg.mil*.

SUPPLEMENTARY INFORMATION: Rescue 21 is the Coast Guard's advanced command, control and direction-finding communications system that was created to better locate mariners in distress. By harnessing state-of-the-market technology, Rescue 21 enables the Coast Guard to execute its search and rescue missions with greater agility and efficiency which helps to save lives and property at sea and on navigable rivers. The Coast Guard's Rescue 21 system is comprised of strategically placed VHF Coast Stations that provide a continuous watch on DSC Channel 70 for receiving, and responding to, digital distress alerts.

In accordance with Chapter IV, Regulation 2 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), ''Sea Area A1 means an area within the radiotelephone coverage of at least one VHF Coast Station in which continuous Digital Selective Calling (DSC) alerting is available, as may be defined by a Contracting Government.'' International Maritime Organization (IMO) Resolution A. 801(19), which is cited in Chapter IV, Regulation 2, further provides that stations participating in VHF DSC watchkeeping in the Global Maritime Distress and Safety System (GMDSS) should provide as complete a coverage of the Sea Area A1 as is possible.

The performance of the currently built-out Rescue 21 system demonstrates that it provides coverage over more than 90 percent of those areas within 20 nautical miles seaward of the territorial baseline along the East, West, and Gulf coasts of the United States, excluding Alaska, and including Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Northern Mariana Islands of Saipan, Tinian, and Rota. Based upon the demonstrated coverage and performance of the Rescue 21 System, and upon the applicable requirements of SOLAS, the Coast Guard is declaring as Sea Area A1 those areas within 20 nautical miles seaward of the territorial baseline along the East, West, and Gulf coasts of the United States, excluding Alaska, and including Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Northern Mariana Islands of Saipan, Tinian, and Rota.

While not related to Sea Area A1, the Coast Guard would like to inform mariners that the Rescue 21 System also provides VHF Coast Stations along the Great Lakes so that continuous DSC alerting is available within 20 nautical miles offshore from more than 90 percent of U.S. locations along the Great Lakes. The Coast Guard is also building Rescue 21 facilities along the Western Rivers and in Alaska.

The Coast Guard would like to take this opportunity to remind mariners that no radiocommunications system can guaranty 100 percent coverage or 100 percent availability because of the vagaries of radio propagation and equipment performance. The Coast Guard urges all mariners to be sure that they have obtained and are using a proper Maritime Mobile Service Identity (MMSI), and that their DSC radios are connected to Global Positioning System (GPS) devices (if the DSC radio does not have built-in GPS). Assuring that a DSC alert is accompanied by both a properly registered MMSI and a GPS location significantly enhances and expedites search and rescue efforts.

It should be noted that this Declaration designating specified areas as Sea Area A1 will trigger certain radio carriage provisions of the Federal Communications Commission (FCC) Maritime Radio Service Rules and Regulations (47 CFR 80.1 *et seq.*). It is expected that the FCC will be issuing a Public Notice providing the details of specific vessel radio carriage requirements.

Authority: This notice is issued under authority of 14 U.S.C. 93(a)(16) and 5 U.S.C. 552(a).

Dated: January 9, 2015.

Glenn C. Hernandez,

Captain, U.S. Coast Guard, Chief, Office of Information Assurance and Spectrum Policy. Commandant (CG–65)

[FR Doc. 2015–00798 Filed 1–16–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0879]

Lower Mississippi River Waterway Safety Advisory Committee; Vacancies

AGENCY: United States Coast Guard, DHS.

ACTION: Request for applicants.

SUMMARY: The Coast Guard seeks applications for membership on the Lower Mississippi River Waterway Safety Advisory Committee. This Committee advises and makes recommendations to the Coast Guard on matters relating to safe transit of vessels and products to and from the ports on the Lower Mississippi River and related waterways. Applicants selected for service on the Lower Mississippi River Waterway Safety Advisory Committee via this solicitation will not begin their respective terms until August 27, 2015.

DATES: Completed applications should reach the Coast Guard March 23, 2015.

ADDRESSES: Send your cover letter and resume indicating the position you wish to fill via one of the following methods:

- *By mail:* Lieutenant Junior Grade Colin Marquis, Lower Mississippi River Waterway Safety Advisory Committee, Alternate Designated Federal Officer, 200 Hendee Street, New Orleans, Louisiana 70114; or
- *By fax:* 504–365–2287, Attention: Lieutenant Junior Grade Colin Marquis, Lower Mississippi River Waterway Safety Advisory Committee, Alternate Designated Federal Officer; or
- *By email: Colin.L.Marquis@uscg.mil,* Subject line: The Lower Mississippi River Waterway Safety Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Colin Marquis, Alternate Designated Federal Officer of Lower Mississippi River Waterway Safety Advisory Committee; telephone (504)365–2282 or email at *Colin.L.Marquis@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Lower Mississippi River Waterway Safety Advisory Committee is a Federal advisory committee under the authority found in section 19 of the Coast Guard Authorization Act of 1991, (Pub. L. 102–241) as amended by section 621 of the Coast Guard Authorization Act of 2010, Public Law 111–281. This Committee is established in accordance with and operates under the provisions of the Federal Advisory Committee Act, title 5, United States Code, Appendix. The Lower Mississippi River Waterway

Safety Advisory Committee advises the U.S. Coast Guard on matters relating to communications, surveillance, traffic management, anchorages, development, and operation of the New Orleans Vessel Traffic Service, and other related topics dealing with navigation safety on the Lower Mississippi River as required by the U.S. Coast Guard.

The Committee expects to meet at least two times annually. It may also meet for extraordinary purposes with the approval of the Designated Federal Officer. We will consider applications for 25 positions that expire or become vacant August 27, 2015. To be eligible, you should have experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the Lower Mississippi River and its connecting navigable waterways, including the Gulf of Mexico. The 25 positions available for application are broken down as follows:

1. Five members representing River Port authorities between Baton Rouge, Louisiana, and the Head of Passes of the Lower Mississippi River, of which one member shall be from the Port of St. Bernard and one member from the Port of Plaquemines.

2. Two members representing vessel owners domiciled in the state of Louisiana.

3. Two members representing organizations which operate harbor tugs or barge fleets in the geographical area covered by the Committee.

4. Two members representing companies which transport cargo or passengers on the navigable waterways in the geographical area covered by the Committee.

5. Three members representing State Commissioned Pilot organizations, with one member each representing New Orleans-Baton Rouge Steamship Pilots Association, the Crescent River Port Pilots Association, and the Associated Branch Pilots Association.

6. Two at-large members who utilize water transportation facilities located in the geographical area covered by the Committee.

7. Three members each one representing one of three categories: Consumers, shippers, and importers-exporters that utilize vessels which utilize the navigable waterways covered by the Committee.

8. Two members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on those vessels which utilize navigable waterways covered by the Committee.

9. One member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

10. One member representing an environmental organization.

11. One member drawn from the general public.

12. One member representing the Associated Federal Pilots and Docking Masters of Louisiana.

Each member serves for a term of 2 years. Members may serve consecutive terms. All members serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government. If you are selected as a member from the general public and from at-large members who utilize water transportation facilities in the geographical area covered by the Committee, you will be appointed and serve as a Special Government Employee as defined in section 202(a) of title 18, United States Code. As a candidate for appointment as a Special Government Employee, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). The Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Applicants can obtain this form by going to the Web site of the Office of Government Ethics (*www.oge.gov*), or by contacting the individual listed above. Applications for Special Government Employee which are not accompanied by a completed OGE Form 450 will not be considered.

Registered lobbyists are not eligible to serve on federal advisory committees in her or his individual capacity. See guidance notice (79 FR 47482, August 13, 2014). Positions we list for members from the general public and from at-large members who utilize water transportation facilities in the geographical area covered by the Committee would be someone appointed in her or his individual capacity and she or he would be designated as a Special Government Employee as defined in 202(a) of title 18, United States Code. Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure Act of 1995 (Pub. L. 104–65, as amended by title II of Pub. L. 110–81).

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employment organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

To visit our online docket, go to *http://www.regulations.gov,* enter the docket number for this notice (USCG–2014–0879) in the Search box, and click ''Search''. Please do not post your resume on this site.

Note that during the vetting process applicants may be asked to provide date of birth and social security number. All email submittals will receive receipt confirmation.

Dated: December 5, 2014.

K. S. Cook,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2015–00797 Filed 1–16–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2014–N259; FXES11130200000–156–FF02ENEH00]

Receipt of an Incidental Take Permit Application for Participation in the Oil and Gas Industry Conservation Plan for the American Burying Beetle in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit application for take of the federally listed American burying beetle resulting from activities associated with the geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure within Oklahoma. If approved, the permit would be issued under the approved *Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP).

DATES: To ensure consideration, written comments must be received on or before February 19, 2015.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicant's ITP application by one of the following methods. Please refer to

the permit number when requesting documents or submitting comments.

○ *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.

○ *Electronically: fw2_hcp_permits@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at Environmental Review, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.;* Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit (ITP) application for take of the federally listed American burying beetle (*Nicrophorus americanus*) resulting from activities associated with geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure within Oklahoma. If approved, the permit would be issued to the applicant under the *Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP). The ICP was made available for comment on April 16, 2014 (79 FR 21480), and approved on May 21, 2014 (publication of the FONSI notice was on July 25, 2014; 79 FR 43504). The ICP and the associated environmental assessment/finding of no significant impact are available on the Web site at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following application under the ICP, for incidental take of the federally listed ABB. Please refer to the appropriate permit number (TE–54185B) when requesting application documents and when submitting comments. Documents and other information the applicants have submitted with this application 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–54185B

Applicant: Chaparral Energy, LLC, Oklahoma City, OK.

Applicant requests a new permit for gas upstream and midstream production, including geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of gas well field infrastructure, as well as construction, maintenance, operation, repair, decommissioning, and reclamation of gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: January 12, 2015.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region.

[FR Doc. 2015–00725 Filed 1–16–15; 8:45 am]

BILLING CODE 4310–55–P.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14XL LLIDB00100 LF1000000.HT0000 LXSS020D0000 241A 4500069722]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Bruneau-Owyhee Sage-Grouse Habitat Project, Owyhee County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Boise District, Boise, Idaho, intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments to identify relevant issues.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until February 19, 2015. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site, *http://www.blm.gov/id.* In order to be included in the draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. There will be additional opportunities for public participation upon publication of the draft EIS.

ADDRESSES: You may submit comments related to the Bruneau Owyhee Sage-Grouse Habitat Project by any of the following methods:

- *Web site: http://www.blm.gov/id/st/en/prog/nepa_register/BOSH-juniper-removal.html.*
- *email: blm_id_bruneauowyheesagegrouse@blm.gov.*
- *fax:* 208–384–3326.
- *mail:* 3948 S. Development Avenue, Boise, ID 83705–5339.

Documents pertinent to this proposal may be examined at the Boise District Office at the above address.

FOR FURTHER INFORMATION CONTACT: Mike McGee, Wildlife Biologist, Boise District Fuels Management to have your name added to the mailing list, at telephone 208–384–3300; address 3948 S. Development Avenue, Boise, ID 83705–5339; email *blm_id_bruneauowyheesagegrouse@blm.gov.* Persons who use a telecommunications

device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The project is a collaborative effort among Federal, State, and county governments as well as conservation organizations and the University of Idaho to improve and maintain functioning sage-grouse habitat in Owyhee County, Idaho. The proposal is to remove early-stage encroachment of western juniper (*Juniperus occidentalis*) from Greater Sage-Grouse (*Centrocercus urophasianus*) habitat across 1.5 million acres in the BLM Bruneau and Owyhee Field Offices. Treatment areas were selected based on the current distribution of sage-grouse and focused within a 10 kilometer radius of occupied sage-grouse leks. A lek is an area where sage-grouse gather each spring for mating and is considered breeding habitat.

Recent research suggests that sage-grouse populations incur negative impacts at a very low level of juniper encroachment, and that no leks remain active when conifer cover exceeds 4 percent. Within the proposed treatment area, thousands of acres of sage-grouse habitat are being encroached upon by western juniper. Removal of early-stage juniper encroachment would improve and maintain suitable sage-grouse habitat. Many acres within the project area do not meet the criteria for treatment, for example, areas where juniper is well established and areas where no juniper trees are present. Therefore, actual treatment acres would be considerably less than the 1.5 million acres identified as the project area.

Proposed treatments include cutting and lopping juniper, leaving the material on site, or cutting followed by jackpot burning. Jackpot burning—burning when the ground is saturated, frozen, or covered by snow—would be utilized in areas where scattering cut juniper is not feasible or desirable. Mastication of juniper using a track-hoe fitted with a grinding implement could also occur within 100 feet of existing roads. The BLM may use handsaws to implement treatment within designated wilderness or wilderness study areas, as determined through a minimum requirements analysis.

The purpose of public scoping is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and to guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues:

- Juniper slash near roads posing a threat to the public and firefighters during a wildfire,
- Introduction and spread of invasive and noxious vegetation,
- Impacts to raptor nests,
- Removal of old growth juniper,
- Disturbance to lekking, nesting or wintering sage-grouse during project implementation,
- Disturbance to migratory birds, and
- Effects of juniper management on wilderness characteristics.

Appropriate mitigation measures would be used to minimize impacts to sage-grouse habitat, old growth juniper, raptor nests, migratory birds, and wilderness characteristics. These mitigation measures would be identified in detail in the EIS and would primarily include physical avoidance and timing restrictions during implementation.

The BLM will use NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). Information about historic and cultural resources within the area potentially affected by the proposed sage-grouse habitat project will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian Tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, that may be interested in or affected by the proposed sage-grouse habitat project may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

James M. Fincher,

BLM Boise District Manager.

[FR Doc. 2015–00741 Filed 1–16–15; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTC 00900.L16100000.DP0000]

Notice of Public Meeting, Dakotas Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Dakotas Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Dakotas Resource Advisory Council meeting will be held on February 12, 2015 in Bowman, North Dakota. The meeting will start at 9:00 a.m. and adjourn at approximately 4:30 p.m.

ADDRESSES: Bowman City Offices, 101 First Street Northeast, Bowman, North Dakota.

FOR FURTHER INFORMATION CONTACT: Mark Jacobsen, Public Affairs Specialist, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, Montana 59301; (406) 233–2831; *mjacobse@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–677–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member council advises the Secretary of the Interior through the BLM on a variety of planning and management issues associated with public land management in North and South Dakota. At this meeting, topics will include: An Eastern Montana/Dakotas District report, North Dakota and South Dakota Field Office manager reports, Montana/Dakotas State Office RAC chair meeting topics for discussion, Ft. Meade Recreation Area trails projects report, individual RAC member reports and other issues the council may raise. All meetings are open to the public and the

public may present written comments to the council. Each formal RAC meeting will also have time 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. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2.

Chip Kimball,

Acting Eastern Montana/Dakotas District Manager.

[FR Doc. 2015–00724 Filed 1–16–15; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 145R5065C6, RX.59389832.1009676]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of *1939,* and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
LCWSP Lower Colorado Water Supply Project
M&I Municipal and Industrial
NMISC New Mexico Interstate Stream Commission
O&M Operation and Maintenance
OM&R Operation, Maintenance, and Replacement
P-SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

1. Irrigation, M&I, and Miscellaneous Water Users; Idaho, Oregon, Washington, Montana, and Wyoming: Temporary or interim irrigation and M&I water service, water storage, water

right settlement, exchange, miscellaneous use, or water replacement contracts to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

3. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Poplar ID, all in the Minidoka Project, Idaho; and Juniper Flat District Improvement Company, Wapinitia Project, Oregon: Amendatory repayment and water service contracts; purpose is to conform to the RRA.

5. Nine water user entities of the Arrowrock Division, Boise Project, Idaho: Repayment agreements with districts with spaceholder contracts for repayment, per legislation, of the reimbursable share of costs to rehabilitate Arrowrock Dam Outlet Gates under the O&M program.

6. Three irrigation water user entities, Rogue River Basin Project, Oregon: Long-term contracts for exchange of water service with three entities for the provision of up to 292 acre-feet of stored water from Applegate Reservoir (a USACE project) for irrigation use in exchange for the transfer of out-of-stream water rights from the Little Applegate River to instream flow rights with the State of Oregon for instream flow use.

7. Conagra Foods Lamb Weston, Inc., Columbia Basin Project, Washington: Miscellaneous purposes water service contract providing for the delivery of up to 1,500 acre-feet of water from the Scooteney Wasteway for effluent management.

8. Benton ID, Yakima Project, Washington: Replacement contract to, among other things, withdraw the District from the Sunnyside Division Board of Control; provide for direct payment of the District's share of total operation, maintenance, repair, and replacement costs incurred by the United States in operation of storage division; and establish District responsibility for operation, maintenance, repair, and replacement for irrigation distribution system.

9. Stanfield and Westland IDs and 67 individual contractors, Umatilla Project, Oregon: Amendatory repayment contracts and repayment agreements for reimbursable cost of SOD repairs to McKay Dam.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

1. Irrigation water districts, individual irrigators, M&I and miscellaneous water users; California, Nevada, and Oregon: Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for up to 10,000 acre-feet for use of excess capacity in project facilities for terms up to 5 years; temporary conveyance agreements with the State of California for various purposes; long-term contracts for similar service for up to 1,000 acre-feet annually.

2. Contractors from the American River Division, Delta Division, Cross Valley Canal, San Felipe Division, West San Joaquin Division, San Luis Unit, and Elk Creek Community Services District; CVP; California: Renewal of 30 interim and long-term water service contracts; water quantities for these contracts total in excess of 2.1M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

3. Redwood Valley County WD, SRPA, California: Restructuring the repayment schedule pursuant to Public Law 100–516.

4. El Dorado County Water Agency, CVP, California: M&I water service contract to supplement existing water supply. Contract will provide for an amount not to exceed 15,000 acre-feet annually authorized by Public Law 101–514 (Section 206) for El Dorado County Water Agency. The supply will be subcontracted to El Dorado ID and Georgetown Divide Public Utility District.

5. Sutter Extension WD, Delano-Earlimart ID, Pixley ID, the State of California Department of Water Resources, and the State of California Department of Fish and Wildlife; CVP; California: Pursuant to Pub. L. 102–575, agreements with non-Federal entities for the purpose of providing funding for CVPIA refuge water conveyance and/or facilities improvement construction to deliver water for certain Federal wildlife refuges, State wildlife areas, and private wetlands.

6. CVP Service Area, California: Temporary water acquisition agreements for purchase of 5,000 to 200,000 acre-feet of water for fish and wildlife purposes as authorized by Public Law 102–575 for terms of up to 5 years.

7. El Dorado ID, CVP, California: Long-term Warren Act contract for conveyance of nonproject water in the amount of up to 17,000 acre-feet annually. The contract will allow CVP facilities to be used to deliver nonproject water to the District for M&I use within its service area.

8. Horsefly, Klamath, Langell Valley, and Tulelake IDs; Klamath Project; Oregon: Repayment contracts for SOD work on Clear Lake Dam. These districts will share in repayment of costs, and each district will have a separate contract.

9. Casitas Municipal WD, Ventura Project, California: Repayment contract for SOD work on Casitas Dam.

10. Warren Act Contracts, CVP, California: Execution of long-term Warren Act contracts (up to 40 years) with various entities for conveyance of nonproject water in the CVP.

11. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly a long-term contract for storage of nonproject water in New Melones Reservoir.

12. Madera-Chowchilla Water and Power Authority, CVP, California: Agreement to transfer the OM&R and certain financial and administrative activities related to the Madera Canal and associated works.

13. Sacramento Suburban WD, CVP, California: Execution of long-term Warren Act contract for conveyance of 29,000 acre-feet of nonproject water. The contract will allow CVP facilities to be used to deliver nonproject water provided from the Placer County Water Agency to the District for use within its service area.

14. Town of Fernley, State of California, City of Reno, City of Sparks, Washoe County, State of Nevada, Truckee-Carson ID, and any other local interest or Native American Tribal Interest who may have negotiated rights under Public Law 101–618; Nevada and California: Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Public Law 101–618 and the Preliminary Settlement Agreement. The contracts shall be consistent with the Truckee River Water Quality Settlement Agreement and the terms and conditions of the Truckee River Operating Agreement.

15. Delta Lands Reclamation District No. 770, CVP, California: Long-term Warren Act contract for conveyance of up to 300,000 acre-feet of nonproject flood flows via the Friant-Kern Canal for flood control purposes.

16. Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada; Humboldt Project; Nevada: Title transfer of lands and features of the Humboldt Project.

17. Mendota Wildlife Area, CVP, California: Reimbursement agreement between the California Department of Fish and Wildlife and Reclamation for conveyance service costs to deliver Level 2 water to the Mendota Wildlife Area during infrequent periods when the Mendota Pool is down due to unexpected but needed maintenance. This action is taken pursuant to Public Law 102–575, Title 34, Section 3406(d)(1), to meet full Level 2 water needs of the Mendota Wildlife Area.

18. San Luis WD, CVP, California: Proposed partial assignment of 2,400 acre-feet of the District's CVP supply to Santa Nella County WD for M&I use.

19. Placer County Water Agency, CVP, California: Proposed exchange agreement under section 14 of the 1939 Act to exchange up to 71,000 acre-feet annually of the Agency's American River Middle Fork Project water for use by Reclamation, for a like amount of CVP water from the Sacramento River for use by the Agency.

20. Irrigation Contractors, Klamath Project, Oregon: Amendment of repayment contracts or negotiation of new contracts to allow for recovery of additional capital costs.

21. Orland Unit Water User's Association, Orland Project, California: Repayment contract for the SOD costs assigned to the irrigation of Stony Gorge Dam.

22. Goleta WD, Cachuma Project, California: An agreement to transfer title of the federally owned distribution system to the District subject to approved legislation.

23. Colusa County WD, CVP, California: Execution of a long-term Warren Act contract for conveyance of up to 40,000 acre-feet of groundwater per year through the use of the Tehama-Colusa Canal.

24. City of Santa Barbara, Cachuma Project, California: Execution of a temporary contract and a long-term Warren Act contract with the City for conveyance of nonproject water in Cachuma Project facilities.

25. Water user entities responsible for payment of O&M costs for Reclamation projects in California, Nevada, and Oregon: Contracts for extraordinary maintenance and replacement funded pursuant to ARRA. Added costs to rates to be collected under irrigation and interim M&I ratesetting policies.

26. Water user entities responsible for payment of O&M costs for Reclamation projects in California, Nevada, and Oregon: Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Public Law 111–11.

27. Cachuma Operation and Maintenance Board, Cachuma Project, California: Amendment to SOD Contract No. 01–WC–20–2030 to provide for increased SOD costs associated with Bradbury Dam.

28. Reclamation will become signatory to a three-party conveyance agreement with the Cross Valley Contractors and the California State Department of Water Resources for conveyance of Cross Valley Contractors' CVP water supplies that are made available pursuant to long-term water service contracts.

29. Westlands WD, CVP, California: Negotiation and execution of a long-term repayment contract to provide reimbursement of costs related to the construction of drainage facilities. This action is being undertaken to satisfy the Federal Government's obligation to provide drainage service to Westlands located within the San Luis Unit of the CVP.

30. San Luis WD, Meyers Farms Family Trust, and Reclamation; CVP; California: Revision of an existing contract between San Luis WD, Meyers Farms Family Trust, and Reclamation providing for an increase in the exchange of water from 6,316 to 10,526 acre-feet annually and an increase in the storage capacity of the bank to 60,000 acre-feet.

31. San Joaquin Valley National Cemetery, U.S. Department of Veteran Affairs, Delta Division, CVP, California: Negotiation of a 5-year wheeling agreement with an effective date in 2011 is pending. A wheeling agreement with the State of California, Department of Water Resources provides for the conveyance and delivery of CVP water through State of California facilities to the San Joaquin Valley National Cemetery.

32. Byron-Bethany ID, CVP, California: A current wheeling agreement with the State of California, Department of Water Resources and Byron-Bethany ID for the conveyance and delivery of CVP water through the California State Aqueduct to Musco Family Olive Company, a customer of Byron-Bethany.

33. Contra Costa WD, CVP, California: Amendment to an existing O&M agreement to transfer O&M of the Contra Costa Rock Slough Fish Screen to the District. Initial construction funding provided through ARRA.

34. Irrigation water districts, individual irrigators and M&I water users, CVP, California: Temporary water service contracts for terms not to exceed 1 year for up to 100,000 acre-feet of surplus supplies of CVP water resulting from an unusually large water supply, not otherwise storable for project purposes, or from infrequent and otherwise unmanaged flood flows of short duration.

35. Irrigation water districts, individual irrigators, M&I and miscellaneous water users, CVP, California: Temporary Warren Act contracts for terms up to 5 years providing for use of excess capacity in CVP facilities for annual quantities exceeding 10,000 acre-feet.

36. City of Redding, CVP, California: Proposed partial assignment of 30 acre-feet of the City of Redding's CVP water supply to the City of Shasta Lake for M&I use.

37. Langell Valley ID, Klamath Project; Oregon: Title transfer of lands and facilities of the Klamath Project.

38. Sacramento River Division, CVP, California: Administrative assignments of various Sacramento River Settlement Contracts.

39. Conaway Preservation Group, LLC, Sacramento River Division, CVP, California: Proposed assignment of 10,000 acre-feet of water under an existing Sacramento River Settlement Contract to the Woodland-Davis Clean Water Agency.

40. California Department of Fish and Game, CVP, California: To extend the term of and amend the existing water service contract for the Department's San Joaquin Fish Hatchery to allow an increase from 35 to 60 cubic feet per second of continuous flow to pass through the Hatchery prior to it returning to the San Joaquin River.

41. Orland Unit Water User's Association, Orland Project, California: Title transfer of lands and features of the Orland Project.

42. Santa Clara Valley WD, CVP, California: Second amendment to Santa Clara Valley WD's water service contract to add an additional point of delivery.

43. PacifiCorp, Klamath Project, Oregon and California: Transfer of O&M of Link River Dam and associated facilities. Contract will allow for the continued O&M by PacifiCorp.

44. Tulelake ID, Klamath Project, Oregon and California: Transfer of O&M of Station 48 and gate on Drain #1, Lost River Diversion Channel.

45. Fresno County Waterworks No. 18; Friant Division, CVP; California: Execution of an agreement to provide for the O&M of select Federal facilities by Fresno County Waterworks No. 18.

46. U.S. Fish and Wildlife Service, Tulelake ID; Klamath Project; Oregon and California: Water service contract for deliveries to Lower Klamath National Wildlife Refuge, including transfer of O&M responsibilities for the P Canal system.

47. Tulelake ID, Klamath Project, Oregon and California: Amendment of repayment contract to eliminate reimbursement for P Canal O&M costs.

48. East Bay Municipal Utility District, CVP, California: Long-term Warren Act contract for storage and conveyance of up to 47,000 acre-feet annually.

49. Sacramento County Water Agency, CVP, California: Assignment of 7,000 acre-feet of CVP water to the City of Folsom.

50. Del Puerto WD, CVP, California: Long-term Warren Act contract, not to exceed 40 years, for storage and conveyance of up to 60,000 acre-feet of recycled water from the cities of Turlock and Modesto. This nonproject water will be stored in the San Luis Reservoir and conveyed through the Delta-Mendota Canal to agricultural lands and wildlife refuges.

Discontinued contract actions:

1. (12) Banta Carbona ID, CVP, California: Long-term Warren Act contract for conveyance of nonproject water in the Delta-Mendota Canal.

2. (25) County of Tulare, CVP, California: Proposed assignment of the County's Cross Valley Canal water supply in the amount of 5,308 acre-feet to its various subcontractors. Water will be used for both irrigation and M&I purposes.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

1. Milton and Jean Phillips, BCP, Arizona: Develop a Colorado River water delivery contract for 60 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

2. John J. Peach, BCP, Arizona: Develop a Colorado River water delivery contracts for 456 acre-feet of Colorado River water per year as recommended by the Arizona Department of Water Resources.

3. Gila Project Works, Gila Project, Arizona: Title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to the Wellton-Mohawk IDD.

4. Sherrill Ventures, LLLP and Green Acres Mohave, LLC; BCP; Arizona: Draft contracts for PPR No. 14 for 1,080 acre-feet of water per year as follows: Sherrill Ventures, LLLP, a draft contract for 954.3 acre-feet per year and Green Acres Mohave, LLC, a draft contract for 125.7 acre-feet per year.

5. Water user entities responsible for payment of O&M costs for Reclamation projects in Arizona, California, Nevada, and Utah: Contracts for extraordinary maintenance and replacement funded pursuant to ARRA.

6. Water user entities responsible for payment of O&M costs for Reclamation projects in Arizona, California, Nevada, and Utah: Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Pub. L. 111–11.

7. San Carlos Apache Tribe and the Town of Gilbert, CAP, Arizona: Proposed 100-year lease not to exceed 5,925 acre-feet per year of CAP water from the Tribe to Gilbert.

8. City of Yuma, BCP, Arizona: Amend the City's contract to extend the term (which expired October 2012) for 5 years during which time a consolidated contract will be developed.

9. Bard WD, Yuma Project, California: Supersede and replace the District's O&M contract for the Yuma Project, California, Reservation Division, Indian Unit, to reflect that appropriated funds are no longer available, and to specify an alternate process for transfer of funds. In addition, other miscellaneous processes required for Reclamation's contractual administration and oversight will be updated to ensure the Federal Indian Trust obligation for reservation water and land are met.

10. Metropolitan Water District of Southern California, the San Diego County Water Authority, and the Otay WD; BCP; California: Execute a proposed Amendment No. 2 to extend the ''Agreement for Temporary Emergency Delivery of a Portion of the Mexican Treaty Waters of the Colorado River to the International Boundary in the Vicinity of Tijuana, Baja California, Mexico, and the Operation of Facilities in the United States'' until November 9, 2019.

11. Flowing Wells ID and the City of Tucson, CAP, Arizona: Execute a proposed partial assignment to the City of 19 acre-feet per year from the District's CAP water entitlement amount of 4,354 acre-feet per year.

12. Central Arizona Water Conservation District, CAP, Arizona: Negotiate a standard form of wheeling agreement for the wheeling of nonproject water, in accordance with the District's existing contract.

13. Ogram Farms, BCP, Arizona: Revise Exhibit A of the contract to change the contract service area and points of diversion/delivery.

14. Ogram Boys Enterprises, Inc., BCP, Arizona: Revise Exhibit A of the contract to change the contract service area and points of diversion/delivery.

15. H2O Water Company, Inc. and the Town of Queen Creek, CAP, Arizona: Execute a proposed assignment to the Town of Queen Creek of the H2O Water Company's 147 acre-foot annual CAP water entitlement.

16. San Carlos Apache Tribe and the Town of Gilbert, CAP, Arizona: Execute Amendment No. 4 to a CAP water lease to extend the term of the lease in order for the San Carlos Apache Tribe to lease 20,000 acre-feet of its CAP water to the Town of Gilbert during calendar year 2015.

17. Fort McDowell Yavapai Nation and the Town of Gilbert, CAP, Arizona: Execute Amendment No. 4 to a CAP water lease to extend the term of the lease in order for Fort McDowell Yavapai Nation to lease 13,933 acre-feet of its CAP water to the Town of Gilbert during calendar year 2015.

18. San Carlos Apache Tribe and the Pascua Yaqui Tribe, CAP, Arizona: Execute a CAP water lease in order for the San Carlos Apache Tribe to lease 2,000 acre-feet of its CAP water to the Pascua Yaqui Tribe during calendar year 2015.

19. Town of Quartzsite, BCP, Arizona: Amend the contract with the Town of Quartzsite to extend the term for another 15 years ending on January 28, 2029.

Completed contract actions:

1. (18) Fort McDowell Yavapai Nation, the Salt River Project Agricultural Improvement and Power District, and the Salt River Valley Water Users' Association, CAP, Arizona: Approve a proposed exchange agreement for 13,933 acre-feet of CAP water for Verde River water. Contract executed September 25, 2014.

2. (24) Cibola Valley IDD, BCP, Arizona: Approve a partial assignment of 240 acre-feet per year from the District's Colorado River fourth-priority entitlement to GSC Farm, LLC, and execute the necessary amendments to the District's and GSC's contracts. Contract executed December 3, 2014.

Discontinued contract action:

1. (7) Bureau of Land Management, LCWSP, California: Amend contract No. 8–07–30–W0375 to add a new point of diversion and place of use; San Bernardino County's Park Moabi, a Bureau of Land Management-leased site.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street,

Room 8100, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

1. Individual irrigators, M&I, and miscellaneous water users; Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Contracts with various water user entities responsible for payment of O&M costs for Reclamation projects in Arizona, Colorado, New Mexico, Texas, Utah, and Wyoming: Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Pub. L. 111–11 to be executed as project progresses.

3. Middle Rio Grande Project, New Mexico: Reclamation continues annual leasing of water from various San Juan-Chama Project contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow. Reclamation leased approximately 13,209 acre-feet of water from San Juan-Chama Project contractors in 2014.

4. Various Entities, Carlsbad Project, New Mexico: Reclamation leases water in the Pecos River to make up for the water depletions caused by changes in operations at Sumner Dam which were made to improve conditions for a threatened species, the Pecos Bluntnose Shiner. Individual irrigators enter into forbearance contracts and lease agreements with individuals who have privately held water rights to divert nonproject water either directly from the Pecos River or from shallow/artesian wells in the Pecos River Watershed. Reclamation contracted with Fort Sumner ID for partial- and full-season fallowing in 2014, and with the NMISC to lease privately held water for delivery to the Pecos River via the NMISC's Vaughn Pipeline.

5. Bridger Valley Water Conservancy District, Lyman Project, Wyoming: The District has requested that its Meeks Cabin repayment contract be amended from two 25-year contacts to one 40-year contract.

6. Uintah Water Conservancy District; Vernal Unit, CUP; Utah: Proposed carriage contract to both store up to 35,000 acre-feet of nonproject water in Steinaker Reservoir and carry nonproject water in the Steinaker Service and Feeder Canals.

7. PacifiCorp Energy Corporation, Emery County Project, Utah: The Corporation has requested renewal of its water service contract for 6,000 acre-feet of project M&I water from Joe's Valley Reservoir, Emery County Project.

8. Aamodt Litigation Settlement, San Juan-Chama Project, New Mexico: Contract for 1,079 acre-feet of San Juan-Chama Project water for M&I use with the four Pueblos included in the Aamodt Litigation Settlement Act, Title VI of P.L. 111–291. The four Pueblos are the Nambe, Pojoaque, San Ildefonso, and Tesuque.

9. Salt River Project Agricultural Improvement and Power District, Salt River Project, Glen Canyon Unit, CRSP, Arizona: The District has requested a renewal of its existing contract from 2034 through 2044.

10. City of Santa Fe, San Juan-Chama Project, New Mexico: Contract to store up to 50,000 acre-feet of project Water in Elephant Butte Reservoir. The proposed contract would have a 25- to 40-year maximum term, which due to ongoing consultations with the U.S. Fish and Wildlife Service, has been executed and extended on an annual basis. The Act of December 29, 1981, Public Law 97–140, 95 Stat. 1717 provides authority to enter into this contract.

11. Pinnacle Potash International, Flaming Gorge, CRSP, Utah: Pinnacle Potash International has requested a water service agreement for up to 20,000 acre feet of M&I water out of Flaming Gorge for potash mining at a place near Crescent Junction, Utah.

12. Weber River Water Users Association, Weber River Project, Utah: The Association has requested Reclamation augment a to-be-built O&M building near Echo Dam and is willing to pay the difference in costs for the larger building. The United States would accept the money under the Civil Sundry Appropriations Act of 1921.

13. North Summit Pressurized Irrigation Company, Weber Basin Project, Utah: The Company has requested a contract to convey and store its privately held water on a space-available basis in Rockport Reservoir and the use of Wanship Dam to pressurize its piped irrigation system under the authority of the Warren Act of 1911.

14. Metropolitan Water District of Salt Lake and Sandy, Provo River Project, Utah: The District has requested a contract to store its Ontario Drain Tunnel water in Deer Creek Reservoir on a space-available basis under the authority of the Warren Act of 1911.

15. Weber Basin Water Conservancy District, Weber Basin Project, Utah: The District has requested a contract to return certain water rights to Reclamation and for Reclamation to allow the storage of Weber Basin Project water in Smith Morehouse Reservoir under the authority of Section 14 of the Reclamation Projects Act of 1939.

16. Azalea Oil Company; Flaming Gorge Unit, CRSP; Wyoming: The Company has requested a contract for 1 acre-foot of water for drilling, dust suppression, and other uses for a well. The Company plans on drilling in Southwest Wyoming.

17. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Requested a water delivery contract for 33,519 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

18. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado: Requested a water delivery contract for 33,519 acre-feet of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554).

19. Navajo-Gallup Water Supply Project, New Mexico: Reclamation continues negotiations on an OM&R transfer contract with the Navajo Tribal Utility Authority pursuant to Public Law 111–11, Section 10602(f) which transfers responsibilities to carry out the OM&R of transferred works of the Project; ensures the continuation of the intended benefits of the Project, distribution of water, and sets forth the allocation and payment of annual OM&R costs of the Project.

20. Albuquerque Bernalillo County Water Utility Authority, San Juan-Chama Project, New Mexico: Requested a contract to store up to 50,000 acre-feet of project water in Elephant Butte Reservoir. The proposed contract would have a 40-year maximum term, which due to ongoing consultations with the U.S. Fish and Wildlife Service, the existing Contract No. 3–CS–53–01510 which expired on January 26, 2008, has been extended annually. The Act of December 29, 1981, Pub. L. 97–140, 95 Stat. 1717 provides authority to enter into this contract. Reclamation is conducting environmental compliance to proceed with the 40-year contract. In the interim, Reclamation continues to execute annual renewals until a long-term contract can be executed.

21. Animas-La Plata Project, Colorado-New Mexico: (a) Navajo Nation title transfer agreement for the Navajo Nation Municipal Pipeline for facilities and land outside the corporate boundaries of the City of Farmington, New Mexico; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554) and the Northwestern New Mexico Rural Water Projects Act (Title X of Pub. L. 111–11);

(b) City of Farmington, New Mexico, title transfer agreement for the Navajo Nation Municipal Pipeline for facilities and land inside the corporate boundaries of the City of Farmington; New Mexico, contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Pub. L. 106–554) and the Northwestern New Mexico Rural Water Projects Act (Title X of Pub. L. 111–11); and (c) Operations agreement among the United States, Navajo Nation, and City of Farmington for the Navajo Nation Municipal Pipeline pursuant to Public Law 111–11, Section 10605(b)(1) that sets forth any terms and conditions that secures an operations protocol for the M&I water supply.

22. Dolores Water Conservancy District, Dolores Project, Colorado: The District has requested a water service contract for 1,402 acre-feet of newly identified project water for irrigation. The proposed water service contract will provide 417 acre-feet of project water for irrigation of the Ute Enterprise and 985 acre-feet for use by the District's full-service irrigators.

23. City of Page, Arizona; Glen Canyon Unit, CRSP; Arizona: Long-term contract for 975 acre-feet of water for municipal purposes.

24. Florida Water Conservancy District, Florida Project, Colorado: The District and the United States, pursuant to Section 4 of the CRSP, and subsection 9(c)(2) of the Reclamation Projects Act of 1939, propose to negotiate and execute a water service contract for 2,500 acre-feet of Florida Project water for M&I and other miscellaneous beneficial uses, other than commercial agricultural irrigation, within the District boundaries in La Plata County, Colorado.

25. Aamodt Settlement, Pojoaque Basin Region Water System: Contributed Funding Agreements with the County of Santa Fe for associated construction costs will be executed in 2015.

Completed contract actions:

1. (7) Public Service Company of New Mexico, Reclamation, and the U.S. Fish and Wildlife Service; San Juan River Basin Recovery Implementation Program: The agreement identifies that Reclamation may provide cost-share funding for the recovery monitoring and research, and O&M of the constructed fish passage at the Public Service Company's site pursuant to Pub. L. 106–392, dated October 30, 2000 (114 Stat. 1602).

2. (8) Jensen Unit, CUP, Utah: The Uintah Water Conservancy District has requested a contract with provisions to prepay 2,675 acre-feet of the 3,300 acre-feet of project M&I water from Red Fleet Reservoir. Contract executed October 9, 2014.

3. (16) Pine Glen, LLC, Mancos Project, Colorado: Pine Glen LLC has requested a new carriage contract to replace existing contract No. 14–06–400–4901, assignment No. 6. The new contract is the result of a property sale. Remaining interest in the existing assignment is for 0.56 cubic feet per second of nonproject water to be carried through Mancos Project facilities. Contract executed February 13, 2014.

4. (17) Voiles, Katherine Marie and William Thomas, Mancos Project, Colorado: Katherine Marie and William Thomas Voiles have requested a new carriage contract to replace existing contract No. 14–06–400–4901, assignment No. 2–A. The new contract is the result of a property sale. Remaining interest in the existing assignment is for 0.38 cubic feet per second of nonproject water to be carried through Mancos Project facilities. Contract executed February 26, 2014.

5. (18) Hanson, Brian E. and Joan M. Brake-Hanson, Mancos Project, Colorado: Brian E. Hanson and Joan M. Brake-Hanson have requested a new carriage contract to replace existing contract No. 14–06–400–4901, assignment No. 5. The new contract is the result of a property sale. Remaining interest in the existing assignment is for 0.12 cubic feet per second of nonproject water to be carried through Mancos Project facilities. Contract executed July 29, 2014.

6. (20) El Paso County Water Improvement District No. 1 and Ysleta del Sur Pueblo, Rio Grande Project, Texas: Contract to convert up to 1,000 acre-feet of the Pueblo's project irrigation water to use for tradition and religious purposes.

Discontinued contract actions:

1. (12) Elkhead Reservoir Enlargement: This contract will supersede Contract No. 05–WC–40–420. The proposed contract will include the Recovery Program's pro-rata share of the actual construction cost plus fish screen costs. Also identified in this proposed contract is the pro-rata share of the actual construction costs for the other signatory parties. Upon payment by Recovery Program, this proposed contract will ensure a permanent water supply for the endangered fish.

2. (22) Uintah Water Conservancy District, Jensen Unit, CUP, Utah: Proposed carriage contract to both store up to 5,000 acre-feet of nonproject water in Red Fleet Reservoir and carry nonproject water in the project Canals.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7752.

1. Irrigation, M&I, and miscellaneous water users; Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Water service contracts for the sale, conveyance, storage, and exchange of surplus project water and nonproject water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term of up to 1 year, or up to 1,000 acre-feet of water annually for a term of up to 40 years.

2. Water user entities responsible for payment of O&M costs for Reclamation projects in Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Contracts for extraordinary maintenance and replacement funded pursuant to Subtitle G of Pub. L. 111–11.

3. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation and M&I; contracts for the sale of water from the marketable yield to water users within the Colorado River Basin of western Colorado.

4. Garrison Diversion Conservancy District, Garrison Diversion Unit, P–SMBP, North Dakota: Intent to modify long-term water service contract to add additional irrigated acres.

5. Fryingpan-Arkansas Project, Colorado: Consideration of excess capacity contracting in the Fryingpan-Arkansas Project.

6. Colorado-Big Thompson Project, Colorado: Consideration of excess capacity contracting in the Colorado-Big Thompson Project.

7. Municipal Subdistrict of the Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Consideration of a new long-term contract or amendment of contract No. 4–07–70–W0107 with the Municipal Subdistrict and the Northern Colorado Water Conservancy District for the proposed Windy Gap Firming Project.

8. Northern Integrated Supply Project, Colorado-Big Thompson Project, Colorado: Consideration of a new long-term contract with approximately 15 regional water suppliers and the Northern Colorado Water Conservancy District for the Northern Integrated Supply Project.

9. Colorado River Water Conservation District, Colorado-Big Thompson Project, Colorado: Long-term exchange, conveyance, and storage contract to implement the Exhibit B Agreement of the Settlement Agreement on Operating Procedures for Green Mountain Reservoir Concerning Operating Limitations and in Resolution of the

Petition Filed August 7, 2003, in Case No. 49–CV–2782 (*The United States* v. *Northern Colorado Water Conservancy District, et al.,* U.S. District Court for the District of Colorado, Case No. 2782 and Consolidated Case Nos. 5016 and 5017).

10. Roger W. Evans (Individual); Boysen Unit, P–SMBP; Wyoming: Renewal of long-term water service contract.

11. Busk-Ivanhoe, Inc., Fryingpan-Arkansas Project, Colorado: Contract for long-term carriage and storage, and/or a new contract for an additional use of water.

12. Southeastern Water Conservancy District, Fryingpan-Arkansas Project, Colorado: Consideration of an excess capacity master storage contract.

13. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Consideration of a request for a contract for municipal-recreational purposes.

14. State of Kansas Department of Wildlife and Parks; Glen Elder Unit, P–SMBP; Kansas: Intent to enter into a contract for the remaining conservation storage in Waconda Lake for recreation and fish and wildlife purposes.

15. Arkansas Valley Conduit, Fryingpan-Arkansas Project, Colorado: Consideration of a repayment contract for the Arkansas Valley Conduit.

16. Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Amend or supplement the 1938 repayment contract to include the transfer of OM&R for Carter Lake Dam Additional Outlet Works and Flatiron Power Plant Bypass facilities.

17. Jamestown Reservoir, Jamestown Unit, P–SMBP, North Dakota: Intent to enter into an individual long-term irrigation water service contract to provide up to 285 acre-feet of water annually for a term of up to 40 years from Jamestown Reservoir, North Dakota.

18. Donala Water and Sanitation District, Fryingpan-Arkansas Project, Colorado: Consideration of a long-term excess capacity contract.

19. Purgatoire Water Conservancy District, Trinidad Project, Colorado: Consideration of a request to amend the contract.

20. Doug and Michelle Hamilton; Boysen Unit, P–SMBP; Wyoming: Renewal of a long-term water service contract.

21. Frank Robbins; Boysen Unit, P–SMBP; Wyoming: Renewal of a long-term water service contract.

22. Wade W. Jacobsen; Boysen Unit, P–SMBP; Wyoming: Renewal of a long-term water service contract.

23. Yellowtail Unit, P–SMBP, Montana: Negotiation of a water allocation agreement with the Crow Tribe for 300,000 acre-feet of storage in Bighorn Lake pursuant to the Crow Tribe Water Rights Settlement Act of 2010 (Pub. L. 111–291, enacted December 8, 2010).

24. Garrison Diversion Conservancy District; Garrison Diversion Unit, P–SMBP; North Dakota: Renegotiation of the master repayment contract to conform to the Dakota Water Resources Act of 2000; negotiation of water service or repayment contracts with irrigators and M&I users.

25. State of Colorado; Armel Unit, P–SMBP; Colorado: Consideration of a contract action to address future OM&R costs.

26. Central Oklahoma Master Conservancy District, Norman Project, Oklahoma: Amend existing contract No. 14–06–500–590 to execute a separate contract(s) to allow for importation and storage of nonproject water in accordance with the Lake Thunderbird Efficient Use Act of 2012.

27. Harlan County Dam and Reservoir, Bostwick Division, P–SMBP, Nebraska and Kansas: Consideration of a contract with Bostwick ID in Nebraska and Kansas-Bostwick ID No. 2 for repayment of extraordinary O&M at Harlan County Dam and Reservoir.

28. Altus Dam, W.C. Austin Project: Consideration of a contract(s) for repayment of SOD costs.

29. Bull Lake Dam, Riverton Unit, P–SMBP: Consideration of a contract with Midvale ID for repayment of SOD costs.

30. Helena Valley ID; Helena Valley Unit, P–SMBP; Montana: Consideration of a request for an amendment to the repayment contract to allow for delivery of up to 10,000 acre-feet of water for M&I purposes within the District boundaries.

31. Savage ID; Savage Unit, P–SMBP; Montana: Intent to renew the repayment contract to provide for a long-term-water supply to the District.

32. Mirage Flats ID; Mirage Flats Project: Consideration of a contract action for repayment of SOD costs.

33. Guernsey Dam, North Platte Project, Nebraska and Wyoming: O&M repayment contracts with North Platte Project contractors for the repayment of extraordinary maintenance associated with Guernsey Dam.

34. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: Consideration of a potential contract(s) for use of excess capacity by individual landowner(s) for irrigation purposes.

35. Dickinson-Heart River Mutual Aid Corporation; Dickinson Unit, P–SMBP; North Dakota: Consideration of an amended long-term irrigation water service contract.

36. Town of Silverthorne, Colorado-Big Thompson Project, Colorado: Consideration of a new long-term water service contract for Green Mountain Reservoir.

37. Soldier Canyon Filter Plant/Tri-Districts, Colorado-Big Thompson Project, Colorado: Consideration of a long-term excess capacity contract.

38. Hillcrest Colony; Canyon Ferry Unit, P–SMBP; Montana: Consideration of a 10-year water service contract.

39. Allan Davies; Canyon Ferry Unit, P–SMBP; Montana: Renewal of a long-term water service contract.

40. William Rau; Canyon Ferry Unit, P–SMBP; Montana: Renewal of a long-term water service contract.

41. Western Heart River ID; Heart Butte Unit, P–SMBP; North Dakota: Consideration of amending the long-term irrigation repayment contract and project-use power contract to include additional acres.

42. Canyon Ferry Unit, P–SMBP, Montana: Renewal of 20 various individual water service contracts for small amounts of irrigation and municipal water use.

43. Edwards Farms, Nebraska Bostwick, P–SMBP: Consideration of a long-term Warren Act contract.

44. Larry TenBensel, Frenchman Cambridge, P–SMBP: Consideration of a long-term Warren Act contract.

45. Dickinson-Heart River Mutual Aid Corporation; Dickinson Unit, Heart Division; P–SMBP; North Dakota: Consideration of amending the long-term irrigation water service contract to modify the acres irrigated.

46. Galloway, Inc. (dba Blue Valley Ranch), Green Mountain Reservoir; Colorado-Big Thompson Project, Colorado: Consideration of a request to amend the existing contract.

47. Fort Clark ID; Fort Clark Unit; P–SMBP; North Dakota: Intent to enter into a new 5-year irrigation water service contract.

48. Buford-Trenton ID, Buford-Trenton Project, P–SMBP; North Dakota: Consideration of amending the long-term irrigation power repayment contract and project-use power contract to include additional acres.

49. Larry TenBensel, Frenchman-Cambridge, P–SMBP: Consideration of a long term excess capacity contract for the conveyance of nonproject water.

50. Kansas Bostwick ID, P–SMBP: Proposed amendment to original excess capacity contract executed June 2014, or new short-term excess capacity contract for storage and conveyance of nonproject water.

51. State of Nebraska, Bostwick Division, P–SMBP: Excess capacity contract with the State of Nebraska and/or State of Kansas entities.

52. Jeffrey N. Edwards Revocable Trust; Bostwick Division, P–SMBP; Nebraska: Excess capacity contract for the conveyance of nonproject water.

53. Grass Land Colony, Inc.; Canyon Ferry Unit, P–SMBP; Montana: Proposed 10-year contract for M&I water.

Completed contract actions:

1. (39) Nelson Dikes, Milk River Project: Consideration of a contract(s) for repayment of SOD costs. Completed, various dates.

2. (56) Port of Entry Piegan, Montana; Milk River Project; Montana: Consideration of a new water service contract. Contract executed November 7, 2014.

Dated: December 18, 2014.

Roseann Gonzales,

Director, Policy and Administration.

[FR Doc. 2015–00730 Filed 1–16–15; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0087]

Agency Information Collection Activities; Proposed eCollection eComments Requested; eForm Access Request

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 23, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact William Majors, *William.Majors@atf.gov,* Chief, Firearms and Explosives Imports Branch, 244 Needy Road, Martinsburg, WV 25405.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection 1140–0087:

1. *Type of Information Collection:* Extension of an existing collection.

2. *The Title of the Form/Collection:* eForm Access Request.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Respondents must complete the eForm Access Request form in order to receive a user ID and password to obtain access to ATF's eForm System. The information is used by the Government to verify the identity of the end users prior to issuing passwords.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 24,000 respondents will take 2.24 minutes to complete the request.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 896 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: January 13, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–00682 Filed 1–16–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

On January 13, 2015, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of New Jersey in the lawsuits entitled *United States* v. *Pechiney Plastic Packaging, Inc.,* Civil Action No. 09-cv-05692 (PGS–TJB) and *United States* v. *Bristol-Myers Squibb Co., et al.,* Civil Action No. 13–cv–05798 (PGS–TJB).

The proposed consent decree is between Plaintiff United States of America and the following Settling Defendants: Pechiney Plastic Packaging, Inc. (''PPPI''), Bristol-Myers Squibb Company, Myset Investment Company, Citigroup Inc., MRC Holdings, Inc., Rexam Beverage Can Company, Albéa Americas, Inc., and certain real property currently owned and operated by Albéa (referred to here as ''Washington Facility''). Rio Tinto AUM is also a signatory to the consent decree and bound by certain paragraphs set forth in the agreement.

This consent decree would resolve the United States' claims under CERCLA against the Settling Defendants arising from the Pohatcong Valley Groundwater Contamination Superfund Site located in Warren County, New Jersey (''Site''). The Site consists of an area of two plumes of groundwater contamination (one that is contaminated primarily with trichloroethylene (''TCE plume'') and another that is contaminated primarily with tetrachloroethylene (''PCE plume''), that join into a combined plume) which EPA has divided into three Operable Units (''OUs''). OU1 addresses groundwater contamination in two areas within Washington Borough and neighboring townships. OU2 addresses groundwater contamination down-gradient from OU1. OU3 consists of contaminated soil source areas in the OU1 area.

The proposed consent decree provides that PPPI will perform the

portion of the OU1 Remedial Design and Remedial Action that addresses the TCE Plume (as set forth in the OU1 Unilateral Administrative Order), the OU2 Remedial Action, a vapor intrusion Removal Action at the Washington Facility, and the OU3 Remedial Design and Remedial Action for the portion of OU3 that lies within the geographic boundaries of the Washington Facility. The United States and Settling Defendants have reserved their rights as to legal responsibility for the remediation of the portion of OU3 outside the boundaries of the Washington Facility. PPPI will also perform a Supplemental Environmental Project involving the preservation and restoration of approximately 60 acres of land in Warren County. The dollar value of the settlement is estimated at $95 million with $32.5 million in recovery of past and interim costs, $61.4 million in future costs, $281,899 in civil penalties and the Supplemental Environmental Project valued at $1.149 million.

The Consent Decree includes covenants not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* (''CERCLA''), and under Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

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. *Pechiney Plastic Packaging, Inc.* and *United States* v. *Bristol-Myers Squibb Co., et al.* D.J. Ref. Nos. 90–11–3–09051 & 90–11–3–09051/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA. 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, D.C. 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 $74.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $20.00.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–00674 Filed 1–16–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Notice of revision of listing of covered Department of Energy facilities.

SUMMARY: The Office of Workers' Compensation Programs (OWCP) is publishing a list of Department of Energy (DOE) facilities covered under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended (EEOICPA). This notice revises and republishes the listing of DOE facilities that was last published by OWCP on April 8, 2013 (78 FR 20950) to include additional determinations made on this subject through January 20, 2015.

FOR FURTHER INFORMATION CONTACT: Rachel P. Leiton, Director, Division of Energy Employees Occupational Illness Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, Room C–3321, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202–693–0081 (this is not a toll-free number).

ADDRESSES: OWCP welcomes comments regarding this list. Individuals who wish to suggest changes to this list may provide information to OWCP at the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Division of Energy Employees Occupational Illness Compensation, Room C–3321, 200 Constitution Avenue NW., Washington, DC 20210. You may also suggest changes to this list by email at *DEEOIC-Public@dol.gov.* You should include ''DOE facilities list'' in the subject line of any email containing comments on this list.

SUPPLEMENTARY INFORMATION:

I. Background

The Energy Employees Occupational Illness Compensation Program Act of 2000, as amended (42 U.S.C. 7384 *et seq.*), was originally enacted on October 30, 2000, and the primary responsibility for administering EEOICPA was assigned to the Department of Labor (DOL) by Executive Order 13179 (65 FR 77487). In section 2(c)(vii) of that Executive Order, DOE was directed to publish a list in the **Federal Register** of Atomic Weapons Employer (AWE) facilities, DOE facilities, and facilities owned and operated by a Beryllium Vendor (as those terms are defined in sections 7384l(5), 7384l(12) and 7384l(6) of EEOICPA, respectively). Pursuant to this direction, DOE published a list of these three types of facilities covered under EEOICPA on January 17, 2001 (66 FR 4003), and subsequently revised and republished the entire list on June 11, 2001 (66 FR 31218), December 27, 2002 (67 FR 79068), July 21, 2003 (68 FR 43095) and August 23, 2004 (69 FR 51825). In subsequent notices published on November 30, 2005 (70 FR 71815), June 28, 2007 (72 FR 35448), April 9, 2009 (74 FR 16191), August 3, 2010 (75 FR 45608), May 26, 2011 (76 FR 30695), February 6, 2012 (77 FR 5781) and February 11, 2013 (78 FR 9678), DOE further revised the August 23, 2004 list by formally removing a total of 16 AWE facilities without republishing the list in its entirety.

Following the amendments to EEOICPA that were enacted as subtitle E of Title XXXI of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375, 118 Stat. 1811, 2178 (October 28, 2004), OWCP promulgated final regulations governing its expanded responsibilities under EEOICPA on December 29, 2006 (71 FR 78520). One of those regulations, 20 CFR 30.5(x)(2), indicates that OWCP has adopted the list of DOE facilities that was published by DOE on August 23, 2004, and notes that OWCP ''will periodically update this list as it deems appropriate in its sole discretion by publishing a revised list of covered [DOE] facilities in the **Federal Register**.'' In making these updates, § 30.5(x)(1) specifies that the Director of OWCP is solely responsible for determining if a particular work site under consideration meets the statutory definition of a

Department of Energy facility. This sole responsibility is derived from the grant of primary authority to DOL to administer the EEOICPA claims process contained in section 2(a)(i) of Executive Order 13179.

II. Purpose

Since OWCP last published a notice listing all DOE facilities covered under EEOICPA in the April 8, 2013 **Federal Register**, the Director of OWCP has made a determination regarding the status of a work site in connection with claims filed under EEOICPA. That determination is briefly described in this Supplementary Information and is memorialized in the two updated lists of DOE facilities published by OWCP today.

Specifically, the Director of OWCP has determined that the Haist Property located in Tonawanda, New York, meets the statutory definition of a *Department of Energy facility* for the purposes of claims filed under EEOICPA, because property records indicate that the Manhattan Engineer District and the Atomic Energy Commission had a proprietary interest in that location until ownership of the work site was transferred to the General Services Administration. In addition, OWCP's research has led the Director to clarify or otherwise modify the designation of another work site that was previously included in OWCP's published lists. That work site, which previously appeared in List 1 under Colorado as the Grand Junction Operations Office, now appears as the Grand Junction Facilities in this publication. This clarification does not have any effect on the status of the work site in question, and is only intended to more precisely identify that facility.

By updating the two lists found below, OWCP is presenting the public with the most current listing of DOE facilities in order to assist potential claimants and their families. OWCP is continuing its efforts in this area as it adjudicates claims filed under EEOICPA, and further revisions of these lists should be expected. Although DOE maintains a Web site (*https://hsspublic.energy.gov/search/facility/findfacility.aspx*) that provides information on AWE facilities, Beryllium Vendor facilities and DOE facilities to the public, the information on that Web site regarding DOE facilities should not be relied upon as it may not be up to date, nor is it binding on OWCP's adjudication of claims filed under EEOICPA. Instead, OWCP is solely authorized to give the public notice of the Director's determinations regarding DOE facilities.

III. Introduction to the Lists

The five complete lists previously published by DOE included all three types of work sites described in Executive Order 13179, *i.e.,* AWE facilities, Beryllium Vendor facilities, and DOE facilities. On the other hand, the lists published on June 23, 2009, November 24, 2010, March 6, 2012, April 8, 2013 and again today by OWCP only include work sites that meet the definition of a *Department of Energy facility,* because the authority to designate both AWE facilities and Beryllium Vendor facilities has been granted to DOE. However, since some work sites can meet the definition of more than just one type of covered work site during either the same or differing time periods, simply presenting one list of DOE facilities (without also differentiating among them in some easily understood fashion) could lead the reader to wrongly conclude that a listed work site has always been a DOE facility when, in fact, it only had that status during a brief period. To lessen the potential for this type of misunderstanding, OWCP has decided to continue its practice of presenting two separate lists of DOE facilities.

The first list consists exclusively of work sites that have only been DOE facilities for purposes of coverage under EEOICPA, and the second list consists of work sites that have also been at least one other type of covered work site in addition to a DOE facility. To see what other types of covered work sites the DOE facilities appearing in the second list are or have been, readers can refer to the **Federal Register** notices published by DOE on August 23, 2004 (69 FR 51825), November 30, 2005 (70 FR 71815), June 28, 2007 (72 FR 35448), April 9, 2009 (74 FR 16191), August 3, 2010 (75 FR 45608), May 26, 2011 (76 FR 30695), February 6, 2012 (77 FR 5781) and February 11, 2013 (78 FR 9678). Since covered time periods for a particular DOE facility are statutorily limited to periods during which ''operations'' are or were performed by or on behalf of DOE (or its predecessor agencies) at that DOE facility, *and* when DOE (or its predecessor agencies) either had a proprietary interest in the facility or had entered into a particular type of contract with an entity regarding the facility, the lists below include date ranges during which covered employment at each work site could have been performed. These date ranges, however, often do not reflect the exact day and month that a work site either acquired or lost its status as a DOE facility, and are not considered binding on OWCP in its adjudication of individual claims under EEOICPA. Rather, they are presented in this notice for the sole purpose of informing the public of the current results of OWCP's research into the operational histories of these work sites, some of which extend back to the establishment of the Manhattan Engineer District of the U.S. Army Corps of Engineers on August 13, 1942. OWCP's efforts in this area are continuing, and it expects that the date ranges included in this notice will change with the publication of future notices.

DOE facilities appearing on the lists that have undergone environmental remediation at the direction of or directly by DOE are identified by the following symbol—†—after the date range during which such environmental remediation occurred. During those periods, only the work of employees of DOE contractors who actually performed the remediation is ''covered work'' under EEOICPA.

LIST 1—WORK SITES THAT ARE/WERE DOE FACILITIES EXCLUSIVELY

Facility name	Location	Dates
Alaska DOE Facilities		
Amchitka Island Nuclear Explosion Site	Amchitka Island	1965–9/1973; 5/25/2001–10/13/2001†
Project Chariot Site	Cape Thompson	1962; 1993†
California DOE Facilities		
Area IV of the Santa Susanna Field Laboratory	Ventura County	1955–1988; 1988–Present†
Canoga Complex	Los Angeles County	1955–1960
De Soto Complex	Los Angeles County	1959–1995; 1998†

LIST 1—WORK SITES THAT ARE/WERE DOE FACILITIES EXCLUSIVELY—Continued

Facility name	Location	Dates
Downey Facility	Los Angeles County	1948–1955
High Energy Rate Forging (HERF) Facility	Oxnard	1984–6/30/1997
Laboratory for Energy-Related Health Research, University of California (Davis).	Davis	1958–1989; 1991–Present†
Laboratory of Biomedical and Environmental Sciences, University of California (Los Angeles).	Los Angeles	1947–Present
Laboratory of Radiobiology and Environmental Health, University of California (San Francisco).	San Francisco	1951–1999
Lawrence Berkeley National Laboratory	Berkeley	8/13/1942–Present
Lawrence Livermore National Laboratory	Livermore	1950–Present
Sandia National Laboratories, Salton Sea Test Base.	Imperial County	1946–1961
Sandia National Laboratories-Livermore	Livermore	1956–Present
Stanford Linear Accelerator Center, Stanford University.	Palo Alto	1962–Present
Colorado DOE Facilities		
Grand Junction Facilities	Grand Junction	8/1943–10/2001; 11/2001–Present†
Project Rio Blanco Nuclear Explosion Site	Rifle	1973–1976
Project Rulison Nuclear Explosion Site	Grand Valley	1969–1971; 1972–1978†
Rocky Flats Plant	Golden	1951–2006
Florida DOE Facilities		
Pinellas Plant	Clearwater	1957–1997
Hawaii DOE Facilities		
Kauai Test Facility, U.S. Navy Pacific Missile Range.	Kauai	1962–Present
Idaho DOE Facilities		
Argonne National Laboratory-West	Scoville	1949–2005
Idaho National Laboratory	Scoville	1949–Present
Illinois DOE Facilities		
Argonne National Laboratory-East	Argonne	1946–Present
Fermi National Accelerator Laboratory	Batavia	1972–Present
Indiana DOE Facilities		
Dana Heavy Water Plant	Dana	1943–5/1957
Iowa DOE Facilities		
Ames Laboratory, Iowa State University	Ames	8/13/1942–Present
Iowa Ordnance Plant (Line 1 and Associated Activities).	Burlington	1947–1974
Kentucky DOE Facilities		
Paducah Gaseous Diffusion Plant	Paducah	1951–7/28/98; 7/29/98–Present†
Massachusetts DOE Facilities		
Winchester Engineering and Analytical Center	Winchester	1952–1961
Michigan DOE Facilities		
Adrian Facility	Adrian	5/25/54–1962; 1995†
Minnesota DOE Facilities		
Elk River Reactor	Elk River	1962–1968
Mississippi DOE Facilities		
Salmon Nuclear Explosion Site	Hattiesburg	1964–6/29/1972

LIST 1—WORK SITES THAT ARE/WERE DOE FACILITIES EXCLUSIVELY—Continued

Facility name	Location	Dates
Missouri DOE Facilities		
Kansas City Plant	Kansas City	11/5/1948–Present
Mallinckrodt Chemical Co., Destrehan Street Facility.	St. Louis	8/13/1942–1962; 1995†
St. Louis Airport Storage Site (SLAPS)	St. Louis	1/3/1947–1973; 1984–1998
Weldon Spring Plant	Weldon Spring	1955–1966; 10/1/1985–2002†
Weldon Spring Quarry	Weldon Spring	1958–1966; 1967–10/2002†
Weldon Spring Raffinate Pits	Weldon Spring	1955–1966; 1967–2002†
Nebraska DOE Facilities		
Hallam Sodium Graphite Reactor	Hallam	1960–1971
Nevada DOE Facilities		
Nevada Site Office	North Las Vegas	3/6/1962–Present
Nevada Test Site	Mercury	1951–Present
Project Faultless Nuclear Explosion Site	Central Nevada Test Site	1967–1974
Project Shoal Nuclear Explosion Site	Fallon	1962–1/31/1964
Tonopah Test Range	Tonopah	1956–Present
Yucca Mountain Site Characterization Project	Yucca Mountain	1987–Present
New Jersey DOE Facilities		
Middlesex Sampling Plant	Middlesex	1943–1967; 1980–1982†
New Brunswick Laboratory	New Brunswick	1948–1977
Princeton Plasma Physics Laboratory, James Forrestal Campus of Princeton University.	Princeton	1951–Present
New Mexico DOE Facilities		
Albuquerque Operations Office	Albuquerque	8/13/1942–Present
Chupadera Mesa	White Sands Missile Range	1945
Hangar 481, Kirtland AFB	Albuquerque	3/1/1984–2/29/1996
Kirtland Operations Office, Kirtland AFB	Albuquerque	1964–Present
Los Alamos Medical Center	Los Alamos	1952–1963
Los Alamos National Laboratory	Los Alamos	8/13/1942–Present
Lovelace Respiratory Research Institute, Kirtland AFB.	Albuquerque	1960–6/20/2013
Project Gasbuggy Nuclear Explosion Site	Farmington	2/11/1967–1973; 1978; 1992–Present†
Project Gnome Nuclear Explosion Site	Carlsbad	7/1/1960–6/1962
Sandia National Laboratories	Albuquerque	1945–Present
South Albuquerque Works	Albuquerque	1951–1967
Trinity Nuclear Explosion Site, Alamogordo Bombing and Gunnery Range.	White Sands Missile Range	1945; 1952†; 1967†
Waste Isolation Pilot Plant	Carlsbad	3/26/1999–Present
New York DOE Facilities		
Brookhaven National Laboratory	Upton	1947–Present
Electro Metallurgical Co.	Niagara Falls	8/13/1942–1953
Environmental Measurements Laboratory	New York	1946–2003
Haist Property	Tonawanda	6/25/1943–1948
Lake Ontario Ordnance Works	Niagara County	1944–1997
Linde Ceramics Plant (Buildings 30, 31, 37 and 38 only).	Tonawanda	11/16/1942–1953; 1988–1992†; 1996†
Peek Street Facility (Knolls Atomic Power Laboratory).	Schenectady	1947–1954
Sacandaga Facility	Glenville	1947–1953
SAM Laboratories, Columbia University	New York	8/13/1942–1947
Separations Process Research Unit (Knolls Atomic Power Laboratory).	Schenectady	1950–1965; 2007–2011†
University of Rochester Atomic Energy Project	Rochester	1943–1986
Ohio DOE Facilities		
Extrusion Plant (Reactive Metals Inc.)	Ashtabula	1962–11/1/2006
Feed Materials Production Center (FMPC)	Fernald	1951–Present
Dayton Project (Units I, III and IV only)	Dayton and Oakwood	7/14/1943–1950
Mound Plant	Miamisburg	1947–Present
Piqua Organic Moderated Reactor	Piqua	1963–2/28/69

LIST 1—WORK SITES THAT ARE/WERE DOE FACILITIES EXCLUSIVELY—Continued

Facility name	Location	Dates
Portsmouth Gaseous Diffusion Plant	Piketon	1952–7/28/98; 7/29/98–Present†
Oregon DOE Facilities		
Albany Metallurgical Research Center, U.S. Bureau of Mines.	Albany	1987–1993†; 1995–Present
Pennsylvania DOE Facilities		
Shippingport Atomic Power Plant	Shippingport	1984–1995†
Puerto Rico DOE Facilities		
BONUS Reactor Plant	Punta Higuera	1964–1968
Puerto Rico Nuclear Center	Mayaguez	1957–1976; 1987†
South Carolina DOE Facilities		
Savannah River Site	Aiken	1950–Present
Tennessee DOE Facilities		
Clarksville Modification Center, Ft. Campbell	Clarksville	1949–1967
Clinton Engineer Works (CEW)	Oak Ridge	1943–1949
Oak Ridge Gaseous Diffusion Plant (K–25)	Oak Ridge	1943–1987; 1988–Present†
Oak Ridge Hospital	Oak Ridge	1943–1959
Oak Ridge Institute for Science Education	Oak Ridge	1946–Present
Oak Ridge National Laboratory (X–10)	Oak Ridge	1943–Present
Office of Scientific and Technical Information (OSTI).	Oak Ridge	1957–Present
S–50 Oak Ridge Thermal Diffusion Plant	Oak Ridge	1944–1951
Y–12 Plant	Oak Ridge	8/13/1942–Present
Texas DOE Facilities		
Medina Modification Center	San Antonio	1958–1966
Pantex Plant	Amarillo	1951–Present
Virginia DOE Facilities		
Thomas Jefferson National Accelerator Facility	Newport News	1994–Present
Washington DOE Facilities		
Hanford Engineer Works	Richland	8/13/1942–Present
Pacific Northwest National Laboratory	Richland	2005–Present
West Virginia DOE Facilities		
Reduction Pilot Plant	Huntington	1951–1963; 1978–1979
Wisconsin DOE Facilities		
LaCrosse Boiling Water Reactor	LaCrosse	1967–1969
Territorial DOE Facilities		
Pacific Proving Ground	Bikini and Enewetak Atolls (now part of the Republic of the Marshall Islands), Johnston Island and Christmas Island.	1946–1962

LIST 2—WORK SITES THAT ARE/WERE DOE FACILITIES (FOR THE YEARS IDENTIFIED IN THE LAST COLUMN ONLY) AND ALSO ANOTHER TYPE OF EEOICPA-COVERED FACILITY

Facility name	Location	Dates
Arizona DOE Facilities		
Ore Buying Station at Globe	Globe	7/1955–1957
Uranium Mill in Monument Valley	Monument Valley	5/1989–2/1990†; 9/1992–5/1994†
Uranium Mill in Tuba City	Tuba City	1/1985–2/1986†; 1/1988–4/1990†

LIST 2—WORK SITES THAT ARE/WERE DOE FACILITIES (FOR THE YEARS IDENTIFIED IN THE LAST COLUMN ONLY) AND ALSO ANOTHER TYPE OF EEOICPA-COVERED FACILITY—Continued

Facility name	Location	Dates
California DOE Facilities		
General Atomics (Torrey Pines Mesa and Sorrento West).	La Jolla	1996–1999†
General Electric Vallecitos	Pleasanton	1998–6/7/2010†
Colorado DOE Facilities		
Climax Uranium Mill in Grand Junction	Grand Junction	12/1988–8/1994†
Green Sludge Plant in Uravan	Uravan	1943–1945
New Uranium Mill in Rifle	Rifle	9/1988–9/1989†; 4/1992–10/1996†
Old Uranium Mill in Rifle	Rifle	9/1988–9/1989†; 4/1992–10/1996†
Uranium Mill in Durango	Durango	1948–1953; 10/1986–5/1991†
Uranium Mill in Gunnison	Gunnison	9/1991–12/1995†
Uranium Mill in Maybell	Maybell	5/1995–9/1998†
Uranium Mill in Naturita	Naturita	5/1994–11/1994†; 6/1996–9/1998†
Uranium Mill No. 1 in Slick Rock (East)	Slick Rock	1995–1996†
Uranium Mill No. 2 in Slick Rock (West)	Slick Rock	1995–1996†
Connecticut DOE Facilities		
Connecticut Aircraft Nuclear Engine Laboratory (CANEL).	Middletown	1958–7/8/1966
Seymour Specialty Wire	Seymour	1992–1993†
Idaho DOE Facilities		
Uranium Mill in Lowman	Lowman	1992†; 1994–Present
Illinois DOE Facilities		
General Steel Industries (South Plant)	Granite City	1993†
Metallurgical Laboratory, University of Chicago (Eckhart Hall, Jones Laboratory and Ryerson Hall only).	Chicago	1982–1984†; 1987†
National Guard Armory (Washington Park Armory).	Chicago	1987†
Massachusetts DOE Facilities		
Chapman Valve Manufacturing Co	Indian Orchard	1995†
Hood Building	Cambridge	1946–1963
Ventron Corporation	Beverly	1986†; 1996–1997†
Missouri DOE Facilities		
Latty Avenue Properties	Hazelwood	1984–1986†
New Jersey DOE Facilities		
Du Pont Deepwater Works	Deepwater	1996†
Kellex/Pierpont	Jersey City	1979–1980†
Middlesex Municipal Landfill	Middlesex	1984†; 1986†
Rare Earths/W.R. Grace	Wayne	1985–1987†
New Mexico DOE Facilities		
Ore Buying Station at Grants	Grants	7/1956–1958
Ore Buying Station at Shiprock	Shiprock	7/1952–1/1954
Uranium Mill in Ambrosia Lake	Ambrosia Lake	7/1987–4/1989†; 10/1992–7/1995†
Uranium Mill in Shiprock	Shiprock	10/1984–11/1986†
New York DOE Facilities		
Baker and Williams Warehouses (Pier 38)	New York	1991–1993†
Colonie Interim Storage Site (National Lead Co.).	Colonie	1984–1998†
West Valley Demonstration Project	West Valley	1980–Present
Ohio DOE Facilities		
Alba Craft	Oxford	1994–1995†

LIST 2—WORK SITES THAT ARE/WERE DOE FACILITIES (FOR THE YEARS IDENTIFIED IN THE LAST COLUMN ONLY) AND ALSO ANOTHER TYPE OF EEOICPA-COVERED FACILITY—Continued

Facility name	Location	Dates
Associated Aircraft Tool and Manufacturing Co	Fairfield	1994–1995†
B & T Metals	Columbus	1996†
Baker Brothers	Toledo	1995†
Battelle Laboratories-King Avenue	Columbus	1986–2000†
Battelle Laboratories-West Jefferson	Columbus	1986–Present†
Beryllium Production Plant (Brush Luckey Plant).	Luckey	1949–1961; 1992–Present†
General Electric Co. (Ohio)	Cincinnati/Evendale	1961–6/30/1970
Herring-Hall Marvin Safe Co.	Hamilton	1994–1995†
Oregon DOE Facilities		
Uranium Mill and Disposal Cell in Lakeview	Lakeview	1986–1989†
Pennsylvania DOE Facilities		
Aliquippa Forge	Aliquippa	1988†; 1993–1994†
C.H. Schnorr & Company	Springdale	1994†
Vitro Manufacturing (Canonsburg)	Canonsburg	1983–1985†; 1996†
South Dakota DOE Facilities		
Ore Buying Station at Edgemont	Edgemont	11/1952–7/12/1956
Texas DOE Facilities		
Uranium Mill in Falls City	Falls City	1/1992–6/1994†
Utah DOE Facilities		
Ore Buying Station at Marysvale	Marysvale	3/1950–1957
Ore Buying Station at Moab	Moab	5/1954–1960
Ore Buying Station at White Canyon	White Canyon	10/1954–1957
Uranium Mill in Mexican Hat	Mexican Hat	7/1987–10/1987†; 9/1992–2/1995†
Uranium Mill in Moab (Atlas Site)	Moab	2001–Present
Uranium Mill in Monticello	Monticello	1948–6/2000
Wyoming DOE Facilities		
Ore Buying Station at Crooks Gap	Crooks Gap	12/1956–7/1957
Ore Buying Station at Riverton	Riverton	3/1955–1957
Uranium Mill in Converse County (Spook Site)	Converse County	4/1989–9/1989†
Uranium Mill in Riverton	Riverton	5/1988–9/1990†

† Denotes a period of environmental remediation.

Signed at Washington, DC, this 31st day of December, 2014.

Gary A. Steinberg,

Acting Director, Office of Workers' Compensation Programs.

[FR Doc. 2015–00784 Filed 1–16–15; 8:45 am]

BILLING CODE 4510–CR–P

LEGAL SERVICES CORPORATION

Notice of Sunshine Act Meeting

DATE AND TIME: The Legal Services Corporation's Board of Directors and its six committees will meet January 22–24, 2015. On Thursday, January 22, the first meeting will commence at 1:00 p.m., Eastern Standard Time (EST), with the meeting thereafter commencing promptly upon adjournment of the immediately preceding meeting. On Friday, January 23, the first meeting will commence at 8:30 a.m., EST, with the next meeting commencing at 11:00 a.m., EST, and the meeting thereafter commencing promptly upon adjournment of the immediately preceding meeting. On Saturday, January 24, the first meeting will commence at 9:30 a.m., EST, and it will be followed by the closed session meeting of the Board of Directors which will commence promptly upon adjournment of the first meeting.

LOCATION: Colonnade Ballroom B, Westin Colonnade, 160 Aragon Avenue, Coral Gables, Florida 33134.

PUBLIC OBSERVATION: Unless otherwise noted herein, the Board and all committee meetings will be open to public observation. Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348.
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the presiding Chair may solicit comments from the public.

MEETING SCHEDULE

	Time*
Thursday, January 22, 2015	
1. Governance & Performance Review Committee. 2. Audit Committee 3. Communications Subcommittee of Institutional Advancement Committee 4. Institutional Advancement Committee 5. Operations & Regulations Committee	1:00 p.m.
Friday, January 23, 2015	
1. Finance Committee ..... 2. Delivery of Legal Services Committee.	8:30 a.m. 11:00 a.m.
Saturday, January 24, 2015	
1. Board of Directors	9:30 a.m.

STATUS OF MEETING: Open, except as noted below.

Board of Directors—Open, except that, upon a vote of the Board of Directors, a portion of the meeting may be closed to the public to hear briefings by management and LSC's Inspector General, and to consider and act on the General Counsel's report on potential and pending litigation involving LSC, on a list of prospective funders and prospective members of Leaders' Council.**

Institutional Advancement Committee—Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to consider and act on recommendation of new prospective funders and on prospective members of Leaders Council to the Board of Directors.**

Audit Committee—Open, except that the meeting may be closed to the public to hear briefings on the following matters: the Office of Compliance and Enforcement's active enforcement matter(s) and follow-up to the Office of the Inspector General's open investigations; governance under Statement on Auditing Standard 114.**

A verbatim written transcript will be made of the closed session of the Board, Institutional Advancement Committee and Audit Committee meetings. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (10), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

January 22, 2015

Governance and Performance Review Committee

1. Approval of agenda
2. Approval of minutes of the Committee's meeting of October 6, 2014
3. Approval of minutes of the Committee's telephonic meeting of November 17, 2014
4. Discussion of Board evaluations Staff Report on 2014 Board and Committee Evaluations; and Discussion of Governance and Performance Committee evaluations and the Committee's goals for 2015
   - Carol Bergman, Director of Government Relations & Public Affairs
5. Discussion of President's evaluation for 2014
6. Discussion of the Inspector General's evaluation for 2014
7. Consider and act on revised Code of Ethics and Conduct, *Resolution 2015–XXX*
   - Ron Flagg, Vice President & General Counsel
8. Briefing on Management Transition Resources
   - Ron Flagg, Vice President & General Counsel
   - Jim Sandman, President
9. Report on Public Welfare Foundation grant, Margaret A. Cargill Foundation
   - Jim Sandman, President
10. Consider and act on other business
11. Public comment
12. Consider and act on motion to adjourn meeting

Audit Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's October 6, 2014 meeting
3. Discussion of Committee's evaluations for 2014 and the Committee's goals for 2015
4. Presentation of the Fiscal Year (FY) 2014 Annual Financial Audit
   - John Seeba, Assistant IG for Audits
   - Nancy Davis, WithumSmith+Brown
5. Review of LSC's Form 990 for FY 2014
6. Briefing by Office of Inspector General
   - Jeffrey Schanz, Inspector General
7. Management update regarding risk management
   - Ron Flagg, General Counsel
8. Briefing about referrals by the Office of Inspector General to the Office of Compliance and Enforcement's including matters from the annual Independent Public Accountants audits of grantees
   - Jeffery Schanz, Inspector General
   - John Seeba, Assistant IG for Audits
   - Lora Rath, Director of compliance and Enforcement
9. Consider and act on 403(b) Thrift Plan Amendment, Resolution 2015–XXX
   - Mark Freedman, Senior Assistant General Counsel
   - Sophia Mason, Benefits Manager
10. Public comment
11. Consider and act on other business

Closed Session

12. Communication by Corporate Auditor with those charged with governance under Statement on Auditing Standard 114
    - Jeffrey Schanz, Inspector General
    - John Seeba, Assistant Inspector General for Audits
    - Nancy Davis, WithumSmith+Brown
13. Approval of minutes of the Committee's Closed Session meeting on July 21, 2014
14. Briefing by Office of Compliance and Enforcement on active enforcement matters and follow-up on open investigation referrals from the Office of Inspector General
    - Lora Rath, Director of Compliance and Enforcement
15. Consider and act on adjournment of meeting

Institutional Advancement Committee Communications Subcommittee

Open Session

1. Approval of agenda
2. Approval of minutes of the Subcommittee's Open Session telephonic meeting of September 19, 2014
3. Discussion of communication efforts
4. Discussion of the subcommittee's charter
5. Public comment
6. Consider and act on other business
7. Consider and act on adjournment of meeting

Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session telephonic meeting of October 1, 2014

* Please note that all times in this notice are in the *Eastern Standard Time.*

** Any portion of the closed session consisting solely of briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b(a)(2) and (b). *See also* 45 CFR § 1622.2 & 1622.3.

3. Approval of minutes of the Committee's Open Session meeting of October 6, 2014
4. Approval of minutes of the Committee's Open Session telephonic meeting of December 2, 2014
5. Committee discussion of 2014 committee evaluation and 2015 goals
6. Consider and act on LSC Leaders Council, *Resolution 2015–XXX*
   - Wendy Rhein, Chief Development Officer
7. Communications Subcommittee report
   - Julie Reiskin, Chair, Communications Subcommittee
   - Carl Rauscher, Director of Communications and Media Relations
8. Public comment
9. Consider and act on adjournment of meeting

Closed Session

1. Approval of minutes of the Committee's Closed Session meeting of October 6, 2014
2. Approval of minutes of the Committee's Closed Session telephonic meeting of December 2, 2014
3. Current donor report
4. Consider and act on prospective funders
5. Consider and act on prospective members of Leaders Council
6. Consider and act on adjournment of meeting

Operations & Regulations Committee

1. Approval of agenda
2. Approval of minutes of the Committee's meeting on October 5, 2014
3. Discussion of Committee's evaluation for 2014 and the Committee's goals for 2015
4. Consider and act on review of Management's report on implementation of the Strategic Plan 2012–2016, as provided by section VI (3) of the Committee Charter
   - Jim Sandman, LSC President
5. Update on Rulemaking Agenda; 45 CFR part 1628—Fund Balances; 45 CFR part 1603—State Advisory Councils
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
   - Mark Freedman, Senior Assistant General Counsel
6. Consider and act on Notice of Proposed Rulemaking for 45 CFR part 1640—Applications of Federal Law to LSC Recipients
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
   - Laurie Tarantowicz, Assistant Inspector General and Legal Counsel
   - Public Comment
7. Consider and act on updating population data for grants to serve migratory and other agricultural workers
   - Ron Flagg, General Counsel
   - Bristow Hardin, Program Analyst
8. Other public comment
9. Consider and act on other business
10. Consider and act on adjournment of meeting

January 23, 2015

Finance Committee

1. Approval of agenda
2. Approval of minutes of the Committee's meeting on October 6, 2014
3. Discussion of Committee's evaluations for 2014 and the Committee's goals for 2015
4. Presentation of the LSC's Financial Report for FY 2014
5. Presentation of the LSC's Financial Report for the first two months of FY 2015
6. Consider and act on LSC's Consolidated Operating Budget or Revised Operating Budget for FY 2015, *Resolution 2015–0XX*
   - David Richardson, Treasurer/ Comptroller
7. Discussion of LSC's FY 2016 appropriations request
   - Carol Bergman, Director of Government Relations & Public Affairs
8. Report on the Selection of Accounts and Depositories for LSC Funds
   - David Richardson, Treasurer/ Comptroller
9. Public comment
10. Consider and act on other business
11. Consider and act on adjournment of meeting

Delivery of Legal Services Committee

1. Approval of Agenda
2. Approval of minutes of the Committee's meeting on October 6, 2014
3. Discussion of Committee's evaluations for 2014 and the Committee's goals for 2015
4. Review and discussion of presentations to the Committee in 2013 and 2014, and of proposed topics for 2015
5. Panel presentation and Committee discussion of LSC's Performance Criteria, Performance Area Four, Criterion 2.—Leadership
   - Jim Cook, Executive Director, Idaho Legal Services, Inc.
   - Christine Larson, Executive Director, Three Rivers Legal Services
   - Allison Thompson, former Executive Director, Three Rivers Legal Services
   - Nikole Nelson, Executive Director, Alaska Legal Services
   - Anthony Young, Executive Director, Southern Arizona Legal Aid, Inc.
   - Rick Moyers, Vice President for Programs and Communications, The Meyer Foundation (*Moderator*)
6. Public comment
7. Consider and act on other business
8. Consider and act on motion to adjourn the meeting

January 24, 2015

Board of Directors

Open Session

1. Pledge of Allegiance
2. Approval of agenda
3. Approval of minutes of the Board's Open Session meeting of October 7, 2014
4. Approval of minutes of the Board's Open Session telephonic meeting of November 17, 2014
5. Consider and act on nominations for the Chairman of the Board of Directors
6. Consider and act on nominations for the Vice Chairman of the Board of Directors
7. Chairman's Report
8. Members' Reports
9. President's Report
10. Inspector General's Report
11. Consider and act on resolution recognizing Sharon L. Browne on the Legal Services Corporation Board of Directors
12. Consider and act on the report of the Finance Committee
13. Consider and act on the report of the Audit Committee
14. Consider and act on the report of the Operations and Regulations Committee
15. Consider and act on the report of the Governance and Performance Review Committee
16. Consider and act on the report of the Institutional Advancement Committee
17. Consider and act on the report of the Delivery of Legal Services Committee
18. Report on implementation of recommendations of the Pro Bono Task Force Report and the Pro Bono Innovation Fund
19. Public comment
20. Consider and act on other business

21. Consider and act on whether to authorize an executive session of the Board to address items listed below, under Closed Session

Closed Session

22. Approval of minutes of the Board's Closed Session of October 7, 2014
23. Management Briefing
24. Inspector General Briefing
25. Consider and act on General Counsel's report on potential and pending litigation involving LSC
26. Consider and act on list of prospective funders
27. Consider and act on prospective members of Leaders' Council
28. Consider and act on motion to adjourn meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

NON–CONFIDENTIAL MEETING MATERIALS: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC Web site, at *http://www.lsc.gov/board-directors/meetings/board-meeting-notices/non-confidential-materials-be-considered-open-session.*

ACCESSIBILITY: LSC complies with the American's with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: January 15, 2015.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 2015–00882 Filed 1–15–15; 4:15 pm]

BILLING CODE 7050–01–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 15–0001–CRB–AU]

Notice of Intent To Audit

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Public notice.

SUMMARY: The Copyright Royalty Judges announce receipt of three notices of intent to audit the 2011, 2012, and 2013 statements of account submitted by 98frogfm.com, Christmas Music 24/7, and ZadioRadio concerning the royalty payments each made by each pursuant to two statutory licenses.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: The Copyright Act, title 17 of the United States Code, grants to copyright owners of sound recordings the exclusive right to perform publicly sound recordings by means of certain digital audio transmissions, subject to limitations. Specifically, the right is limited by two statutory licenses. The section 114 license allows nonexempt noninteractive digital subscription services and eligible nonsubscription services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). The section 112 license allows a service to make necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges (Judges). The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380–384. As part of the terms set for these licenses, the Judges designated SoundExchange, Inc. as the Collective, *i.e.,* the organization charged with collecting the royalty payments and statements of account submitted by eligible nonsubscription services such as, among others, Eligible Small Webcasters, and distributing the royalties to the copyright owners and performers entitled to receive such royalties. 37 CFR 380.4(b)(1). As the designated Collective, SoundExchange may conduct a single audit of a licensee for any calendar year to verify royalty payments. *Id.* at § 380.6(b). Prior to conducting an audit, SoundExchange must file with the Judges a notice of intent to audit a licensee and serve the notice on the licensee to be audited. *Id.* at § 380.6(c).

On December 20, 2013, SoundExchange filed with the Judges three separate notices of intent to audit 98frogfm.com, Christmas Music 24/7, and ZadioRadio (all Eligible Small Webcasters), for the years 2011, 2012, and 2013.

Section 380.6(c) requires the Judges to publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. Today's notice fulfills this requirement with respect to SoundExchange's notices of intent to audit 98frogfm.com, Christmas Music 24/7, and ZadioRadio filed on December 23, 2014.

Dated: January 13, 2015.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2015–00691 Filed 1–16–15; 8:45 am]

BILLING CODE 1410–72–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 15–0003–CRB–AU]

Notice of Intent To Audit

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Public notice.

SUMMARY: The Copyright Royalty Judges announce receipt of a notice of intent to audit the 2011, 2012, and 2013 statements of account of Galaxie concerning the royalty payments its New Subscription Service made pursuant to two statutory licenses.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

SUMMARY INFORMATION: The Copyright Act, title 17 of the United States Code, grants to copyright owners of sound recordings the exclusive right to perform publicly sound recordings by means of certain digital audio transmissions, subject to certain limitations. Specifically, the right is limited by two statutory licenses. The section 114 license allows nonexempt noninteractive digital subscription services and eligible nonsubscription services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). The section 112 license allows a service to make necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380–384. As part of the terms set for these licenses, the Judges designated SoundExchange, Inc. as the Collective, *i.e.,* the organization charged with collecting the royalty payments and statements of account submitted by eligible nonexempt noninteractive digital subscription services such as, among others, New Subscription Services, and distributing the royalties to the copyright owners and performers entitled to receive them. 37 CFR 383.4(a). As the designated Collective, SoundExchange may conduct a single audit of a licensee for any calendar year to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee to be audited. 37 CFR 383.4(a) and 382.15(c).

On December 23, 20142, SoundExchange filed with the Judges a notice of intent to audit Galaxie's New Subscription Service for the years 2011, 2012, and 2013.

Section 382.15(c) requires the Judges to publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. Today's notice fulfills this requirement with respect to SoundExchange's intent to audit Galaxie's New Subscription Service filed on December 23, 2014.

Dated: January 13, 2015.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2015–00695 Filed 1–16–15; 8:45 am]

BILLING CODE 1410–72–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 15–0002–CRB–AU]

Notice of Intent To Audit

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Public notice.

SUMMARY: The Copyright Royalty Judges announce receipt of a notice of intent to audit the 2011, 2012, and 2013 statements of account submitted by Galaxie concerning the royalty payments its Business Establishment Service made pursuant to two statutory licenses.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, Program Specialist, by telephone at (202) 707–7658 or by email at *crb@loc.gov.*

Summary Information: The Copyright Act, title 17 of the United States Code, grants to copyright owners of sound recordings the exclusive right to perform publicly sound recordings by means of certain digital audio transmissions, subject to certain limitations. Specifically, the right is limited by two statutory licenses. The section 114 license allows nonexempt noninteractive digital subscription services and eligible nonsubscription services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). The section 112 license allows a service to make necessary ephemeral reproductions to facilitate the digital transmission of the sound recording, including transmissions to business establishments.[1] 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR parts 380–384. As part of the terms set for these licenses, the Judges designated SoundExchange, Inc. as the Collective, *i.e.,* the organization charged with collecting the royalty payments and statements of account submitted by eligible nonexempt noninteractive digital subscription services such as, among others, Business Establishment Services, and distributing the royalties to the copyright owners and performers entitled to receive them. 37 CFR 384.4(b). As the designated Collective, SoundExchange may conduct a single audit of a licensee for any calendar year to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and serve the notice on the licensee to be audited. 37 CFR 384.6(c).

On December 23, 2014, SoundExchange filed with the Judges a notice of intent to audit Galaxie's Business Establishment Service for the years 2011, 2012, and 2013.

Section 384.6(c) requires the Judges to publish notice in the **Federal Register** within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. Today's notice fulfills this requirement with respect to SoundExchange's intent to audit Galaxie's Business Establishment Service filed on December 23, 2014.

[1] Subject to the limitations set forth in section 114(d)(1)(C)(iv).

Dated: January 13, 2015.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2015–00697 Filed 1–16–15; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[15–104]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Frances Teel, Mail Code JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA PRA Clearance Officer, NASA Headquarters, 300 E Street SW., Mail Code JF000, Washington, DC 20546, or *Frances.C.Teel@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NASA's founding legislation, the Space Act of 1958, as amended, directs the Agency to expand human knowledge of Earth and space phenomena and to preserve the role of the United States as a leader in aeronautics, space science, and technology. The NASA Office of Education has three primary goals (1) strengthen NASA and the Nation's future workforce, (2) attract and retain students in science, technology, engineering and mathematics, or STEM, disciplines, and (3) engage Americans in NASA's mission.

This notice informs the public of NASA's intent to revise a currently approved information collection for a project formerly known as the NASA Summer of Innovation Project. The

request for renewal pertains to the administration of surveys to youth in support of the agency's STEM challenge activities for middle school youth. The information collection was revised to collect the minimum amount of data required to (1) evaluate the activity for improvement opportunities, and (2) collect outcome data to assess the activity model's effectiveness in meeting its intended objectives. Youth surveys have been retained in this information collection, but the parent survey and teacher focus groups have been eliminated to reduce burden. The number of youth participating in this information collection has been reduced to reflect the estimated number of participants who will be engaged in this activity in the future. The cost of the information collection, to participating members of the public, has also been reduced as a result of these and other changes to the information collection.

II. Method of Collection

Electronic.

III. Data

Title: NASA Office of Education STEM Challenges.

OMB Number: 2700–0150.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals.

Estimated Number of Respondents: 810.

Estimated Annual Responses: 1,620.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 162.

Estimated Total Annual Cost: $1,175.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Frances Teel,

NASA PRA Clearance Officer.

[FR Doc. 2015–00711 Filed 1–16–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that two meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference (unless otherwise specified) from the National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC 20506 as follows (all meetings are Eastern time and ending times are approximate):

Folk & Traditional Arts (review of nominations): These meeting will be closed.

DATES: February 3, 2015 12:00 p.m. to 2:00 p.m. and February 6, 2015 12:00 p.m. to 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *plowitzk@arts.gov,* or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

Dated: January 14, 2015.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2015–00718 Filed 1–16–15; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board's *ad hoc* Working Group on Administrative Burdens (AB), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. § 1862n–5), and the Government in the Sunshine Act (5 U.S.C. § 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: Friday, January 23, 12:00–1:00 p.m., EST.

SUBJECT MATTER: Chairman's remarks; update on NSF implementation of Uniform Guidance and Administrative Burdens Task Force recommendations; and draft comments on proposed National Institutes of Health multisite Institutional Review Board policy.

STATUS: Open.

This meeting will be held by teleconference. A public listening line will be available. Members of the public must contact the Board Office (call 703–292–7000 or send an email message to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the teleconference for the public listening number. Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) which may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is Jacqueline Meszaros at *jmeszaro@nsf.gov.*

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2015–00894 Filed 1–15–15; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board's Committee on Education and Human Resources (CEH), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. § 1862n–5), and the Government in the Sunshine Act (5 U.S.C. § 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: Friday, January 23, 2:00–3:00 p.m., EST.

SUBJECT MATTER: Chairman's remarks; discussion of Committee goals; and discussion of format for February meeting.

STATUS: Open.

This meeting will be held by teleconference. A public listening line will be available. Members of the public

must contact the Board Office (call 703–292–7000 or send an email message to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the teleconference for the public listening number. Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) which may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is Jacqueline Meszaros at *jmeszaro@nsf.gov.*

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2015–00896 Filed 1–15–15; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0006]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from December 25, 2014 to January 7, 2015. The last biweekly notice was published on January 6, 2015.

DATES: Comments must be filed by February 19, 2015. A request for a hearing must be filed by March 23, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0006. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; 301–415–1506, *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0006 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0006.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0006 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The

Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the

NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of application for amendments: November 7, 2014. A publicly-available version is in ADAMS under Accession No. ML14315A084.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) associated with the primary containment leakage rate testing program. Specifically, the amendment would extend the frequencies for performance of the Type A containment integrated leakage rate test (ILRT) and the Type C containment isolation valve leakage rate test, required by 10 CFR part 50, Appendix J, ''Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff revisions provided in [brackets]:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment to the TS involves the extension of the PBAPS, Units 2 and 3 Type A containment test interval to 15 years and the extension of the Type C test interval to 75 months. The current Type A test interval of 120 months (10 years) would be extended on a permanent basis to no longer than 15 years from the last Type A test. The current Type C test interval of 60 months for selected components would be extended on a performance basis to no longer than 75 months. Extensions of up to nine months (total maximum interval of 84 months for Type C tests) are permissible only for non-routine emergent conditions. The proposed extension does not involve either a

physical change to the plant or a change in the manner in which the plant is operated or controlled. The containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the containment and the testing requirements invoked to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident. The change in dose risk for changing the Type A test frequency from three-per-ten years to once-per-fifteen-years, measured as an increase to the total integrated dose risk for all internal events accident sequences for PBAPS, is 5.99E–02 person-rem/yr (0.52%) using the EPRI [Electric Power Research Institute] guidance with the base case corrosion included. The change in dose risk drops to 1.60E–02 person-rem/yr (0.14%) when using the EPRI Expert Elicitation methodology. Therefore, this proposed extension does not involve a significant increase in the probability of an accident previously evaluated.

As documented in NUREG–1493, Type B and C tests have identified a very large percentage of containment leakage paths, and the percentage of containment leakage paths that are detected only by Type A testing is very small. The PBAPS, Units 2 and 3 Type A test history supports this conclusion.

The integrity of the containment is subject to two types of failure mechanisms that can be categorized as: (1) Activity based, and; (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as configuration management and procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the containment combined with the containment inspections performed in accordance with ASME [American Society of Mechanical Engineers] Section XI, the Maintenance Rule, and TS requirements serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by a Type A test. Based on the above, the proposed extensions do not significantly increase the consequences of an accident previously evaluated.

The proposed amendment also deletes exceptions previously granted to allow one-time extensions of the ILRT test frequency for both Units 2 and 3. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action that has no effect on any component and no impact on how the units are operated.

Therefore, the proposed change does not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment to the TS involves the extension of the PBAPS, Unit 2 and 3 Type A containment test interval to 15 years and the extension of the Type C test interval to 75 months. The containment and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident do not involve any accident precursors or initiators. The proposed change does not involve a physical change to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the manner in which the plant is operated or controlled.

The proposed amendment also deletes exceptions previously granted to allow one-time extensions of the ILRT test frequency for both Units 2 and 3. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action that does not result in any change in how the units are operated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment to TS 5.5.12 involves the extension of the PBAPS, Units 2 and 3 Type A containment test interval to 15 years and the extension of the Type C test interval to 75 months for selected components. This amendment does not alter the manner in which safety limits, limiting safety system set points, or limiting conditions for operation are determined. The specific requirements and conditions of the TS Containment Leak Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained.

The proposed change involves only the extension of the interval between Type A containment leak rate tests and Type C tests for PBAPS, Units 2 and 3. The proposed surveillance interval extension is bounded by the 15-year ILRT [i]nterval and the 75-month Type C test interval currently authorized within NEI [Nuclear Energy Institute] 94–01, Revision 3–A. Industry experience supports the conclusion that Type B and C testing detects a large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is small. The containment inspections performed in accordance with ASME Section XI, TS and the Maintenance Rule serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by Type A testing. The combination of these factors ensures that the margin of safety in the plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met, with the acceptance of this proposed change, since these are not affected by changes to the Type A and Type C test intervals.

The proposed amendment also deletes exceptions previously granted to allow one time extensions of the ILRT test frequency for both Units 2 and 3. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action and does not change how the units are operated and maintained. Thus, there is no reduction in any margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

NRC Branch Chief: Meena K. Khanna.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: August 26, 2014 (ADAMS Accession No. ML14241A496).

Description of amendment request: The amendment would revise Technical Specification Section 6.8.4.h, ''Containment Leakage Rate Testing Program,'' extending the interval for integrated leak rate test (ILRT) from the current 10 years to 15 years.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff performed its own analysis, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The licensee proposed to change only the frequency of performing the ILRT, extending it from the current 10 years to 15 years. No previously evaluated accidents were postulated to be caused by the frequency of ILRT; consequently, changing the frequency of ILRT alone does not increase the probability of occurrence of any previously evaluated accident.

The proposed amendment does not involve any change in the design bases, performance,

or use of the containment system. Thus, the containment system will continue to perform its design functions during normal operation and during the course of an accident (*i.e.,* the containment system will mitigate radiological consequences of accident as it was originally designed).

Therefore, there will be no significant increase of the consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not involve any change in the design bases, performance or use of the containment system. Thus, no new or different kind of accident could be created by the proposed amendment.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not involve any new acceptance criteria or performance parameters. The containment system, under the proposed ILRT frequency, will continue to perform its original design functions under the original design and licensing bases. Thus, the proposed change does not involve a significant reduction of margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on its own analysis, determines that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408–0420.

Acting NRC Branch Chief: Lisa M. Regner.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 7, 2014. A publicly-available version is in ADAMS under Accession No. ML14314A087.

Description of amendment request: The proposed amendment would change Technical Specification (TS) section 3.1, Table 3–3 for Fort Calhoun Station, Unit No. 1, to correct an administrative error in the surveillance method for the containment wide range radiation monitors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to Technical Specification (TS) 3.1 Table 3–3 corrects an administrative error to the stated surveillance method introduced by TS Amendment 152 [dated March 25, 1993; ADAMS Accession No. ML15005A051)], and will make the surveillance method for the containment high range radiation monitors consistent with Updated Safety Analysis Report (USAR) Section 11.2 for the range of the monitors and consistent with the guidance for special calibration of these monitors contained in NUREG–0737 [''Clarification of TMI Action Plan Requirements,'' November 1980; ADAMS Accession No. ML102560051] Table II.F.1–3. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because: (1) The proposed amendment does not represent a change to the system design, (2) the proposed amendment does not alter, degrade, or prevent action described or assumed in any accident in the USAR from being performed, (3) the proposed amendment does not alter any assumptions previously made in evaluating radiological consequences, and [4]) the proposed amendment does not affect the integrity of any fission product barrier. No other safety related equipment is affected by the proposed change.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the surveillance method to be consistent with the guidance in NUREG–0737 Table II.F.1–3. The proposed change does not alter the physical design, safety limits, or safety analysis assumptions associated with the operation of the plant. Hence, the proposed change does not introduce any new accident initiators, nor does it reduce or adversely affect the capabilities of any plant structure or system in the performance of their safety function.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not alter the manner in which safety limits or limiting safety system settings are determined. The safety analysis acceptance criteria are not affected by this proposed change. Further, the proposed change does not change the design function of any equipment assumed to operate in the event of an accident. The change only corrects the surveillance method of the high range post-accident radiation monitors to be consistent with the design of the monitors and NUREG–0737.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David A. Repka, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Acting Branch Chief: Eric R. Oesterle.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: November 25, 2014. A publicly-available version is in ADAMS under Accession No. ML14329B244.

Description of amendment request: The proposed amendment would revise technical specification (TS) surveillance requirement (SR) 4.7.2.1.1, to reduce the required run time of the control room emergency filtration subsystems, with heaters on, from a minimum of 10 hours to a minimum of 15 minutes, consistent with Technical Specifications Task Force (TSTF) traveler TSTF–522, Revision 0, ''Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month,'' with minor variations. The Notice of Availability and model safety evaluation of TSTF–522, Revision 0, were published in the **Federal Register** on September 20, 2012 (77 FR 58421).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces an existing SR to operate each Control Room Emergency Filtration (CREF) subsystem equipped with electric heaters on for a 10 hour period at a frequency controlled in accordance with the SFCP [Surveillance Frequency Control Program] with a requirement to operate each subsystem for 15 continuous minutes with heaters on.

This system is not an accident initiator and therefore, these changes do not involve a significant increase in the probability of an accident. The proposed system and filter testing change is consistent with current regulatory guidance for these systems and will continue to assure that these systems

perform their design function which may include mitigating accidents. Thus the change does not involve a significant increase in the consequences of an accident.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change replaces an existing SR to operate each CREF subsystem with electric heaters on for a 10 hour period at a frequency controlled in accordance with the SFCP with a requirement to operate each subsystem for 15 continuous minutes with heaters on.

The change proposed for this ventilation system does not change any system operations or maintenance activities. Testing requirements will be revised and will continue to demonstrate that the Limiting Condition for Operation is met and the system components are capable of performing their intended safety functions. The change does not create new failure modes or mechanisms and no new accident precursors are generated.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces an existing SR to operate each CREF subsystem with electric heaters on for a 10 hour period at a frequency controlled in accordance with the SFCP with a requirement to operate each subsystem for 15 continuous minutes with heaters on.

The design basis for the CREF systems' heaters is to heat the incoming air which reduces the relative humidity. The heater testing change proposed will continue to demonstrate that the heaters are capable of heating the air and will perform their design function. The proposed change is consistent with regulatory guidance.

Therefore, it is concluded that the proposed changes do not involve a significant reduction in a margin of safety.

Based upon the above, PSEG concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, PSEG Nuclear LLC–N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: Meena K. Khanna.

Southern Nuclear Operating Company, Inc. Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant Units 3 and 4, Burke County, Georgia

Date of amendment request: November 20, 2014. A publicly-available version is in ADAMS under Accession No. ML14324A969.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–91 and NPF–92 for the Vogtle Electric Generating Plant (VEGP) Units 3 and 4. The requested amendment proposes changes to revise the VEGP Updated Final Safety Analysis Report (UFSAR) to clarify a human factors engineering operational sequence analysis related to the AP1000 Automatic Depressurization System and delete the Westinghouse Electric Company's document WCAP–15847, ''AP1000 Quality Assurance Procedures Supporting NRC Review of AP1000 DCD [Design Control Document] Sections 18.2 and 18.8,'' that is incorporated by reference into the UFSAR. Both of the requested changes constitute changes to information identified as Tier 2* information as defined in Title 10 of the *Code of Federal Regulations,* Part 52, Appendix D, Section II.F.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed deletion of WCAP–15847 removes obsolete and superseded procedures from the licensing basis. The amendment of the operational sequence analysis (OSA) task alters the automatic depressurization system (ADS) testing from Mode 1 to Mode 5. The proposed changes to the procedures do not involve any accident initiating component/system failure or event, and the change to the ADS testing mode helps prevent accidents would occur if the tests were performed in Mode 1. Thus, the probabilities of the accidents previously evaluated are not affected. The affected procedures and requirements do not adversely affect or interact with safety-related equipment or a radioactive material barrier, and this activity does not involve the containment of radioactive material. Thus, the proposed changes would not affect any safety-related accident mitigating function. The radioactive material source terms and release paths used in the safety analyses are unchanged, thus the radiological releases in the Updated Final Safety Analysis Report accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Removing WCAP–15847 from the UFSAR and amending the OSA task regarding ADS valve testing does not adversely affect the design or operation of safety-related equipment or equipment whose failure could initiate an accident other than what is already described in the licensing basis. These changes do not adversely affect safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to remove WCAP–15847 from the UFSAR and amend the OSA task do not adversely affect any safety-related equipment, design code compliance, design function, design analysis, safety analysis input or result, or design/safety margin because NQA–1 requirements are maintained in other Westinghouse procedures and testing of the ADS valves is still performed. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence J. Burkhart.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the

Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, Inc., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina; Duke Energy Progress, Inc., Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina Duke Energy Progress, Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina; Duke Energy Florida, Inc., et al., Docket No. 50–302, Crystal River, Unit 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment requests: December 19, 2013. A redacted version was provided by letter dated March 31, 2014.

Brief description of amendments: The amendments revised the Cyber Security Plan Implementation Milestone 8 completion dates and the physical protection license conditions.

Date of issuance: December 19, 2014.

Effective date: As of the date of their issuance and shall be implemented within 30 days of the date of issuance.

Amendment Nos.: Brunswick, Unit 1: 266, Brunswick, Unit 2: 294, H. B. Robinson, Unit No. 2: 239, Shearon Harris, Unit 1: 144, and Crystal River, Unit 3: 245. A publicly-available version is in ADAMS under Accession No. ML14318A929; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–71, DPR–62, DPR–23, and NPF–63, and Facility Operating License No. DPR–72. The amendments revised the facility operating licenses.

Date of initial notice in ***Federal Register***: May 06, 2014 (79 FR 25899).

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated December 19, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: December 6, 2013, as supplemented by letter dated September 19, 2014.

Brief description of amendments: The amendments revised Technical Specification (TS) setpoints and allowable values for certain area temperature instrumentation associated with the leak detection system.

Date of issuance: December 29, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 213 and 174. A publicly-available version is in ADAMS under Accession No. ML14324A808; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–39 and NPF–85: Amendments revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register***: April 1, 2014 (79 FR 18333). The supplemental letter dated September 19, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 29, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1 (TMI–1), Dauphin County, Pennsylvania

Date of application for amendment: February 4, 2013, as supplemented by letters dated March 24, 2014, and September 26, 2014.

Brief description of amendment: The amendment deleted various reporting requirements contained in the Technical Specifications (TSs). Specifically, the amendment deleted the Sealed Source Contamination Special Report and the Startup Report, as well as the plant-specific annual reports regarding periodic Leak Reduction Program tests, Pressurizer Power Operated Relief Valve and Pressurizer Safety Valve challenges, specific activity analysis in which the primary coolant exceeds the limits of TS 3.1.4.1, and major changes to radioactive waste treatment systems.

Date of issuance: December 30, 2014.

Effective date: As of its date of issuance, and shall be implemented within 60 days.

Amendment No.: 284. A publicly-available version is in ADAMS under Accession No. ML14330A300; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–50: Amendment revised the license and the TSs.

Date of initial notice in ***Federal Register***: March 19, 2013 (78 FR 16882).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 30, 2014.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 7, as supplemented by letters dated November 21 and December 10 and 19, 2014.

Brief description of amendment: The amendment revised a limited number of Technical Specification Surveillance Requirements by adding a note or footnote permitting a one-time extension from a refueling frequency (*i.e.,* at least once per 18 months) to a maximum of 28 months.

Date of issuance: December 29, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 279. A publicly-available version is in ADAMS under

Accession No. ML14356A012; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–40: The amendment revised the License and Technical Specifications.

Date of initial notice in ***Federal Register****:* November 17, 2014 (79 FR 68487). The supplemental letters dated November 21 and December 10 and 19, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration is contained in a safety evaluation dated December 29, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of application for amendments: August 15, 2014, as supplemented October 20, 2014.

Brief description of amendments: The amendments revise the Technical Specifications (TSs) in response to the application dated August 15, 2014, as supplemented October 20, 2014. The amendments revise TS 3.8.7, ''Distribution Systems—Operating'' to add critical instrumentation Busses as a result of the licensee's decision to reconfigure its busses in order to comply with the U.S. Nuclear Regulatory Commission (NRC) Order EA–12–049, ''Order to Modify Licenses with Regard to Requirements for Mitigation Strategies for Beyond Design Basis External Events (BDBEE).''

Date of issuance: December 23, 2014.

Effective date: As of the date of issuance and shall be implemented prior to the end of the spring 2016 refueling outage for Unit 1 and prior to the end of the spring 2015 refueling outage for Unit 2.

Amendment Nos.: Unit 1–272 and Unit 2–216. A publicly-available version is in ADAMS under Accession No. ML14349A715; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the licenses and the Technical Specifications.

Date of initial notice in ***Federal Register****:* September 2, 2014 (79 FR 52069). The supplemental letter dated October 20, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 23, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of application for amendments: March 17, 2014.

Brief description of amendments: The amendments revise the Technical Specifications (TSs) to adopt Technical Specification Task Force traveler TSTF–535, Revision 0, ''Revise Shutdown Margin Definition to Address Advanced Fuel Designs,'' which is an approved change to the Standard Technical Specifications. The changes modify the TS definition of ''Shutdown Margin'' (SDM) to require calculation of the SDM at a reactor moderator temperature of 68 °F or a higher temperature that represents the most reactive state throughout the operating cycle.

Date of issuance: January 6, 2015.

Effective date: As of the date of issuance and shall be implemented prior to reactor startup following Unit 1 refueling outage 1R27 (spring 2016) and prior to reactor startup following Unit 2 refueling outage 2R23 (spring 2015).

Amendment Nos.: Unit 1–273 and Unit 2–217. A publicly-available version is in ADAMS under Accession No. ML14345A895; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the licenses and the Technical Specifications.

Date of initial notice in ***Federal Register****:* July 22, 2014, (79 FR 42552).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 6, 2015.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: August 31, 2012, as supplemented May 17, July 2 and September 13, 2013, and May 2, July 22, and August 11, 2014. Publicly-available copies of these documents are available in ADAMS at Accession Nos. ML12248A035, ML13137A480, ML13184A267, ML13256A306, ML14122A364, ML14203A252 and ML14223A616.

Brief description of amendments: The amendments revise the licensing basis for the VEGP by adding license conditions that allow for the voluntary implementation of the regulation in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.69, ''Risk-informed categorization and treatment of structures, systems, and components for nuclear power reactors.'' As stated in 10 CFR 50.69, a licensee may voluntarily comply with 10 CFR 50.69 as an alternative to compliance with the following requirements for certain structures, systems and components (SSCs) after it submits and NRC approves an application for license amendment: (i) 10 CFR part 21; (ii) a portion of 10 CFR 50.46; (iii) 10 CFR 50.49; (iv) 10 CFR 50.55(e); (v) certain requirements of 10 CFR 50.55a; (vi) 10 CFR 50.65, except for paragraph (a)(4); (vii) 10 CFR 50.72; (viii) 10 CFR 50.73; (ix) Appendix B to10 CFR part 50; (x) certain containment leakage testing requirements; and (xi) certain requirements of Appendix A to 10 CFR part 100.

Date of issuance: December 17, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 173 and 155. A publicly-available version is in ADAMS under Accession No. ML14237A034. Documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register****:* September 2, 2014 (79 FR 52067). The supplemental letters dated May 17 and July 2, 2013, provide additional information that clarified the

application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 17, 2014.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 12th day of January 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–00787 Filed 1–16–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee On Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on February 5–7, 2015, 11545 Rockville Pike, Rockville, Maryland.

Thursday, February 5, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Final Safety Evaluation Report Associated with the South Texas Project (STP), Units 3 and 4, Combined License Application (COLA) Referencing the Advanced Boiling Water Reactor (ABWR) Design (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff and NINA regarding the safety evaluation associated with the STP, Units 3 and 4, COLA.

10:45 a.m.–12:15 p.m.: Review of the Generic Letter (GL)—Treatment of Natural Phenomena Hazards in Fuel Cycle Facilities (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding the GL associated with hazards at fuel cycle facilities.

1:15 p.m.–3:15 p.m.: Watts Bar Unit 2 Operating License (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff and TVA regarding the safety evaluation associated with the Watts Bar, Unit 2, operating license.

3:30 p.m.–4:30 p.m.: NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 13.1.2–13.1.3, ''Operating Organization,'' Draft Rev 7 (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding specific sections of the Standard Review Plan.

4:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Friday, February 6, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. **NOTE:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

10:00 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–12:00 p.m.: Preparation for Meeting with the Commission in March 2015 (Open)—The Committee will discuss topics in preparation for the meeting with the Commission.

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting.

Saturday, February 7, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307–59308). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of the February 6th meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use

this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: January 13, 2015.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2015–00785 Filed 1–16–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATES: January 19, 26, February 2, 9, 16, 23, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 19, 2015

There are no meetings scheduled for the week of January 19, 2015.

Week of January 26, 2015—Tentative

Thursday, January 29, 2015

9:00 a.m. Briefing on Foreign Ownership, Control, and Domination (Public Meeting); (Contact: Shawn Harwell, 301–415–1309)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 2, 2015—Tentative

Monday, February 2, 2015

1:00 p.m. Discussion of International Activities (Closed—Ex. 9)

Wednesday, February 4, 2015

8:30 a.m. Hearing on Combined License for Fermi, Unit 3 (Public Meeting); (Contact: Adrian Muniz, 301–415–4093)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 9, 2015—Tentative

There are no meetings scheduled for the week of February 9, 2015.

Week of February 16, 2015—Tentative

Wednesday, February 18, 2015

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 9)

Week of February 23, 2015—Tentative

There are no meetings scheduled for the week of February 23, 2015.

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Additional Information

By a vote of 4–0 on January 12, 2015, the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that an Affirmation Session be held with less than one week notice to the public. The Affirmation Session (Public Meeting) on Fermi Combined License Application: LBP–14–9, Memorandum Requesting Commission Approval for Sua Sponte Review (July 7, 2014); Intervenors' Petition for Review of Atomic Safety and Licensing Board's Dismissal of Contention 23 for Lack of Timeliness (Oct. 6, 2014) was held at 9:25 a.m. on Tuesday, January 13, 2015.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at (301) 415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov.*

Dated: January 15, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–00885 Filed 1–15–15; 4:15 pm]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Senior Executive Service Performance Review Board Membership

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Annual Notice.

SUMMARY: Notice is given under 5 U.S.C. 4314(c)(4) of the appointment of members to the Performance Review Board (PRB) of the Occupational Safety and Health Review Commission.

DATES: Membership is effective on January 20, 2015.

FOR FURTHER INFORMATION CONTACT: Linda M. Beard, Human Resources Specialist, U.S. Occupational Safety and Health Review Commission, 1120 20th Street NW., Washington, DC 20036, (202) 606–5393.

SUPPLEMENTARY INFORMATION: The Review Commission, as required by 5 U.S.C. 4314(c) (1) through (5), has established a Senior Executive Service PRB. The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chairman of the Review Commission regarding performance ratings, performance awards, and pay-for-performance adjustments. Members of the PRB serve for a period of 24 months. In the case of an appraisal of a career appointee, more than half of the members shall consist of career appointees, pursuant to 5 U.S.C. 4314(c)(5). The names and titles of the PRB members are as follows:

- Shireen L. Dodson, Ombudsman, U.S. Department of State;
- Linda J. Dreeben, Deputy Associate General Counsel, National Labor Relations Board;
- Tracy Murrell, Director, Office of Marine Safety, National Transportation Safety Board; and
- Victor Thompson, Director and HQ Chief Information Officer, National Aeronautics and Space Administration.

Dated: January 12, 2015.

Thomasina V. Rogers,

Chairman.

[FR Doc. 2015–00683 Filed 1–16–15; 8:45 am]

BILLING CODE 7600–01–P

RAILROAD RETIREMENT BOARD

Computer Matching and Privacy Protection Act of 1988; Report of Matching Program: RRB and State Agencies

AGENCY: U.S. Railroad Retirement Board (RRB).

ACTION: Notice of a renewal of an existing computer matching program due to expire on February 10, 2015.

SUMMARY: The Privacy Act, as amended, requires the RRB to issue a public notice of its use and intent to use, information obtained from state agencies in ongoing computer matching programs regarding individuals who received benefits under the Railroad Unemployment Insurance Act.

The information received through the computer matching programs may consist of either: (1) A report of unemployment or sickness payments made by the state for the same period that benefits were paid by the RRB, or (2) a report of wages paid to an individual, and the names and addresses of employers who reported those wages to the state for the same period that benefits were paid by the RRB.

The purpose of this notice is to advise individuals applying for or receiving benefits under the Railroad Unemployment Insurance Act of the use made by the RRB of the information obtained from state agencies by means of a computer match.

DATES: Submit comments on or before March 2, 2015.

ADDRESSES: Address any comments concerning this notice in writing to the Secretary to the Board, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy S. Grant, Chief Privacy Officer, U.S. Railroad Retirement Board, 844 North Rush Street, Attn: BIS–IRMC, Chicago, Illinois 60611–2092.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed, and by adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protection for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when matching records in a system of records with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish reports about matching programs to Congress and Office of Management and Budget;

(5) Notify beneficiaries and applicants that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. RRB Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

C. Notice of Computer Matching Program: RRB With State Agencies

1. Name of Participating Agencies: The Railroad Retirement Board and agencies of all 50 states which provide unemployment or sickness benefits.

2. Purpose of the Match: To identify individuals who have improperly collected benefits provided by the RRB under the Railroad Unemployment Insurance Act while earning remuneration in non-railroad employment or while collecting unemployment or sickness benefits paid by a state agency.

3. Authority for Conducting the Match: The Social Security Act (42 U.S.C. 503(c)(1)), and Railroad Unemployment Insurance Act (45 U.S.C. 231f(b) and 362(f)). Disclosures under this agreement are made in accordance with the Privacy Act, as amended (5 U.S.C. 552a(b)(3)) and in compliance with the matching procedures in the Privacy Act (5 U.S.C. 552a(o), (p), and (r)).

4. Categories of Records and Individuals Covered: All recipients of benefits under the Railroad Unemployment Insurance Act during a given period who reside in the states with which the RRB has negotiated a computer matching program agreement. Records furnished by the states are covered under Privacy Act system of records RRB–21, Railroad Unemployment and Sickness Insurance Benefit System, which was published in the **Federal Register** (FR) on July 26, 2010 (75 FR 43725).

5. Inclusive Dates of the Matching Program: This computer matching program is effective February 10, 2015 through August 10, 2017. Before becoming effective the following notice periods must have lapsed: 30 days after publication in the **Federal Register** and 40 days after notice of the matching program sent to Congress and OMB. The computer matching program is valid for 18 months from the effective date and, if both agencies meet certain conditions, the RRB may grant a one-time extension of another 12 months. The number of matches conducted with each state during the period of the match will vary from state to state, depending on whether the computer matching agreement provides for matches to be conducted quarterly or every six months.

6. Procedure: The RRB will furnish the state agency a file of records. The data elements will consist of beneficiary identifying information, such as name and Social Security Number (SSN), as well as the overall period during which the individual received benefits under the Railroad Unemployment Insurance Act. The state agency will match the identifying information.

If the matching operation reveals that the individual who had received benefits under the Railroad Unemployment Insurance Act also received either unemployment or sickness insurance benefits from the state for any days in the period, the state agency will notify the RRB. Depending on arrangements made between the two jurisdictions, and, in the case of state sickness benefits, on the applicable state law, either the RRB or the state agency will attempt to recover the amount of the duplicate payments.

If the matching operation reveals that wages had been reported for the individual during the requested period, the state will notify the RRB of this fact and furnish a breakdown of the wages, as well as the name and address of each employer who reported earnings for the individual. The RRB will then contact each employer who reported earnings for the individual for the given period. Only if the employment is verified will the RRB take action to recover the overpayment. If the RRB benefits had been paid under the Railroad Unemployment Insurance Act, recovery is limited to payments made for those days on which the individual was gainfully employed.

7. Other information: The notice we are giving here is in addition to any individual notice. We will file a report with the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

Dated: January 13, 2015.

By authority of the Board.

Martha P. Rico,

Secretary to the Board.

[FR Doc. 2015–00663 Filed 1–16–15; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74046; File No. SR–FICC–2014–06]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Amend the Rules of the Government Securities Division and the Mortgage-Backed Securities Division on Insolvency and Ceasing To Act

January 13, 2015.

I. Introduction

On November 25, 2014, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2014–06 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed change was published for comment in the **Federal Register** on December 12, 2014.[3] The Commission received one comment supporting the proposed rule change.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

The rule change, as proposed, amends the rulebooks of FICC's Government Securities Division (''GSD'') and FICC's Mortgage-Backed Securities Division (''MBSD'') to simplify those rules relating to the insolvency of a member and ceasing to act, in order to simplify certain aspects of FICC's process in a cease to act situation and provide greater legal certainty for FICC and its members, particularly in an intra-day cease to act situation.

A. Background

In connection with lessons learned from a recent close-out simulation exercise conducted by FICC's parent company, The Depository Trust & Clearing Corporation, in which FICC participated, and a related review of the GSD and MBSD rules, specific challenges were identified relating to the administration of certain aspects of GSD and MBSD insolvency and ceasing to act rule provisions, particularly in an intra-day cease to act situation.

B. ''Time of Insolvency'' and ''Cut-Off Time''

GSD and MBSD include in their current insolvency rules[5] and cease to act rules[6] the concept of a ''Time of Insolvency,'' which is defined to mean the time at which FICC determines to its reasonable satisfaction that a member is ''insolvent'' within the meaning of GSD Rule 22 or MBSD Rule 16, respectively.

This ''Time of Insolvency'' concept is distinguished from the time at which FICC ceases to act for a member. The GSD and MBSD rules currently use ''Time of Insolvency'' as a line of demarcation when determining FICC's obligations with respect to pending transactions involving the insolvent member. Specifically, transactions with the insolvent member that are not compared or deemed compared in accordance with the GSD or MBSD rules, respectively, prior to the ''Time of Insolvency'' are not eligible to be part of the close-out process, unless otherwise determined by FICC's Board of Directors in order to promote orderly settlement.

For a non-insolvency cease to act situation, the GSD rules and the MBSD rules on ceasing to act[7] currently include the concept of a ''Cut-Off Time,'' which is defined to mean a time specified in advance by FICC in a notice to its members at which it will cease to act for a member. Like the ''Time of Insolvency'' concept, ''Cut-Off Time'' is currently used in the GSD rules and the MBSD rules when determining FICC's obligations with respect to pending transactions involving the defaulted member.

Identifying an exact time at which a member has become ''insolvent'' for purposes of establishing a ''Time of Insolvency'' may pose potential challenges for FICC in circumstances where the member is deemed ''insolvent'' based upon the determination or action of a third party, such as the member's regulator, supervisory authority or a court of competent jurisdiction. In an intra-day cease to act situation where transaction data is being submitted to FICC in real-time, such potential challenges may create a lack of legal certainty for FICC and its members regarding FICC's obligations with respect to pending transactions involving the insolvent member. The rule change removes the ''Time of Insolvency'' concept from the GSD rules and the MBSD rules and instead simply relies on the single time FICC ceases to act for an insolvent member for purposes of determining its obligations with respect to pending transactions involving such insolvent member.

In order to also simplify its process in non-insolvency cease to act situations, the rule change removes the separate ''Cut-Off Time'' concept from the GSD rules and the MBSD rules, and instead relies on the single time FICC ceases to act for a defaulted member for purposes of determining its obligations with respect to pending transactions involving such defaulted member.[8]

C. Transactions Deemed Compared Based Solely on Non-Defaulting Member Data

Currently, the provisions of the GSD's rules and the MBSD's rules on ceasing to act,[9] and the related prongs of the ''Compared Trade'' definition in Rule 1 of the each of GSD's rules and MBSD's rules provide that, in the context of FICC ceasing to act for a member, a transaction involving such member that would not otherwise be compared or deemed compared under the GSD rules or the MBSD rules, respectively, may, in certain circumstances, be deemed a compared trade based solely on data submitted by a non-defaulting member. The determination of whether such a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 73787 (December 8, 2014), 79 FR 73927 (December 12, 2014) (SR–FICC–2014–06).

[4] Letter from ''Anonymous,'' Office of the Secretary, U.S. Securities and Exchange Commission (Jan. 1, 2015).

[5] FICC, Government Securities Division Rulebook (''GSD Rulebook''), Rule 22; Fixed Income Clearing Corporation, Mortgage-Backed Securities Division Rulebook (''MBSD Rulebook''), Rule 16.

[6] GSD Rulebook, Rule 22A; MBSD Rulebook, Rule 17.

[7] GSD Rulebook, Rule 22A; MBSD Rulebook, Rule 17.

[8] In addition to simplifying FICC's rules relating to the insolvency of a member and ceasing to act, the rule change more closely aligns the GSD rules and the MBSD rules with the rules of FICC's affiliate, National Securities Clearing Corporation (''NSCC''). Under its Rule 18 (Procedures for When the Corporation Declines or Ceases to Act), NSCC relies on the time it declines or ceases to act for a member when determining which transactions involving such member will be excluded from its operations, rather than on a separate ''Time of Insolvency'' or ''Cut-Off Time,'' as applicable.

[9] GSD Rulebook, Rule 22A; MBSD Rulebook, Rule 17.

transaction should be deemed a compared trade is currently based on a multi-pronged facts-and-circumstances-based test, including determinations as to whether the transaction was executed prior to FICC ceasing to act for the defaulted member, whether the transaction was entered into in good faith and not primarily in order to take advantage of the defaulted member's financial condition and whether the transaction is an ''Off-the-Market Transaction'' as defined in Rule 1 of each of GSD's rules and MBSD's rules.

Administering such a multi-pronged facts-and-circumstances-based test for individual transactions in a cease to act situation, particularly an intra-day cease to act situation where transaction data is being submitted to FICC in real-time, may pose potential challenges to FICC and create a lack of legal certainty for FICC and its members regarding FICC's obligations with respect to individual pending transactions involving the insolvent or otherwise defaulted member. In order to simplify FICC's process in a cease to act situation and provide FICC and its members with greater ex ante legal certainty regarding the rules applicable to pending transactions involving an insolvent or otherwise defaulted member, the rule change removes the multi-pronged facts and circumstances-based test and the related provisions of each of GSD's rules and MBSD's rules, and instead simply relies on the compared trade definitions under each of GSD's and MBSD's rules, subject to the discretion of FICC's Board of Directors to determine otherwise in order to promote orderly settlement with respect to transactions the data on which have been submitted only by non-defaulting members.

D. GSD Rule Changes

The rule change, as approved, amends the GSD rules as follows:

In Rule 1—''Definitions,'' the following definitions have been revised:

The term ''Compared Trade'' is revised to remove the prong of the definition which provides that, in the context of FICC ceasing to act for a member under GSD Rule 22A, a transaction involving such member that would not otherwise be a Compared Trade under the GSD rules may, in certain circumstances, be deemed a Compared Trade based solely on data submitted by a non-defaulting member.

The term ''Off-the-Market Transaction'' is revised to conform the text and the numbering of the definition with the text and numbering of the parallel ''Off-the-Market Transaction'' definition in the MBSD rules.

In Rule 3A—''Sponsoring Members and Sponsored Members,'' Sections 15(a) and 16(a) of Rule 3A are revised to remove references to Rule 22, current Section 3 (Notification of Insolvency) and related conforming changes to the text of such sections are made. Section 15(b) of Rule 3A is revised to remove the reference to the ''Time of Insolvency'' concept and to align the text regarding the actions taken by FICC in connection with the insolvency of a Sponsored Member with the parallel text included in Section 16 of Rule 3A relating to the actions taken by FICC in connection with the insolvency of a Sponsoring Member. Consistent with the numbering of Section 15 of Rule 3A, Section 16(a) of Rule 3A is revised to make the second paragraph a new subsection (b). New Section 16(b) is also revised to align the text regarding the actions taken by FICC in connection with the insolvency of a Sponsoring Member with the parallel text included in Section 15(b) relating to the actions taken by FICC in connection with the insolvency of a Sponsored Member.

In Rule 22—''Insolvency of a Member,'' current Section 3, which provides for FICC to notice its membership and the Commission regarding the insolvency of a GSD member, is removed in order to clarify that GSD members and the Commission will only receive one notice from FICC at the time it ceases to act for a GSD member in accordance with the provisions of Section 1 of Rule 22A (Procedures for When the Corporation Ceases to Act), whether FICC ceases to act for the member for insolvency or non-insolvency related reasons. Section 4 of Rule 22 (Ceasing to Act for the Member) is renumbered as new Section 3 and revised to remove the reference to the ''Time of Insolvency'' concept.

In Rule 22A—''Procedures for When the Corporation Ceases to Act,'' Section 1 (Notification) is revised to clarify that FICC will notice the Commission and GSD members of every decision to cease to act for a member. Section 1 is further revised to remove the requirement that FICC establish a separate ''Time of Insolvency,'' in the event it ceases to act because of a member's insolvency, or ''Cut-Off Time,'' in the event it ceases to act for a member for non-insolvency related reasons.

Sections 2, 2(a) and 2(b) of Rule 22A are revised remove the ''Time of Insolvency'' and ''Cut-Off Time'' concepts, and instead rely on the time FICC ceases to act for a member for purposes of determining its obligations with respect to pending transactions involving such member. Section 2(a) is further revised to use the defined term ''Compared Trade'' for purposes of clarifying which transactions are eligible to be part of the close-out process as of the time FICC ceases to act for a member, subject to the discretion of FICC's Board of Directors to determine otherwise in order to promote orderly settlement.

Section 2(c) of Rule 22A, which provides that, in the context of FICC ceasing to act for a member, a transaction involving such member that would not otherwise be compared or deemed compared under the GSD rules may, in certain circumstances, be deemed compared based solely on data submitted by a non-defaulting member, based on a multi-pronged facts and circumstances-based test, is removed. FICC will instead rely on the ''Compared Trade'' definition in GSD Rule 1 when determining its obligations with respect to pending transactions involving an insolvent or otherwise defaulted member, subject to the discretion of FICC's Board of Directors to determine otherwise in order to promote orderly settlement with respect to transactions the data on which have been submitted only by non-defaulting members.

E. MBSD Rule Changes

The rule change, as approved, amends the MBSD rules as follows:

In Rule 1—''Definitions,'' the following definitions have been revised:

The term ''Compared Trade'' is revised to remove the prong of the definition which provides that, in the context of FICC ceasing to act for a member under MBSD Rule 17, a transaction involving such member that would not otherwise be compared or deemed compared under the MBSD rules may, in certain circumstances, be deemed a Compared Trade based solely on data submitted by a non-defaulting member. The ''Compared Trade'' definition is further clarified to reference the specific MBSD rules [10] pursuant to which a transaction would be compared or deemed compared by MBSD.

In Rule 16—''Insolvency of a Member,'' current Section 3 of Rule 16, which provides for FICC to notice its membership and the Commission regarding the insolvency of a member, is removed in order to clarify that MBSD members and the Commission will only receive one notice from FICC at the time FICC ceases to act for a MBSD member in accordance with the provisions of Section 1 of Rule 17 (Procedures for When the Corporation Ceases to Act), whether FICC ceases to act for a MBSD

[10] MBSD Rulebook, Rule 5 and Rule 7.

member for insolvency or non-insolvency related reasons. Section 4 of Rule 16 (Ceasing to Act for the Member) is renumbered as new Section 3 and revised to remove the reference to the ''Time of Insolvency'' concept.

In Rule 17—''Procedures for When the Corporation Ceases to Act,'' Section 1 (Notification) is revised to clarify that FICC will notice the Commission as well as MBSD's members of every decision to cease to act for a MBSD member. Section 1 of Rule 17 is further revised to remove the requirement that FICC establish a separate ''Time of Insolvency,'' in the event it ceases to act because of a member's insolvency, or ''Cut-Off Time,'' in the event it ceases to act for a member for non-insolvency related reasons.

Sections 2, 2(a), 2(d) and 2(e) of Rule 17 are revised to remove the ''Time of Insolvency'' and ''Cut-Off Time'' concepts, and instead rely on the time FICC ceases to act for a member for purposes of determining its obligations with respect to pending transactions involving such member.

Section 2(g) of Rule 17, which provides that, in the context of FICC ceasing to act for a MBSD member, a transaction involving such member that would not otherwise be compared or deemed compared under the MBSD rules may, in certain circumstances, be deemed compared based solely on data submitted by a non-defaulting member, based on a multi-pronged facts and circumstances-based test, is removed. FICC will instead rely on the compared trade definitions in the MBSD rules when determining its obligations with respect to pending transactions involving an insolvent or otherwise defaulted member, subject to the discretion of FICC's Board of Directors to determine otherwise in order to promote orderly settlement with respect to transactions the data on which have been submitted only by non-defaulting members.

III. Discussion

Section 19(b)(2)(C) of the Act [11] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act [12] requires, among other things, that the rules of a clearing agency be designed to achieve several goals, including promoting the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.

The Commission concludes that the proposed rule change is consistent with Section 17A(b)(3)(F) [13] of the Securities and Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder because it will promote the prompt and accurate clearance and settlement of securities transactions and remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. In particular, the rule change simplifies FICC's process in a cease to act situation and provide greater legal certainty for FICC and its members as to FICC's obligations with respect to pending transactions involving an insolvent or otherwise defaulted member, particularly in an intra-day cease to act situation.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, particularly those set forth in Section 17A,[14] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–FICC–2014–06) be, and hereby is, *approved.*[16]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00704 Filed 1–16–15; 8:45 am]

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[11] 15 U.S.C. 78s(b)(2)(C).

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78q–1.

[15] 15 U.S.C. 78s(b)(2).

[16] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, January 22, 2015 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings

Consideration of amicus participation; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: January 15, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–00926 Filed 1–15–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74042; File No. SR–OCC–2015–01]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Concerning the Date of the Annual Meeting of The Options Clearing Corporation's Stockholders

January 13, 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 7, 2015, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in I Items I, II and III below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A) [3] of the Act and Rule 19b–4(f)(3) [4]

[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)(3).

thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the rule change from interested parties.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would provide OCC with flexibility with respect to setting the date for the annual meeting of OCC's stockholders.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to provide OCC with administrative flexibility with respect to setting the date of the annual meeting of OCC's stockholders. As background, a corporation incorporated under the laws of the State of Delaware, such as OCC, must hold an annual meeting of its stockholders.[5] Currently, Article II, Section 1 of OCC's By-Laws provides that the date of the annual meeting of OCC's stockholders shall be the fourth Tuesday in April of each year. OCC desires to adopt a less prescriptive definition of when the annual meeting of stockholders shall occur (consistent with the laws of the State of Delaware) to, for example, permit the meeting to coincide with a meeting of its Board of Directors. OCC therefore is proposing to amend Article II, Section 1 of its By-Laws to provide that the annual meeting of OCC's stockholders shall be a date no later than April 30th of each year as determined by OCC's Board of Directors. OCC believes that by providing it with the administrative flexibility to hold the annual meeting of its stockholders on a date before April 30th of each year, OCC will be able to function in a more efficient manner by, for example, scheduling the annual meeting of stockholders to coincide with a meeting of OCC's Board of Directors so that, for those directors first elected at such annual meeting of stockholders, they may participate at such meeting of the Board of Directors. The proposed rule change will not affect clearing members, or other users of OCC's services.

2. Statutory Basis

OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(C) of the Securities Exchange Act of 1934, as amended (the ''Act''),[6] since the proposed rule change is ministerial in nature and does not affect the fair representation of its stockholders in the administration of OCC's affairs, nor does it affect the ability of OCC's clearing members to participate in the selection of OCC's Board of Directors, since OCC is not proposing to change the provisions of Article III, Section 5 of its By-Laws, which provides the means by which clearing members may participate in the selection of OCC's Board of Directors. In addition, OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[7] because it is designed to protect investors and the public interest. By permitting the annual meeting of OCC's stockholders to be held on an earlier date, any newly elected directors would be able to participate in the first meeting of OCC's Board of Directors thereby better ensuring that the persons sitting on OCC's Board of Directors are most suited to serve OCC in a given year, which, in turn, provides for better protection of investors and is in the public interest. The proposed rule change is not inconsistent with the existing By-Laws or Rules of OCC, including any By-Laws proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.[8] Changes to the rules of a clearing agency may have an impact on the participants in a clearing agency and the markets that the clearing agency serves. This proposed rule change affects OCC in that it amends the By-Law prescribing the date on which the annual meeting of OCC's stockholders shall occur. The proposed modifications would not unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user because they relate to the administration of OCC and would not impose any burden on clearing members or other OCC participants.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies and would not impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–OCC–2015–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2015–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

[5] 8 Del. C. 1953, § 211.

[6] 15 U.S.C. 78q–1(b)(3)(C).

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1(b)(3)(I).

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 Section, 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 OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_15_01.pdf.* 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–OCC–2015–01 and should be submitted on or before February 10, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00701 Filed 1–16–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74041; File No. SR–NASDAQ–2014–110]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving a Proposed Rule Change To Adopt NASDAQ Rule 7015(i) To Offer the New IPO Workstation

January 13, 2015.

I. Introduction

On November 14, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to offer stand-alone access to the Exchange's IPO Indicator service. The proposed rule change was published for comment in the **Federal Register** on December 2, 2014.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

The Commission recently approved a proposed rule change from the Exchange to offer the IPO Indicator as an enhancement to the NASDAQ Workstation at no additional cost.[4] The Exchange now proposes to adopt Exchange Rule 7015(i) to offer stand-alone access to the IPO Indicator service (''IPO Workstation'') at no cost at this time.[5] That is, a subscription to the full NASDAQ Workstation will not be required to access the IPO Indicator for those subscribing to the IPO Workstation.[6]

The IPO Indicator, according to the Exchange, is designed to assist member firms in monitoring their orders in the NASDAQ Halt Cross process leading up to the launch of an initial public offering (''IPO'').[7] According to the Exchange, the NASDAQ Halt Cross (''Cross'') is designed to provide for an orderly, single-priced opening of securities subject to an intraday halt, including securities that are the subject of an IPO.[8] Prior to the Cross execution, the Exchange states that market participants enter quotes and orders eligible for participation in the Cross, and the Exchange disseminates certain information regarding buying and selling interest entered and the indicative execution price information, known as the Net Order Imbalance Indicator (''NOII'').[9] The Exchange further states that the NOII is disseminated every five seconds during a designated period prior to the completion of the Halt Cross, in order to provide market participants with information regarding the possible price and volume of the Cross. According to the Exchange, the information provided in the NOII message includes the Current Reference Price[10] and the number of shares of Eligible Interest.[11]

The Exchange also disseminates information about the size and buy/sell direction of an Imbalance,[12] which the Exchange defines as the number of shares of Eligible Interest with a limit price equal to the Current Reference Price that may not be matched with other order shares at a particular price at any given time.[13] The Exchange states that the disseminated information reflects all shares eligible for participation in the Cross, regardless of time-in-force (including non-displayed shares and reserve size) and is meant to indicate the degree to which available liquidity on one or the other side of the market would not be executed if the Cross were to occur at that time.

In the case of an IPO, the Exchange states that the Halt Cross operates as follows: first, the underwriters to the IPO make a determination to launch the IPO during the Pre-Launch Period[14] when the underwriters believe the security is ready to trade.[15] Second, once the underwriter informs the Exchange that it is ready to launch the IPO, the NASDAQ system calculates the Current Reference Price at that time (the ''Expected Price'') and displays it to the underwriter.[16] If the underwriter then approves proceeding, the NASDAQ system conducts two validation checks: (1) The NASDAQ system determines whether all market orders will execute in the cross; and (2) whether the Expected Price and the price calculated by the Cross differ by an amount in excess of the price band selected by the underwriter.[17] According to the Exchange, if either of the validation checks fails, the security will not be released for trading and the Pre-Launch

[9] 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. 73683 (November 25, 2014), 79 FR 71490 (''Notice'').

[4] *See* Securities Exchange Act Release No. 73950 (December 29, 2014), 80 FR 268 (January 5, 2015).

[5] *See* Notice, *supra* note 3 at 71491.

[6] *See id.* at 71492.

[7] *See id.* at 71491.

[8] *See id.*

[9] *See id.*

[10] *See* Exchange Rule 4753(a)(3)(A). The Exchange describes the Current Reference Price as the price at which the Cross would occur if it executed at the time of the NOII's dissemination. *See* Notice, *supra* note 3, at 71491.

[11] *See* Exchange Rule 4753(a)(5) (defining Eligible Interest as ''any quotation or any order that has been entered into the system and designated with a time-in-force that would allow the order to be in force at the time of the Halt Cross'').

[12] *See* Exchange Rule 4753(a)(1).

[13] *See* Notice, *supra* note 3, at 71491. The Exchange states that it also disseminates a Market Order Imbalance, which the Exchange defines as the number of shares of Eligible Interest entered through market orders that would not be matched with other order shares at the time of the dissemination of a NOII, if in fact there are such unexecutable market order shares. *See* Exchange Rule 4753(a)(2). When there is a Market Order Imbalance, the Exchange notes that it disseminates the imbalance and the buy/sell direction of the imbalance. *See* Notice, *supra* note 3, at 71491.

[14] The Exchange explains that the Pre-Launch Period is the second phase of a two-phase process that NASDAQ uses for launching IPOs. *See id.* According to the Exchange, the Pre-Launch Period follows a 15-minute Display Only Period and is of no fixed duration. *See id.* In addition, the Exchange states that the NOII is disseminated every five seconds during both periods. *See id.*

[15] *See id.*

[16] *See id.*

[17] *See* Notice, *supra* note 3, at 71491.

Period will continue until all requirements are met.[18]

The Exchange proposes to offer the IPO Indicator to provide information about the number and price at which shares of a member firm's orders entered for execution in an IPO Halt Cross (''IPO shares'') would execute in an IPO if it were to price at the present time.[19] Under the proposal, the IPO Indicator will now be offered as a stand-alone service and would use the NOII information of an IPO security together with information about the member firm's orders on NASDAQ in the IPO security.[20] The Exchange notes that, similar to accessing the IPO Indicator from the NASDAQ Workstation as the Exchange currently offers,[21] subscribing member firms will be able to access the IPO Indicator from the main IPO Workstation screen.[22] Under the proposal, the Exchange states that member firms using the IPO Indicator would be able to see the Current Reference Price, the number of paired shares, the number of imbalance shares, the total number of IPO shares the subscribing member firm has entered for execution in the IPO Halt Cross, the nature of such shares (buy or sell), and the number of IPO shares that would be executed in the Halt Cross at that time for each of those categories.[23] In addition, the Exchange states that subscribing member firms using the IPO Indicator would also be able to see details about its IPO shares presented by individual orders or order blocks, which would include the number of IPO shares in a particular order or order block, the number and percentage of IPO shares of the order or order block that would be executed in the Halt Cross if it occurred at any given time in the process, based on the NOII disseminated every five seconds, and the price at which the order or order block was submitted.[24]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[25] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[26] which requires, among other things, that the rules of a national securities exchange be 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, and Section 6(b)(8) of the Act,[27] which requires that the rules of the exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

As described above, the Exchange proposes to adopt Exchange Rule 7015(i) to offer stand-alone access to the IPO Indicator. The Commission notes that it recently approved a proposed rule change that allows the Exchange to provide the IPO Indicator through the NASDAQ Workstation.[28] Offering the IPO indicator through the IPO Workstation will provide all member firms that are interested in subscribing to the IPO indicator a means to access it, at no cost at this time, in lieu of paying for a full NASDAQ Workstation subscription.[29] Accordingly, the Commission believes that the proposed rule change adopting the IPO Workstation is designed to protect investors and the public interest by providing member firms with more information regarding their orders submitted for participation in an IPO Halt Cross.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[30] that the proposed rule change (SR–NASDAQ–2014–110) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00700 Filed 1–16–15; 8:45 am]

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[18] *See id.* Alternatively, the underwriter may, with the concurrence of the Exchange, determine to postpone and reschedule the IPO. *See id.*

[19] *See id.*

[20] The Exchange states that the information provided by the IPO Indicator is limited to the subscribing member firm's orders. *See id.*

[21] *See supra* note 4 and accompanying text.

[22] *See* Notice, *supra* note 3, at 71491.

[23] *See id.*

[24] *See id.*

[25] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 15 U.S.C. 78f(b)(5).

[27] 15 U.S.C. 78f(b)(8).

[28] *See supra* note 4 and accompanying text.

[29] *See* Notice, *supra* note 3 at 71492. The Exchange notes that not all member firms subscribe to the NASDAQ Workstation and prospective users of the IPO indicator may not desire to pay for a full NASDAQ Workstation subscription for the sole purpose of assessing the IPO indicator.

[30] 15 U.S.C. 78s(b)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74043; File No. SR–BATS–2015–01]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

January 13, 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 2, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

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

The Exchange proposes to modify its fee schedule effective immediately in order to: (1) Adopt pricing for Retail Orders, as defined below, on the Exchange, including a new Retail Order Tier; (2) add Membership Fees; and (3) make certain non-substantive clean-up changes to the fee schedule.

Retail Order Pricing

The Exchange recently adopted rules related to the Exchange's Retail Order Attribution Program.[6] Under such program, the Exchange allows Members to designate Retail Orders [7] that they enter to be identified as being Retail Orders on the Exchange's proprietary data feeds. Not all Retail Orders entered by a Member will be identified as being a Retail Order, but rather a Retail Order will only be displayed on the Exchange's proprietary data feeds as a Retail Order where the Member designates that the order be identified as such. There are not currently any pricing incentives for participation in the Retail Order Attribution Program.

The Exchange proposes to introduce new fee codes ZA and ZR in order to provide pricing specific to Retail Orders executed on the Exchange. The Exchange notes that such proposed pricing would apply to all Retail Orders and that a Retail Order would not need to be attributable in order to receive the proposed pricing. The Exchange is proposing new fee code ZA to apply to Retail Orders that add liquidity to the Exchange. A transaction with fee code ZA is proposed to be assigned a rebate of $0.0032 per share. The Exchange is also proposing new fee code ZR to apply to Retail Orders that remove liquidity from the Exchange. A transaction with fee code ZR and is proposed to be assigned a charge of $0.0030 per share, which is the same as the standard fee for removing liquidity from the Exchange. Proposed fee codes ZA and ZR will only apply to Retail Orders that add or remove liquidity, respectively, in executions that occur on the Exchange. Where a Retail Order is routed, executes in an auction, or executes in the Opening or Re-Opening, the appropriate fee code will apply and proposed fee codes ZA and ZR will not apply.

In addition to the proposed standard pricing for Retail Orders executed on the Exchange, the Exchange is also proposing to add a new Retail Order Tier. As proposed, the Exchange would offer a rebate of $0.0034 per share for adding liquidity for a Retail Order executed on the Exchange where the Member adds an average daily volume of Retail Orders (fee code ZA), that is 0.07% or more of average daily TCV.[8]

Membership Fees

The Exchange is also proposing to charge an Annual Membership Fee for Members of the Exchange of $2,500, which will support their Exchange membership for the calendar year. The fee will be charged per Member firm. Beginning in January 2015, the Exchange plans to charge an Annual Membership Fee which will be assessed on all Members as of a date determined by the Exchange 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 Annual Membership Fee will be pro-rated beginning on the date on which membership is approved and based on the number of remaining trading days in that year. The fee will be assessed in the month following membership approval. For example, if a firm applies and is accepted for membership with the Exchange on February 15, 2015, the new Member will be assessed a pro-rated Annual Membership Fee for the period beginning on February 15 through the end of 2015. The fee will be assessed in the next month's billing cycle, which in this case, would be March 2015. Such fees will be non-refundable. However, where a Member is pending a voluntary termination of rights as a Member pursuant to Rule 2.8 prior to the date any Annual Membership Fee for a given year will be assessed (*i.e.,* January 1, 2015) and the Member does not utilize the facilities of the Exchange while such voluntary termination of rights is pending, then the Member will not be obligated to pay the Annual Membership Fee. The Exchange believes this to be appropriate because there is ordinarily a 30 day waiting period before such resignation shall take effect.

Non-Substantive Changes

Finally, the Exchange is proposing to make certain non-substantive clean-up changes to the fee schedule. Footnote 2 relates to Step-Up Tiers in which displayed orders that add liquidity to the Exchange receive enhanced rebates where the Member meets certain thresholds related to a Member's Step-Up Add TCV.[9] Footnote 2 currently states that it applies to fee codes B, V, and Y, however footnote 2 does not currently appear in the Fee Codes and Associated Fees table next to fee codes V and Y (but does appear next to fee code B). As such, the Exchange is proposing to add footnote 2 to fee codes V and Y in the Fee Codes and Associated Fees table in the fee schedule. This is a non-substantive change to the fee schedule because footnote 2 states that it applies to each of fee codes B, V, and Y and the Exchange is adding the footnote to fee codes V and Y in order to make the fee schedule as consistent as possible to indicate that footnote 2 should apply to those fee codes.

The Exchange proposes to implement the amendments to its fee schedule effective January 2, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[10] Specifically, the Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) of the Act and 6(b)(5) of the Act,[11] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange

[6] *See* Securities Exchange Act Release No. 73237 (September 26, 2014), 79 FR 59537 (October 2, 2014) (SR–BATS–2014–043).

[7] As defined in Rule 11.25(a)(2), a ''Retail Order'' is an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. A Retail Member Organization or ''RMO'' is a Member (or a division thereof) that has been approved by the Exchange under Rule 11.25 to submit Retail Orders.

[8] TCV means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. The Exchange excludes from its calculation of TCV volume on any day that the Exchange experiences an Exchange System Disruption, on any day with a scheduled early market close and the Russell Reconstitution Day.

[9] Step-Up Add TCV means ADAV as a percentage of TCV in January 2014 subtracted from current ADAV as a percentage of TCV.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4) and (5).

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 Exchange believes that the new Retail Order rebate and fee code associated with adding liquidity is reasonable and equitable because it will incentivize Members to submit orders designated as Retail Orders to the Exchange which will enhance liquidity in Retail Orders on the Exchange and further incentivize Members who wish to execute against Retail Orders to send additional orders to the Exchange. The Exchange believes that this increased liquidity would potentially stimulate further price competition for Retail Orders, thereby deepening the Exchange's liquidity pool in both non-Retail and Retail Orders, supporting the quality of price discovery, and promoting market transparency, further rendering the proposal reasonable and equitable. The Exchange believes that the new Retail Order rebate is non-discriminatory because it is equally available to all Members that enter Retail Orders.

The Exchange believes that the new Retail Order fee code for removing liquidity is reasonable, equitable, and non-discriminatory because, as stated above, the fees associated with a Retail Order that removes liquidity on the Exchange is the same as the standard fee for removing liquidity for a non-Retail Order. The only difference is that the Exchange is now providing a more specific fee code in order to make it easier for Members to understand their monthly invoices, which the Exchange again believes makes the proposed change reasonable, equitable, and non-discriminatory.

The Exchange also believes that its proposed new Retail Order Tier and associated enhanced rebate are reasonable and equitable because the tiers based on added Retail Order volume is intended to reward those Members that and incentivize other Members to add a larger amount of volume in Retail Orders on the Exchange by providing an additional $0.0002 per share rebate for Members that have a add an average daily volume of Retail Orders that is 0.07% or more of average daily TCV. Further, the Exchange believes that the new Retail Order Tier is reasonable and equitable because it incentivizes and rewards Members for posting Retail Orders on the Exchange, which is consistent with the overall goal of enhancing market quality on the Exchange. The Exchange also believes that the proposed rebates [sic] associated with the tier is non-discriminatory in that it is equally available to all Members and, again, because it is consistent with the goal of enhancing market quality on the Exchange.

Volume-based rebates and fees such as the ones proposed by and maintained on the Exchange, including Step-Up Tiers, the cross-asset step-up tier, the cross-asset tier and the Retail Order Tier proposed herein, have been widely adopted in the cash equities markets and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. The Exchange notes that it is not proposing to modify any existing tiers, but rather to add a new tier that will provide Members with additional ways to receive higher rebates, meaning that under the proposal, a Member will receive either the same or a higher rebate than they would receive today. Accordingly, the Exchange believes that the proposed additions to the Exchange's tiered pricing structure and incentives are not unfairly discriminatory because they will apply uniformly to all Members and are consistent with the overall goals of enhancing market quality on the Exchange.

The Exchange also believes that assessing an Annual Membership Fee provides an equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange makes all services and products subject to these fees available on a non-discriminatory basis to similarly situated recipients. The Exchange believes that the Annual Membership Fee is a reasonable and equitable method of ensuring that its fees fund a greater portion of the cost of regulating activity on the Exchange, and that even after assessing these fees, the overall cost of Exchange membership is reasonable as compared with the costs of membership in other SROs.[12] The Exchange believes that the proposed addition of an Annual Membership Fee is non-discriminatory in that it applies uniformly to all Members.

Finally, the Exchange believes that the clarifying change that adds the footnote 2 to fee codes V and Y in the Fee Codes and Associated Fees table is reasonable as it will help to avoid confusion for those that review the Exchange's fee schedule. The Exchange notes that the proposed change is not designed to amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. The Exchange believes that the proposed amendment is 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 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. To the contrary, the Exchange believes that the proposed changes will allow the Exchange to compete more ably with other execution venues by providing more competitive prices for Retail Orders that add liquidity in securities traded on the Exchange, thereby making it a more desirable destination venue for its customers. Also, because the market for order execution is extremely competitive, Members may readily opt to disfavor the Exchange's routing services if they believe that alternatives offer them better value.

The Exchange's proposed membership fees will be lower than the cost of membership on other exchanges,[13] and therefore, may stimulate intramarket 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 competition because it will apply to all Members equally. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures,

[12] *See, e.g.,* NASDAQ Rule 7001(a) (assessing an [sic] $3,000 annual membership fee); *see also* New York Stock Exchange Price List 2015, 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).

[13] *See id.*

including Annual Membership Fees, to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any 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 [14] and paragraph (f) of Rule 19b–4 thereunder.[15] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2015–01 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–BATS–2015–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–BATS–2015–01, and should be submitted on or before February 10, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00702 Filed 1–16–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74045; File No. SR–BX–2015–003]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the Extranet Access Fee

January 13, 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 BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX Rule 7025 (Extranet Access Fee) of the Exchange's Pricing Schedule entitled ''Extranet Access Fee'' (''Pricing Schedule''), as well as to clarify the applicability of the Extranet Access Fee and thereby conform it to the equivalent fee 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 amend BX Rule 7025 of the Exchange's Pricing Schedule, as well as to clarify the applicability of the Extranet Access Fee and thereby conform it to the equivalent fee of other markets.[3]

Specifically, the Exchange proposes to modify BX Rule 7025 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 substituting ''recipient'' for ''client organization'' and also indicating that if

[3] 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''). NOM (a facility of NASDAQ), BX, 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.

an extranet provider uses multiple CPE Configurations [4] to provide market data feeds to any recipient the monthly fee shall apply to each such CPE Configuration. This proposal conforms the Extranet Access Fee in BX Rule 7025 to the equivalent fee in NASDAQ Rule 7025.

The Extranet Access Fee was introduced a decade ago on NASDAQ Rule 7025.[5] The Extranet Access Fee was introduced about five years ago on BX Rule 7025, and is currently set at $750 per month.[6] By this proposal, the Exchange normalizes the cost and structure of its Extranet Access Fee to that of the equivalent decade-old NASDAQ fee.

BX Rule 7025 currently indicates that 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 $750 per recipient client organization Customer Premises Equipment (CPE) Configuration. As noted, this proposal indicates the same fee as NASDAQ Rule 7025, namely $1,000 per CPE Configuration, and adds to BX Rule 7025 verbatim clarifying language from NASDAQ Rule 7025. As proposed, BX Rule 7025 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 Rule 7025, 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. For purposes of this rule, consolidated data includes data disseminated by the UTP SIP. Extranet providers that establish a connection with the Exchange pursuant to this Rule 7025 as well as a connection pursuant to BX Options Chapter XV, Section 3 shall be assessed a total monthly access fee of $1,000 per recipient CPE Configuration.'' The proposal thus conforms BX Rule 7025 to NASDAQ Rule 7025, and makes them substantively identical.[7] The proposal also makes it clear that if an extranet provider establishes a connection on BX (equities) 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.

The modified 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 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.[8] 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 clarifications to conform the language of BX Rule 7025 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 to substitute ''recipient'' for ''client organization.'' For purposes of this rule, consolidated data includes data disseminated by the UTP SIP. These proposed clarifications should serve to reduce any confusion as to the applicability of the Extranet Access Fee. Moreover, the clarifications would make the Exchange's Extranet Access Fee in BX Rule 7025 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,[9] in general, and with Section 6(b)(4) of the Act,[10] 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 amend BX Rule 7025, and to clarify the applicability of the Extranet Access Fee if an extranet provider has a connection on both the equity side through BX and the options side through BX options conforms the fee on the BX markets and the equivalent fee on Phlx and NASDAQ and 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. The fee will help the

[4] As defined in BX Rule 7025, 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.

[5] *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–NASDAQ–2013–159) (notice of filing and immediate effectiveness increasing the Extranet Access Fee to $1,000).

[6] *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 reinstating the Extranet Access Fee to $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 clarifying that no fee is charged at the time of the filing).

[7] The Exchange notes that while BX Rule 7025 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.

[8] The Exchange will inform extranet providers of their reporting responsibilities via its public Web site.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

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 to similarly-situated Extranet Access Fee rules on Phlx 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, BX Rule 7025 will be clarified by 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 by replacing non-conforming language. This clarification 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,[11] 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–BX–2015–003 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–2015–003. 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–2015–003, and should be submitted on or before February 10, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2015–00703 Filed 1–16–15; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day Notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before February 19, 2015.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Small Business Lending Companies (SBLC's) and Non-Federally Regulations Lenders (NFRL's) are generally non-depository lending instructions authorized by SBA primarily to make loans under sections 7(a) of the Small Business Act. As sole regulator of these institutions, SBA requires them to submit audited financial statements annually as well as interim, quarterly financial statements and other reports to facilitate the agency's oversight lenders.

Solicitation of Public Comments

Comments may be submitted on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

(1) *Title:* Reports to SBA: Provisions of 13 CFR 120.460–464,473, 475, and 1510.

Description of Respondents: Small Business Lending Companies.

Form Number: N/A.

Estimated Annual Respondents: 170.

Estimated Annual Responses: 680.

Estimated Annual Hour Burden: 3,400.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–00669 Filed 1–16–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14210 and #14211]

Mississippi Disaster #MS–00062

AGENCY: U.S. Small Business Administration.

ACTION: Notice

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA—4205—DR), dated 01/07/2015.

Incident: Severe Storms and Tornadoes.

Incident Period: 12/23/2014.

Effective Date: 01/07/2015.

Physical Loan Application Deadline Date: 03/09/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 10/07/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 01/07/2015, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Marion.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14210B and for economic injury is 14211B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2015–00673 Filed 1–16–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Docket Number SBA–2014–0014]

Franchise Agreement Reviews, Affiliation and Eligibility for Financial Assistance

AGENCY: Small Business Administration.

ACTION: Notice; extension of comment period.

SUMMARY: On December 8, 2014, the U.S. Small Business Administration (SBA) published a notice in the **Federal Register** to solicit public comments on, among other things, the factors relevant to determining affiliation between entities involved in a franchise or similar business relationship and also on the current processes for making such determinations. This notice announces the extension of the current comment period for an additional 60 days until April 7, 2015.

DATES: The comment period for the notice on franchise agreement reviews, affiliation and eligibility for financial assistance is extended until April 7, 2015.

ADDRESSES: You may submit comments, identified by Docket Number: SBA–2014–0014, by any of the following methods: (1) Federal Rulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: U.S. Small Business Administration, Attn: Mary Frias, 409 Third Street SW., 8th Floor, Washington, DC 20416. SBA will post all comments to this notice on *www.regulations.gov*. If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* you must submit such information to the U.S. Small Business Administration, Attn: Mary Frias, 409 Third Street SW., 8th Floor, Washington, DC 20416, or send an email to *mary.frias@sba.gov*. Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review your information and determine whether it will make the information public.

FOR FURTHER INFORMATION CONTACT: Meghan Milloy, U.S. Small Business

Administration, 409 3rd Street SW., 8th Floor, Washington, DC 20416, telephone number (202) 619–1654 or *meghan.milloy@sba.gov*.

SUPPLEMENTARY INFORMATION: On December 8, 2014, SBA published a notice and request for comments at 79 FR 72748. SBA is re-examining the factors the agency considers relevant to the determination of ''affiliation'' between entities involved in a franchise or other similar business relationship (such as license, dealer, and jobber relationships), the current processes for making such determinations, and issues related to the use of SBA's Franchise Findings List and the use of external resources (such as the Franchise Registry). The notice, which is identified by Docket Number SBA–2014–0014, is also available at *http://www.regulations.gov/#!docketDetail;D=SBA-2014-0014*.

SBA received a formal request from several trade associations that represent participants in SBA's business loan programs to extend the comment period on this notice for an additional 60 days. After considering the request, SBA decided to extend the comment period an additional 60 days until April 7, 2015. This extension will give commenters additional time to consider the notice and submit comments.

Linda S. Rusche,

Director, Office of Financial Assistance.

[FR Doc. 2015–00740 Filed 1–16–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Regulatory Fairness Hearing; Region IV—Orlando, Florida

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Hearing of Region IV Small Business Owners in Orlando, FL.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the location, date and time of the Orlando, FL Regulatory Fairness Hearing. This hearing is open to the public.

DATES: The hearing will be held on Wednesday, February 4, 2015, from 11:00 a.m. to 1:30 p.m. (EST).

ADDRESSES: The hearing will be at the Caribe Royale Orlando, 8101 World Center Drive, Curacao Rooms 1 & 2, Orlando, FL 32821.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the hearing for Small Business Owners, Business Organizations, Trade Associations, Chambers of Commerce and related organizations serving small business concerns to report experiences regarding unfair or excessive Federal regulatory enforcement issues affecting their members.

FOR FURTHER INFORMATION CONTACT: This hearing is being conducted in conjunction with the National 8(a) Association 2015 Winter Conference. The hearing is open to the public; however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation at the Orlando, FL hearing must contact José Méndez by January 28, 2015 in writing, or by fax or email in order to be placed on the agenda. For further information, please contact José Méndez, Case Management Specialist, Office of the National Ombudsman, 409 3rd Street SW., Suite 7125, Washington, DC 20416, by phone (202) 205–6178 and fax (202) 481–5719. Additionally, if you need accommodations because of a disability, translation services, or require additional information, please contact José Méndez as well.

For more information on the Office of the National Ombudsman, see our Web site at *www.sba.gov/ombudsman.*

Dated: January 8, 2015.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2015–00675 Filed 1–16–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 9005]

60-Day Notice of Proposed Information Collection: Repatriation/Emergency Medical and Dietary Assistance Loan Application

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to March 23, 2015.

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2015–0002'' in the search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: RiversDA@state.gov.*
- *Mail:* (paper, disk, or CD–ROM submissions): U.S. Department of State, CA/OCS/PMO, SA–17, 10th Floor, Washington, DC 20036.
- *Fax:* 202–736–9111.
- *Hand Delivery or Courier:* U.S. Department of State, CA/OCS/PMO, 600 19th St. NW., 10th Floor, Washington, DC 20036.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Derek Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PMO), U.S. Department of State, SA–17, 10th Floor, Washington, DC 20036 or at *RiversDA@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Repatriation/Emergency Medical and Dietary Assistance Loan Application.
- *OMB Control Number:* 1405–0150.
- *Type of Request:* Revision.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–3072.
- *Respondents:* U.S. Citizens applying for emergency loan assistance.
- *Estimated Number of Respondents:* 1,446.
- *Estimated Number of Responses:* 1,446.
- *Average Time per Response:* 20 minutes.
- *Total Estimated Burden Time:* 482 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain Benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection:

The DS 3072 is an application for an emergency loan for a destitute U.S. citizen and/or dependent to return to the United States, an application for a destitute U.S. citizen abroad to receive emergency medical and dietary assistance and an application for a U.S. citizen and/or dependent and a third country or host country national to receive a loan to assist in his or her repatriation to the United States and/or to provide them with the funds needed to address their emergency medical and/or dietary needs.

Methodology:

The Bureau of Consular Affairs will post this form on Department of State Web sites to give respondents the opportunity to complete the form online, or print the form and fill it out manually and submit the form in person or by fax or mail.

Dated: December 5, 2014.

Michelle Bernier-Toth,

Managing Director, Bureau of Consular Affairs, Overseas Citizen Services, Department of State.

[FR Doc. 2015–00782 Filed 1–16–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 9004]

60-Day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to March 23, 2015.

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

• *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2015–0001'' in the search field. Then click the ''Comment Now'' button and complete the comment form.

• *Email: PRA_BurdenComments@state.gov.*

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Sydney Taylor at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Application for Immigrant Visa and Alien Registration.

• *OMB Control Number:* 1405–0015.

• *Type of Request:* Extension of a Currently Approved Application.

• *Originating Office:* CA/VO/L/R.

• *Form Number:* DS–230.

• *Respondents:* Immigrant Visa Applicants.

• *Estimated Number of Respondents:* 5,000 respondents.

• *Estimated Number of Responses:* 5,000 responses.

• *Average Time per Response:* 2 hours.

• *Total Estimated Burden Time:* 10,000 hours.

• *Frequency:* Once per Respondent.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection:

Department of State consular officers use Form DS–230 (Application for Immigrant Visa and Alien Registration), in conjunction with a personal interview and other requirements set forth in 22 CFR part 42, subpart G, to elicit information necessary to ascertain the applicability of the legal requirements to issue an immigrant visa. The information requested on the form is limited to that which is necessary for consular officers to determine the eligibility and classification of aliens seeking immigrant visas to the United States efficiently. A consular officer is unable to adjudicate such visas without collecting this information.

Methodology:

The DS–230 is available electronically via the internet and is downloaded, completed online, printed and submitted to the National Visa Center (NVC). The web address where the DS–230 can be accessed is *http://travel.state.gov/content/visas/english/forms.html.*

Dated: January 5, 2015.

Edward Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2015–00783 Filed 1–16–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 9003]

In the Matter of the Designation of Maulana Fazlullah also known as Mullah Fazlullah; also known as Fazal Hayat; also known as Mullah Radio as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Maulana Fazlullah also known as Mullah Fazlullah also known as Fazal Hayat also known as Mullah Radio, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have

a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: January 9, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–00790 Filed 1–16–15; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of a continuation of task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a continuation of task to a previously established working group. This continuation of task requests the working group to provide cost and benefit data for the proposed implementation of the ARAC recommendations submitted in 2012 regarding the FAA's approach to update, reorganize and improve the level of safety requirements for the flammability of materials for transport category airplanes. This notice informs the public of a continuation to a previous ARAC activity, reinstates the Materials Flammability Working Group, and does not solicit membership.

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, Airframe/Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98057, telephone (425) 227–2136, facsimile (425) 227–1149; email *jeff.gardlin@faa.gov.*

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

As a result of the December 18, 2014, ARAC meeting, the FAA assigned and ARAC accepted and designated this task to the Transport Airplane and Engine (TAE) Subcommittee, reinstating the Materials Flammability Working Group. The Materials Flammability Working Group will serve as staff to the ARAC, through the TAE Subcommittee, and will provide advice and recommendations on the assigned task. The TAE Subcommittee will review and approve the recommendation report and will send the approved recommendation report to the ARAC for acceptance. After ARAC accepts the recommendation report, it will submit the recommendation report to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

On August 27, 2010 [75 FR 52807], the FAA tasked ARAC to consider the merits and make recommendations for improvement of an approach drafted by the FAA that would simplify compliance demonstrations, and upgrade the level of safety for flammability throughout the airplane. The objective of the proposed approach was to completely revisit the flammability requirements and take advantage of the wealth of data available from FAA research and advances in material fire safety to provide a simpler regulation that provides a higher level of safety for transport category airplanes.

The flammability requirements for interior materials on transport category airplanes have evolved significantly over the years to become more threat-based. By ''threat-based,'' the FAA means the flammability requirements use a more realistic test method based on the type of fire hazard most critical for the components in question. Historically, these requirements have been based on an analysis of the type of threat, the usage of the potentially flammable material (*e.g.,* sidewall), and the material type (*e.g.,* elastomeric materials). This approach has led to problems, including multiple requirements applying to the same component; conflicting requirements for the same component depending on what material it is made from; and ambiguous requirements for components not explicitly listed in § 25.853 or Appendix F part I of part 25. These ambiguous requirements for components not explicitly listed have resulted in the requirements of § 25.853 or Appendix F, part I of part 25 becoming obsolete whenever materials change, or incomplete when components have been developed after the regulation and Appendix F of part 25 were issued.

The Materials Flammability Working Group completed the task, and the ARAC submitted the recommendations to the FAA in August 2012. The Materials Flammability Working Group believed the proposed threat-based organization for the flammability regulations was logical, practical and a more effective framework for regulation going forward than the current published regulations. The Materials Flammability Working Group believed the resulting regulation draft, along with appropriate advisory material, would ultimately be simpler and more easily understood and enforced. In order to proceed with rulemaking to implement the recommendations, the FAA is tasking the ARAC to provide cost and benefit data associated with implementation.

The Task

The Materials Flammability Working Group will provide advice and recommendations to the ARAC, through the TAE Subcommittee, on the costs and benefits of implementing the recommendations previously submitted by the Materials Flammability Working Group in August 2012. The recommendation report can be found at: *http://www.faa.gov/regulations_policies/rulemaking/committees/arac/.*

The Materials Flammability Working Group is tasked to:

1. Review the Materials Flammability Working Group Recommendation Report dated July 9, 2012 and submitted in August 2012, along with subsequent research results to be provided to the Materials Flammability Working Group by the FAA.

2. Provide quantitative cost data for each recommendation, if applicable, along with assumptions and rationale for the cost data. The FAA will provide key assumptions to assist with cost estimation.

3. Provide quantitative economic benefit data for each recommendation, if applicable.

4. Provide service data regarding incidents (precursors) or accidents related to materials flammability that would be mitigated in the future by implementation of each recommendation.

5. Develop a report containing recommendations on the findings and results of the tasks explain above.

a. The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.

b. Any disagreements should be documented, including the rationale for position and the reasons for the disagreements.

6. The Materials Flammability Working Group may be reinstated to assist the ARAC, through the TAE Subcommittee, by responding to the FAA's questions or concerns after the recommendation report has been submitted.

Schedule

The recommendation report should be submitted to the FAA for review and acceptance no later than 8 months from publication of the tasking statement in the **Federal Register**.

Working Group Activity

The Materials Flammability Working Group must comply with the procedures adopted by the ARAC and are as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.
2. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.
3. Present the recommendation report at the TAE Subcommittee meeting.

Participation in the Working Group

The reinstated Materials Flammability Working Group is comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC or the TAE Subcommittee. The FAA is not soliciting membership for the reinstated Materials Flammability Working Group. The provisions of the August 13, 2014, Office of Management and Budget guidance, ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their ''individual capacity.'' The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a ''representative capacity'' for the ''express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.'' (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

The members of the Materials Flammability Working Group must actively participate by attending all meetings, and providing written comments when requested. The members must devote the resources necessary to support the Materials Flammability Working Group in meeting any assigned deadlines. The members must keep management and those represented advised of the Materials Flammability Working Group activities and decisions to ensure the proposed technical solutions does not conflict with the position of the member's represent.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, meetings of the Materials Flammability Working Group are not open to the public. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on January 14, 2015.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2015–00749 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–145]

Petition for Exemption; Summary of Petition Received; Freight Runners Express

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 9, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–1029 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–1029.

Petitioner: Freight Runners Express, Inc.

Section(s) of 14 CFR Affected: § 121.571.

Description of Relief Sought: Freight Runners Express requests relief to operate under § 121.571 in lieu of § 135.117 when conducting passenger carrying operations under part 135 in aircraft with more than 19 seats installed.

[FR Doc. 2015–00746 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–153]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on this petition must identify the petition docket number involved and must be received on or before February 9, 2015.

ADDRESSES: You may send comments identified by docket number FAA–2014–1021 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Deana Stedman, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *deana.stedman@faa.gov,* phone (425) 227–2148; or Sandra Long, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *sandra.long@faa.gov,* phone (202) 493–5245.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–1021.
Petitioner: Airbus SAS.

Section of 14 CFR Affected

§§ 25.981(a)(3) and 25.901(c).

Description of Relief Sought

The petitioner seeks a time-limited exemption from the requirements of 14 CFR §§ 25.981(a)(3) Amendment 25–125, and 25.901(c) Amendment 25–126, to allow time for necessary design changes of the center wing tank fuel system wiring and fuel pump ground fault protection on A330–300 model airplanes in order to reach full compliance with these requirements and allow on-schedule delivery to its launch customer in the United States.

[FR Doc. 2015–00752 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–144]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before February 9, 2015.

ADDRESSES: You may send comments identified by docket number FAA–2012–1132 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mike Dostert, ANM–112, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *mike.dostert@faa.gov,* phone (425) 227–2132; or Sandra Long, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591,

email *sandra.long@faa.gov,* phone (202) 493–5245.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2012–1132.
Petitioner: The Boeing Company.
Section of 14 CFR Affected: §§ 25.981(a)(3), Amendment 25–125 and 25.901(c), Amendment 25–126.
Description of Relief Sought: The Boeing Company is petitioning for an amendment and time extension of the current time-limited partial exemption No. 10767, which is effective through May 16, 2016, as it applies to Models 767–300 and 767–300F airplanes through the end of 2019. If granted, the amended exemption would provide relief through the end of the currently anticipated 767–300 and 767–300F production.

[FR Doc. 2015–00751 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2014–147]

Petition for Exemption; Summary of Petition Received; Sterling Aviation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 9, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–0948 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0948.
Petitioner: Sterling Aviation, LLC.
Section(s) of 14 CFR Affected: Part 120, Subparts E and F.
Description of Relief Sought: Landmark Aviation Inc. is seeking relief from the regulatory requirements under 14 CFR part 120 to maintain and administer separate drug and alcohol testing programs for five of its part 135 operations. Specifically, Sterling Aviation (the petitioner) requests relief from the requirement to conduct pre-employment testing, random testing accounting, education and training for safety-sensitive employees that are currently included in the FAA-mandated drug and alcohol testing programs for Sterling Aviation; Piedmont Hawthorne Aviation LLC; Galvin Flying Service, Inc; Midlantic Jet Charters Inc.; and Daedalus Inc. Sterling Aviation anticipates the issuance of a single operating certificate for the merger of the above listed part 135 certificate operations and requests to operate the drug and alcohol testing programs in unison prior to the single operating certificate issuance.

[FR Doc. 2015–00750 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–146]

Petition for Exemption; Summary of Petition Received; Freight Runners Express

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 9, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–1031 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal

information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–1031.

Petitioner: Freight Runners Express, Inc.

Section(s) of 14 CFR Affected: § 135.107.

Description of Relief Sought: Freight Runners Express requests relief to operate its Embraer EMB–120 aircraft configured with more than 19 passenger seats without a flight attendant on board when it is not carrying passengers.

[FR Doc. 2015–00747 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–140]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 9, 2015.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0896 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0896.

Petitioner: John Lee.

Section of 14 CFR Affected: 14 CFR §§ 60.7(a)(1) and (2), and (b)(1).

Description of Relief Sought: John Lee seeks relief to conduct training, evaluation, and proficiency checks in a simulator not covered by an approved part 142 training program.

[FR Doc. 2015–00748 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Procedures for Requesting Air Traffic Data under the Pilot's Bill of Rights

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is taking down the ''Pilot's Bill of Rights'' hyperlink on the FAA Internet Web page (*www.faa.gov/pilots*) and the email address *AirmenDataRequest@faa.gov* for processing requests for air traffic data under the Pilot's Bill of Rights (PBR), Pub. L. 112–153 (Aug. 3, 2012). Individuals entitled to access or otherwise obtain air traffic data under the PBR should direct such requests to the FAA investigator that provided them with the written notification of investigation.

DATES: Effective date February 17, 2015.

SUPPLEMENTARY INFORMATION:

A. Background

On August 22, 2012, the FAA published a Notice (77 FR 52107) specifying how and where an airman subject to an FAA investigation may submit a request to the FAA under the Pilot's Bill of Rights, Pub. L. 112–153 (Aug. 3, 2012), to obtain air traffic data in the possession of a government contractor. Specifically, the Notice instructed airmen to click on the ''Pilot's Bill of Rights'' hyperlink on the FAA's Internet Web page to find out what specific information they would need to include in their request to obtain air traffic data in the possession of a government contractor, and that they should email their requests to a centralized point of contact at the following email address: *AirmenDataRequest@faa.gov.*

B. Removal of ''Pilot's Bill of Rights'' Hyperlink From the FAA Internet Web Page and the FAA Email Address—*AirmenDataRequest@faa.gov*.

Although the FAA established the email address—*AirmenDataRequest@faa.gov*—as a centralized point-of-contact for the expeditious and efficient processing of requests for air traffic data in the possession of a government

contractor by airmen who are the subject of an investigation, the email address has been burdened with many other types of requests (*e.g.,* unspecified requests for ''any air traffic data,'' requests for other agency information, or requests by individuals who are not the subject of an investigation related to the approval, denial, suspension, modification, or revocation of an airman certificate). Because the email address is no longer an efficacious means for processing the requests for which it was intended, the FAA will no longer be using it and it will remove the instructions from the ''Pilot's Bill of Rights'' hyperlink that directed airmen to that email address.

C. How Individuals Subject to an FAA Investigation Related to the Approval, Denial, Suspension, Modification, or Revocation of an Airman Certificate May Obtain Air Traffic Data in the Possession of a Government Contractor

Individuals who have received notification from an FAA investigator that they are the subject of an investigation related to the approval, denial, suspension, modification, or revocation of an airman certificate may access or otherwise obtain air traffic data by contacting the FAA investigator that provided them with that notification.

Issued in Washington, DC, on January 14, 2015.

Peter J. Lynch,

Assistant Chief Counsel for Enforcement.

[FR Doc. 2015–00791 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Billings Bypass Project in Montana

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the Billings Bypass Project, located in the northeastern portion of the city of Billings urban area, Yellowstone County, Montana. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C.139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before June 19, 2015. If this date falls on a Saturday, Sunday, or legal holiday, parties are advised to file their claim no later than the business day preceding this date. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Brian Hasselbach, Statewide Planner, Right of Way and Environmental Programs Manager, Federal Highway Administration—Montana Division, 585 Shepard Way, Suite 2, Helena, MT 59601. Office hours are 7:30 a.m. to 4:30 p.m. (Mountain Standard Time), (406) 441–3908, *Brian.Hasselbach@dot.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions by issuing a Record of Decision (ROD) for the Billings Bypass Project. The purpose of the project is to construct a new principal arterial to connect Interstate 90 (I–90) with Old Highway 312. The project is located in the northeastern portion of the city of Billings urban area, Yellowstone County, Montana.

The actions by FHWA on this project, and the laws under which such actions were taken, are described in the March 2014 Final Environmental Impact Statement (FEIS); the July 2014 ROD; and in other documents in the FHWA's administrative record for the project. The FEIS, ROD, and other documents in the FHWA administrative record are available by contacting FHWA. The FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.mdt.mt.gov/pubinvolve/eis-ea.shtml.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act, 42 U.S.C. 7401–7671(q) (Transportation Conformity).

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303];

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].

7. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments.

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

Authority: 23 U.S.C. 139(l)(1), as amended by Moving Ahead for Progress in the 21st Century Act (MAP–21), Pub. L. 112–141, § 1308, 126 Stat. 405 (2012).

Brian D. Hasselbach,

Statewide Planner, Right of Way and Environmental Programs Manager, Helena, MT.

[FR Doc. 2015–00717 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Delayed Applications

AGENCY: Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of application delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

Key to ''Reason for Delay''

1. Awaiting additional information from applicant

2. Extensive public comment under review

3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis

4. Staff review delayed by other priority issues or volume of special permit applications

Meaning of Application Number Suffixes

N—New application

M—Modification request

R—Renewal Request

P—Party To Exemption Request

Issued in Washington, DC, on January 8, 2015.

Donald Burger,

Chief, General Approvals and Permits.

MODIFICATION TO SPECIAL PERMITS

Application No.	Applicant	Reason for delay	Estimated date of completion
15642–M	Praxair Distribution, Inc., Danbury, CT	4	02–28–2015
15832–M	Baker Petrolite Corporation (BPC), Sugar Land, TX	4	2–28–2015
14617–M	Western International Gas & Cylinders, Inc., Bellville, TX	4	01–31–2015
13359–M	BASF Corporation, Florham Park, NJ	4	01–31–2015
12116–M	Proserv UK Ltd., East Tullos, Aberdeen	4	02–28–2015
11903–M	Comptank Corporation, Bothwell, ON	4	01–31–2015
8451–M	Special Devices, Inc., Mesa, AR	4	01–31–2015
15552–M	Poly-Coat Systems, Inc., Liverpool, TX	4	03–15–2015
9847–M	FIBA Technologies, Inc., (FIBA) Millbury, MA	4	12–31–2014

NEW SPECIAL PERMIT APPLICATIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
15767–N	Union Pacific Railroad Company, Omaha, NE	1	01–31–2015
16188–N	UTLX Manufacturing, LLC, Alexandria, LA	4	01–31–2015
16039–N	UTLX Manufacturing LLC, Alexandria, LA	4	02–28–2015
16061–N	Battery Solutions, LLC, Howell, MI	4	02–28–2015
16137–N	Diversified Laboratory Repair, Gaithersburg, MD	4	02–28–2015
16118–N	Toyota Motor Sales, U.S.A., Inc., Torrance, CA	4	01–31–2015
16154–N	Patriot Fireworks, LLC, Ann Arbor, MI	4	01–31–2015
16189–N	Coffeyville Resources Nitrogen Fertilizers, LLC, Kansas City, KS	4	02–28–2015
16190–N	Digital Wave Corporation, Centennial, CO	4	02–28–2015
16191–N	Solvay Fluorides LLC, Houston, TX	4	03–31–2015
16198–N	Fleischmann's Vinegar Company, Inc., Cerritos, CA	4	02–28–2015
16181–N	Arc Process, Inc., Pflugerville, TX	4	01–31–2015
16220–N	Americase, Waxahache, TX	4	02–28–2015
16193–N	CH&I Technologies, Inc., Santa Paula, CA	4	03–31–2015
16199–N	Schlumberger Oilfield UK Plc, Dyce Aberdeen, UK	4	02–28–2015
15991–N	Dockweiler, Neustadt-Glewe, Germany	4	01–31–2015
16001–N	VELTEK, Malvern, PA	4	12–31–2014

RENEWAL SPECIAL PERMITS APPLICATIONS

Application No.	Applicant	Reason for delay	Estimated date of completion
11602–R	East Tennessee Iron & Metal, Inc., Rogersville, TN	4	01–31–2015
11860–R	GATX Corporation, Chicago, IL	4	02–28–2015
15580–R	Wisconsin Central Ltd., Homewood, IL	4	02–28–2015

[FR Doc. 2015–00707 Filed 1–16–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Notice of Application for Special Permits

AGENCY: Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, (PHMSA), DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before February 19, 2015.

Address Comments To: Record Center, Pipeline and Hazardous

Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on January 8, 2015.

Donald Burger,

Chief, General Approvals and Permits.

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulations(s) affected	Nature of special permits thereof
16348–N		Premier Filling Company, Inc. Hoffman Estates, IL.	49 CFR 173.306(a)(3)(v)	To authorize the transportation in commerce of Division 2.2 hazardous materials in certain DOT specification 2Q non-refillable inner containers which have been tested by an alternative method in lieu of the hot water bath test. (mode 1).
16350–N		Arc Process, Inc. Austin, TX	49 CFR 173.181(a), 173.187(g)	To authorize the manufacture, mark, sale and use of a non-DOT specification cylinder conforming in partwith DOT specification 4B. (modes 1, 2, 3).
16351–N		VSL B.V. Thijsseweg, The Netherlands.	49 CFR 173.302(a)	To authorize the transportation in commerce of certain Division 2.1 and 2.2 hazardous materials in non-DOT specification cylinders conforming to the TPED (Directive 2010/35/EC) specification. (modes 1, 4, 5).
16353–N		Candle Lamp Company, LLC Corona, CA.	49 CFR 173.304a(a)(1), 173.304a(d)(3)(ii).	To authorize the transportation in commerce of a Division 2.1 hazardous material in non-refillable non-DOT specification inside containers conforming with DOT Specification 2P except for size and testing requirements. (modes 1, 2, 3, 4).

[FR Doc. 2015–00706 Filed 1–16–15; 8:45 am]

BILLING CODE M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[OCC Charter Number 703576]

Stephens Federal Bank, Toccoa, Georgia; Approval of Conversion Application

Notice is hereby given that on August 29, 2014, the Office of the Comptroller of the Currency (OCC) approved the application of Stephens Federal Bank, Toccoa, Georgia, to convert to the stock form of organization. Copies of the application are available for inspection on the OCC Web site at the FOIA Reading Room *https://foia-pal.occ.gov/palMain.aspx* under Mutual to Stock Conversion Applications. If you have any questions, please call OCC Licensing Activities at (202) 649–6260.

Dated: January 12, 2015.

By the Office of the Comptroller of the Currency.

Stephen A. Lybarger,

Deputy Comptroller for Licensing.

[FR Doc. 2015–00744 Filed 1–16–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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 information collect requirements related to the treatment of distributions to foreign persons under sections 367(e)(1) and 367(e)(2).

DATES: Written comments should be received on or before March 23, 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 regulation should be directed to R. Joseph Durbala, at (202) 317–5746, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Treatment of Distributions to Foreign Persons Under Sections 367(e)(1) and 367(e)(2).

OMB Number: 1545–1487.

Regulation Project Number: REG–209827–96 and REG–111672–99.

Abstract: Section 367(e)(1) provides that, to the extent provided in regulations, a domestic corporation must recognize gain on a section 355 distribution of stock or securities to a foreign person. Section 367(e)(2) provides that section 337(a) and (b)(1) does not apply to a section 332 distribution by a domestic corporation to a foreign parent corporation that owns 80 percent of the domestic liquidating corporation (as described in section 337(c)). Section 6038B(a) requires a U.S. person who transfers property to a foreign corporation in an exchange described in sections 332 or 355, among other sections, to furnish to the Secretary of the Treasury certain information with respect to the transfer, as provided in regulations.

The final regulations under section 367(e)(1) require gain recognition only for distributions of the stock or securities of foreign corporations to foreign persons. The final regulations under section 367(e)(2) generally require gain recognition when a domestic corporation liquidates into its foreign parent corporation; the regulations generally do not require gain recognition when a foreign corporation liquidates into its foreign parent corporation.

This document (TD 9704) contains final and temporary regulations relating to the consequences to U.S. and foreign persons for failing to satisfy reporting obligations associated with certain transfers of property to foreign corporations in nonrecognition exchanges. This document permits transferors to remedy ''not willful'' failures to file, and ''not willful'' failures to comply with the terms of, liquidation documents required under section 367(e)(2). In addition, this document modifies the reporting obligations under section 6038B associated with transfers that are subject to section 367(e)(2). Further, this document provides similar rules for certain transfers that are subject to section 367(a). The regulations are necessary to update the rules that apply when a U.S. or foreign person fails to file required documents or statements or satisfy reporting obligations. The regulations affect U.S. and foreign persons that transfer property to foreign corporations in certain non-recognition exchanges.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 217.

Estimated Time per Respondent: 11 hours, 23 minutes.

Estimated Total Annual Burden Hours: 2,471.

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 7, 2015.

Christie Preston,

IRS, Reports Clearance Officer.

[FR Doc. 2015–00686 Filed 1–16–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8802

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 8802, Application for United States Residency Certification.

DATES: Written comments should be received on or before March 23, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston at 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 R. Joseph Durbala at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 317–5746, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for United States Residency Certification.

OMB Number: 1545–1817.

Form Number: Form 8802.

Abstract: An entity must use Form 8802 to apply for United States Residency Certification. All requests for U.S. residency certification must be received on Form 8802, Application for United States Residency Certification. This application must be sent to the Philadelphia Service Center. As proof of residency in the United States and of entitlement to the benefits of a tax treaty, U.S. Government certification that you are a U.S. citizen, U.S. corporation, U.S. partnership, or resident of the United States for purposes of taxation.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organization, and not-for-profit institution.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 3 hours, 38 minutes.

Estimated Total Annual Burden Hours: 363,000.

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 8, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–00687 Filed 1–16–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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 existing Final Regulation, TD 9467—Measurement of Assets and Liabilities for Pension Funding Purposes, and Notice 2014–53—Pension Funding Stabilization under the Highway and Transportation Funding Act of 2014 (HAFTA).

DATES: Written comments should be received on or before March 23, 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 regulations should be directed to Elaine Christophe at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Measurement of Assets and Liabilities for Pension Funding Purposes.

OMB Number: 1545–2095.

Regulation Project Number: REG–139236–07 (TD 9467).

Abstract: In order to implement the statutory provisions under sections 430 and 436, this final regulation contains collections of information in §§ 1.430(f)–1(f), 1.430(h)(2)–1(e), 1.436–1(f), and 1.436–1(h). The information required under § 1.430(f)–1(f) is required in order for plan sponsors to make elections regarding a plan's credit balances upon occasion. The information under § 1.430(g)–1(d)(3) is required in order for a plan sponsor to include as a plan asset a contribution made to avoid a restriction under section 436. The information required under § 1.430(h)(2)–1(e) is required in order for a plan sponsor to make an election to use an alternative interest rate for purposes of determining a plan's funding obligations under § 1.430(h)(2)–1. The information required under §§ 1.436–1(f) and 1.436–1(h) is required in order for a qualified defined benefit plan's enrolled actuary to provide a timely certification of the plan's adjusted funding target attainment percentage (AFTAP) for each plan year to avoid certain benefit restrictions.

The Highway and Transportation Funding Act of 2014 (HATFA), Public Law 113–159, was enacted on August 8, 2014, and was effective retroactively for single employer defined benefit pension plans, optional for plan years beginning in 2013 and mandatory for plan years beginning in 2014. Notice 2014–53 provides guidance on these changes to the funding stabilization rules for single-employer pension plans.

Current Actions: There is no change to TD 9465 or Notice 2014–53.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions and Federal, State, local or tribal governments.

TD 9467

Estimated Number of Respondents: 80,000.

Estimated Time per Respondent: 1.5 hrs.

Estimated Total Annual Burden Hours: 120,000.

Notice 2014–53

Estimated Number of Respondents: 76,600.

Estimated Time per Respondent: 1 hr.

Estimated Total Annual Burden Hours: 38,000.

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 12, 2015.

Christie Preston,

OMB Reports Clearance Officer.

[FR Doc. 2015–00689 Filed 1–16–15; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—January 28, 2015, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.–China Economic and Security Review Commission.

Name: William A. Reinsch, Chairman of the U.S.–China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on January 28, 2015, ''Foreign Investment Climate in China: Present Challenges and Potential for Reform.''

Background: This is the first public hearing the Commission will hold during its 2015 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The hearing will seek to assess the most recent and pressing challenges facing foreign firms operating in China, with a spotlight on China's Anti-Monopoly Law enforcement, and the potential for China's planned reforms to create a more transparent, cooperative, and fair environment for foreign investors. The hearing will be co-chaired by Commissioners William A. Reinsch and Daniel Slane. Any interested party may file a written statement by January 28, 2015, by mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Location, Date and Time: Room: TBD. Wednesday, January 28, 2015, 8:30 a.m.—3:15 p.m. Eastern Time. A detailed agenda for the hearing will be posted to the Commission's Web site at *www.uscc.gov.* Also, please check our Web site for possible changes to the hearing schedule. Reservations are not required to attend the hearing.

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Reed Eckhold, 444 North Capitol Street NW., Suite 602, Washington DC 20001; phone: 202–624–1496, or via email at *reckhold@uscc.gov.* Reservations are not required to attend the hearing.

Authority: Congress created the U.S.–China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: January 14, 2015.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2015–00786 Filed 1–16–15; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0679]

Proposed Information Collection (Certification of Change or Correction of Name, Government Life Insurance); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to change or correct an insured claimant's name.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 23, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0679'' in any correspondence. During the comment period, comments may be viewed online through FDMS at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certification of Change or Correction of Name, Government Life Insurance, VA Form 29–586.

OMB Control Number: 2900–0679.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants complete VA Form 29–586 to certify a change or correction to their name on Government Life Insurance policies.

Affected Public: Individuals or households.

Estimated Annual Burden: 20 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 120.

Dated: January 13, 2015.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–00647 Filed 1–16–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0682]

Proposed Information Collection (Advertising, Sales, and Enrollment Materials, and Candidate Handbooks) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to ensure that educational institutions or agents enrollment materials meet VA's guidelines for approval of courses.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 23, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0682'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Advertising, Sales, and Enrollment Materials, and Candidate Handbooks, 38 CFR 21.4252(h).

OMB Control Number: 2900–0682.

Type of Review: Revision of a currently approved collection.

Abstract: VA approved educational institutions offering courses approved for the enrollment of Veterans, or eligible persons, and organizations or entities offering licensing or certification tests approved for payment of educational assistance as reimbursement to Veterans or eligible persons who took such tests, must maintain a complete record of all advertising, sales materials, enrollment materials, or candidate handbooks that educational institutions or its agents used during the preceding 12-month period. The materials are examined by VA and State Approving Agency employees to ensure that educational institutions or its agents are following VA approval guidelines.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,484 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 13,936.

Dated: January 13, 2015.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–00662 Filed 1–16–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Tuesday,
No. 12 January 20, 2015

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 600
Magnuson-Stevens Act Provisions; National Standard Guidelines; Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 120416013–4641–02]

RIN 0648–BB92

Magnuson-Stevens Act Provisions; National Standard Guidelines

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes revisions to the guidelines for National Standards (NS) 1, 3, and 7 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to the General section of the NS guidelines. This action is necessary to improve and clarify the guidance within the NS guidelines. The purpose of this action is to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks and achieve optimum yield (OY).

DATES: Written comments must be received on or before June 30, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2012–0059, by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to: *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0059,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Wesley Patrick, National Marine Fisheries Service, NOAA, Office of Sustainable Fisheries, 1315 East-West Highway, Room 13357, Silver Spring, MD 20910.
- Fax: 301–713–1193; Attn: Wesley Patrick.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only. Copies of supporting documents can be obtained from Wesley Patrick (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Wesley Patrick, 301–427–8563

SUPPLEMENTARY INFORMATION:

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I. Purpose and Overview of Proposed Revisions

The National Marine Fisheries Service (NMFS) fulfills the requirements of section 301(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA)—''The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans''—with its National Standard (NS) guidelines that appear at 50 CFR 600.305 through 600.355. NMFS is proposing revisions to the General section of the NS guidelines and the guidelines for NS1, NS3, and NS7. Since 2007, fisheries management within the U.S. has experienced many changes, in particular the development and implementation of annual catch limits (ACLs) and accountability measures (AMs) under all fishery management plans to end and prevent overfishing. Based on this experience, NMFS believes the NS guidelines can be improved to enhance the utility of the guidelines for managers and the public. The objective of these proposed revisions is to improve and streamline the NS1 guidelines, address concerns raised during the implementation of ACLs and AMs, and provide flexibility within current statutory limits to address fishery management issues. The purpose of this action is to facilitate compliance with requirements of the MSA, 16 U.S.C. 1801 *et seq.,* to end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield (OY). The proposed revisions would not establish new, specific requirements or require Fishery Management Councils (Councils) to revise their Fishery Management Plans (FMPs) to comply with the MSA. Rather, the proposal offers additional clarity and potential alternatives to highlight the current flexibility in meeting the MSA's current mandates.

Proposed revisions to the General section of the NS guidelines and the guidelines for NS1, NS3, and NS7 include the following: (1) Add a recommendation that Councils reassess the objectives of their fisheries on a regular basis; (2) consolidate and clarify guidance on identifying whether stocks require conservation and management; (3) provide additional flexibility in managing data limited stocks; (4) revise the guidance on stock complexes to encourage the use of indicator stocks; (5) describe how aggregate maximum sustainable yield (MSY) estimates can be used; (6) propose a definition for a depleted stock; (7) provide increased stability in fisheries by providing guidance on the use of multi-year overfishing determinations; (8) revise the guidance on optimum yield (OY) to improve clarity and better describe the role of OY under the Annual Catch Limit (ACL) framework; (9) clarify the guidance on acceptable biological catch (ABC) control rules, describe how the ABC control rules can allow for phase-in adjustments to ABC, and allow for carry-over of all or some of an unused portion of the ACL; (10) revise the guidance on accountability measures (AMs) to improve clarity; (11) clarify the guidance on establishing ACL and AM mechanisms in FMPs; and (12) provide flexibility in rebuilding stocks. Further explanations of the major revisions that are being proposed, and the rationale for those revisions, are provided below.

II. Background

Section 301(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) contains 10 national standards for fishery conservation and management. Any FMP prepared under the MSA, and any regulation promulgated pursuant to the

MSA to implement any such plan, must be consistent with these national standards. National Standard 1 (NS1) of the MSA states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY from each fishery for the U.S. fishing industry. National Standard 3 (NS3) of the MSA states that, to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination. National Standard 7 (NS7) of the MSA states that conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Guidelines for NS1, NS3, and NS7 were first published in 1977 (42 FR 34450, July 5, 1977) and are codified in 50 CFR 600.310, 600.320, and 600.340, respectively. NMFS last revised the NS1 guidelines on January 16, 2009, to provide guidance for the implementation of requirements enacted by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 for annual catch limits (ACLs) and accountability measures (AMs) to end and prevent overfishing (74 FR 3178). The NS3 and NS7 guidelines were last revised in 1998 (63 FR 24212, May 1, 1998).

From 2007 to 2012, the 46 Federal FMPs have been amended to implement ACLs and AMs to end and prevent overfishing. This has been a transformative process for Federal fisheries; before the ACL requirement, some U.S. fisheries were managed under a total allowable catch system, but the majority were managed through effort controls (*e.g.,* days at sea, closures) or without explicit accountability.

Due to a number of concerns raised during the implementation of ACLs and AMs, NMFS published an Advance Notice of Proposed Rulemaking (ANPR) on May 3, 2012, (77 FR 26238) to solicit public comments on potential adjustments to the NS1 guidelines. The comment period on the ANPR was extended once (77 FR 39459, July 3, 2012), and then reopened (77 FR 58086, Sept. 19, 2012), and ended on October 12, 2012. In March 2013, NMFS published a report that summarizes the comments received on the ANPR; the report is available online at: *http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/ns1_revisions.html.*

In addition to the ANPR, issues related to the national standard guidelines were discussed at other public forums. In May 2013, NMFS sponsored the Managing Our Nation's Fisheries 3 conference in Washington, DC. The conference focused on identifying ways to advance sustainability within U.S. fisheries. The discussions at the conference addressed MSA reauthorization issues, as well as adjustments to current management (including potential revisions to the NS1 guidelines) that do not require legislation to implement. More information about the conference is available here: *http://www.managingfisheries.org/.* In September 2013, in response to a 2010 request from Congress, the National Research Council released its report titled ''Evaluating the Effectiveness of Fish Stock Rebuilding Plans in the United States.'' This included an evaluation of success in stock rebuilding, an investigation of the effects of uncertainty, and identification of means to better account for social, economic and ecosystem factors in the rebuilding plans. The purpose of the report was to help NOAA and the regional Councils better construct efficient and effective rebuilding plans. More information about the report is available here: *http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/rebuilding.htm.*

In December 2013, the Marine Fisheries Advisory Committee Recreational Fishing Group presented NMFS with a white paper on recreational fisheries perspectives. The paper included recommendations for possible changes to the MSA, as well as possible changes to fishing regulations and policy. The full report can be found here: *http://www.nmfs.noaa.gov/sfa/management/recreational/2014_summit/pre-summit_resources.html.* In February 2014, the Commission on Saltwater Recreational Fisheries Management published its report, A Vision for Managing America's Saltwater Recreational Fisheries, providing recommendations for management measures to address the needs of the recreational community (Morris and Deal 2014). The report can be found here: *http://asafishing.org/uploads/Marine_Visioning_Report_January_2014.pdf.* Lastly, NMFS provided updates on the NS1 guidelines at Council Coordination Committee (CCC) meetings in 2013 and 2014. The CCC consists of the chairs, vice chairs, and executive directors from each regional Council, or other staff, as appropriate. This committee meets twice each year to discuss issues relevant to all Councils, including issues related to the implementation of the MSA. More information about CCC meetings can be found here: *http://www.nmfs.noaa.gov/sfa/management/councils/ccc/ccc.htm.*

III. Goals and Objectives of Fishery Management Plans

The General section of the NS guidelines, 50 CFR 600.305, describes the purpose of the NS guidelines and the importance of identifying fishery management objectives within a FMP, and defines words that are used throughout the NS guidelines. This section was last revised in 1998 (63 FR 24211, May 1, 1998). More recently, stakeholders, Councils, and NMFS have recognized the importance of re-evaluating the management objectives of FMPs on a regular basis, because the needs of the fishery may change over time. Examples of re-evaluations include Council discussions over allocation of catch among sectors of the fishery, and visioning projects that several Councils have initiated to identify long-term objectives for its fisheries. Measureable goals and objectives are an integral part of the adaptive fishery management system used in the United States, where such metrics are used to measure the performance of the management actions taken by the Councils (see, *e.g.,* Punt 2006; Hilborn 2007; Levin *et al.* 2009). To highlight the importance of having well-defined management objectives, and as part of NOAA's effort to carry out the President's directive in Executive Order 13563 to conduct retrospective analysis of existing significant regulations, NMFS proposes to add a statement to § 600.305(b) to recommend that Councils should reassess the objectives of their fisheries on a regular basis to reflect the changing needs of the fishery over time (see § 600.305(b)(2) of this proposed action). Similarly, NMFS proposes to recommend that Councils consider the management objectives of their FMPs and their management framework to determine the relevant factors to determine OY (see section X of the preamble and § 600.310(e)(3)(iii)(B) of this proposed action). NMFS chose not to proscribe a set time period for ''a regular basis'' in order to provide the Councils the flexibility to determine this time frame themselves; although no time frame is proscribed, Councils should provide notice to the public of their expected schedule for review. Given the scope and complexity of such a task, NMFS does not expect Councils to reassess their FMP objectives every few years; rather, some longer time frame which staggers the review of each FMP may be more appropriate. For example, limited access privilege programs (a type of catch share program) must be formally

reviewed 5 years after implementation and at least every 7 years thereafter. See 16 U.S.C. 1853a(c)(1)(G).

IV. Stocks That Require Conservation and Management

The MSA provides for Federal fishery management authority in the U.S. exclusive economic zone (EEZ), 16 U.S.C. 1801(b)(1), and provides that each Council shall prepare an FMP for each fishery under its authority that requires conservation and management. *Id.* section 1852(h)(1). In recent years, NMFS has received multiple legal challenges regarding which stocks should or should not be managed under an MSA FMP. NMFS does not believe that MSA section 302(h)(1) on its face directs preparation of an FMP for all fisheries in the EEZ and other MSA provisions support this view. See, *e.g., id.* section 1856(a)(3)(A) (authorizing a State to regulate a fishing vessel outside the boundaries of the State in certain circumstances, including when there is no Federal FMP or other applicable Federal regulations), and *id.* section 1881(a)(1)–(2) (authorizing information collection for purpose of ''determining whether a fishery is in need of management.''). Legislative history for section 302(h)(1) affirms that ''Councils are not required to prepare FMPs for every fishery within their geographical areas of authority.'' See House Rep. No. 97–549, on insertion of language ''in need of conservation and management'' as part of the 1982 amendment of MSA reprinted in 1983 U.S.C.C.A.N. at 4339, (May 17, 1982).

The question is how a Council should determine whether a fishery requires or is in need of conservation and management. The MSA and current NS guidelines indirectly touch upon this issue in several places, but NMFS believes that consolidating, streamlining, and clarifying guidance in the General section of the NS guidelines would be beneficial. NMFS believes that it is appropriate that guidance on which stocks need conservation and management should be contained separately from the 10 National Standard guidelines as it would be the basis for implementation of all the National Standards.

MSA section 302(h)(1) and other related provisions refer to a ''fishery'' and ''conservation and management.'' A ''fishery'' is ''(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and (B) any fishing for such stocks.'' 16 U.S.C. 1802(13). The first part of the definition is nearly identical to the MSA's definition for ''stock of fish''—''species, subspecies, geographical grouping, or other category of fish capable of management as a unit.'' *Id.* section 1802(42). In other words, a ''fishery'' includes stocks of fish, as well as the people, vessels, gear, and other infrastructure that is designed to capture and process the stocks of fish. ''Conservation and management'' includes ''all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that— (i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis; (ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and (iii) there will be a multiplicity of options available with respect to future uses of these resources.'' *Id.* section 1802(5).

When developing an FMP, a Council must, among other things, describe the fishery (*e.g.* species of fish involved) in the FMP. *Id.* section 1853(a)(2). An FMP must also be consistent with the 10 National Standards, *id.* section 1851(a), and contain conservation and management measures that are ''necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery.'' *Id.* section 1853(a)(1)(A).

The addition of MSA section 303(a)(15), which requires that all FMPs establish mechanisms for specifying ACLs and AMs, led to the most recent revision of the NS1 guidelines in 2009 (74 FR 3178, Jan. 16, 2009). The 2009 NS1 guidelines interpreted this requirement to mean that stocks and stocks complexes ''in the fishery'' need ACLs and AMs. The 2009 NS1 guidelines explained that as a default, all stocks in an FMP are considered ''in the fishery'' unless the Council identifies them as an ecosystem component (EC) species. FMPs are required to provide the mandatory measures described in MSA section 303(a), including ACLs and AMs, for only those ''stocks in the fishery.'' Although NMFS' interpretation has been that ''stocks in the fishery'' are in need of ''conservation and management,'' the NS1 guidelines do not specifically address the determination of whether a stock is in need of conservation and management.

The NS3 Guidelines address structuring appropriate management units for stocks and stock complexes and instruct that the choice of a management unit depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives. 50 CFR 600.320(d)(1). The NS3 guidelines also state that a management unit may contain stocks for which data is not available to specify MSY and OY or to establish management measures, so that data on those stocks may be collected.

The NS7 guidelines state that MSA requires Councils to prepare FMPs only for overfished fisheries and for other fisheries where regulation would serve some useful purpose and where the present or future benefits of regulation would justify the costs. 50 CFR 600.340(b)(2). The NS7 Guidelines provide seven criteria for determining whether a fishery needs management through regulations implementing an FMP. *Id.*

In this action, NMFS proposes a new section specifically regarding ''stocks that require conservation and management'' (see proposed § 600.305(c)). Any stocks that are predominately caught in Federal waters and are overfished or subject to overfishing, or likely to become overfished or subject to overfishing, would be considered to require conservation and management and therefore must be included in an FMP (see proposed § 600.305(c)(1)). See 16 U.S.C.1853(a)(1)(A) (requiring that FMPs contain conservation and management measures that are necessary ''to prevent overfishing and rebuild overfished stocks''). Proposed sections 600.305(c)(1)(i)–(x) set forth factors [1] to be considered in all other situations when determining a conservation and management need:

(1) The stock is an important component of the marine environment.

(2) The stock is caught by the fishery.

(3) Whether an FMP can improve or maintain the condition of the stocks.

(4) The stock is a target of a fishery.

(5) The stock is important to commercial, recreational, or subsistence users.

(6) The fishery is important to the Nation and to the regional economy.

(7) The need to resolve competing interests and conflicts among user

[1] The list of factors are based on concepts from the current NS1 guidelines (see § 600.305(c)(2)(ii) and (iv) of this proposed action), the NS7 guidelines (see § 600.305(c)(2)(iii), (vi)–(x) of this proposed action), the MSA definition of conservation and management (see § 600.305(c)(2)(i) of this proposed action), and other provisions of the MSA (see § 600.305(c)(2)(v) of this proposed action).

groups and whether an FMP can further that resolution.

(8) The economic condition of a fishery and whether an FMP can produce more efficient utilization.

(9) The needs of a developing fishery, and whether an FMP can foster orderly growth.

(10) The extent to which the fishery could be or is already adequately managed by states, by state/Federal programs, by Federal regulations pursuant to other FMPs or international commissions, or by industry self-regulation, consistent with the policies and standards of the Magnuson-Stevens Act.

When considering adding a new stock to an FMP or keeping an existing stock within an FMP, Councils should prepare a thorough analysis of the factors, and any additional considerations that may be relevant to the particular stock. No single factor is dispositive, but Councils should consider weighting the factors as follows. Factors (i–iii) should be considered first, as they address maintaining a fishery resource and the marine environment. *See* section 1802(5)(A). These factors weigh in favor of including a stock in an FMP. Councils should next consider factors (iv–ix), which set forth key economic, social, and other reasons contained within the MSA for an FMP action. *See* 16 U.S.C. 1802(5)(B). Regardless of whether any of the first nine factors indicates a conservation and management need, a Council should consider factor (x) before deciding to include or maintain a stock in an FMP. In many circumstances, adequate management of a fishery by states, state/Federal programs, or another Federal FMP would weigh heavily against a Federal FMP action. *See, e.g.,* 16 U.S.C. 1851(a)(7); 1856(a)(3). In evaluating the above criteria, a Council should consider the specific circumstances of a fishery, based on the best scientific information available; to determine whether there are biological, economic, social and/or operational concerns that can be addressed by Federal management.

For stocks that do not require conservation and management, consistent with the current NS1 guidelines at 50 CFR 600.310(d)(5)(iii), proposed § 600.305(c)(3) would allow councils to continue to include such stocks in FMPs as ecosystem component (EC) species to collect data, minimize bycatch and bycatch mortality consistent with NS9, protect their associated role in the ecosystem, or for other reasons. See also 16 U.S.C. 1853(b)(12) (providing Councils the discretion to ''include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations'').

Consistent with the current NS1 guidelines at 50 CFR 600.310(d)(7), proposed § 600.305(c)(4) would continue to provide that, where stocks may be identified in more than one FMP, Councils should choose which FMP will be the primary FMP in which reference points for the stock are established. In other FMPs, the stock may be identified as ''other managed stocks'' and management measures that are consistent with the objectives of the primary FMP can be established. Proposed § 600.305(c)(5) provides that Councils should, periodically, review their FMPs and the best scientific information available and determine if stocks are appropriately identified and if the FMP is meeting the conservation and management needs of their fisheries.

Because proposed § 600.305 consolidates text from several NS guidelines provisions, NMFS would make the following edits for consistency or to eliminate duplication:

- Move the definition of ''target stock'' from the current NS1 guidelines to the general definitions at proposed § 600.305(d)(11), and remove the definition of ''stock and stock complexes'' at § 600.305(c)(12).
- Remove the description of and use of the terms ''in the fishery'' and remove the criteria for ''ecosystem component species'' in the NS1 guidelines (see § 600.310 of this proposed action).
- Consistent with proposed §§ 600.305(c)(1)–(5), revise the NS1 guidelines at proposed § 600.310(d)(1) to state that stocks in need of conservation and management must have ACLs, other reference points, and accountability measures; but that other stocks identified within an FMP (*i.e.,* ecosystem component species and stocks primarily managed under another FMP) do not require these measures.
- Revise the NS3 guidelines to specify that stocks in the ''management unit'' are considered to require conservation and management (see § 600.320(d) of this proposed action).
- Remove current NS3 guidelines text at § 600.320(d)(1)(i)–(vi) which provides some cursory examples of ways to organize a management unit because proposed § 600.305(c)(1) now sets forth the factors to consider when deciding whether stocks require conservation and management.
- Revise current NS3 guidelines text at § 600.320(d)(2), which state that a management unit may contain, in addition to regulated species, stocks of fish which there is not enough information available to specify MSY and OY, or to establish management measures, so that data for one of these species may be collected under the FMP. The new guidelines would state that a management unit may contain stocks of fish for which there is not enough information available to specify MSY and OY or their proxies. Even if data are not available to specify MSY and OY or their proxies, that is not a reason to determine that a stock does not require conservation and management.
- Remove § 600.340(b) of the current NS7 guidelines as the majority of that guidance has been captured in the description of factors to consider under proposed § 600.305(c).

NMFS believes that the proposed revisions to § 600.305 and the NS1, NS3, and NS7 guidelines will not require Councils to revise their existing FMPs. NMFS is aware that Councils have identified stocks in their FMPs as ''management unit species'' or ''stocks in the fishery.'' Councils can still continue to use those terms and NMFS presumes that the stocks that have been identified as ''management unit species'' or ''stocks in the fishery'' are stocks that are in need of conservation and management and are required to have ACLs, other reference points, and AMs as described in the proposed revisions to the NS1 guidelines (see § 600.310(d)(1) of this proposed action) unless the two statutory exceptions apply (see § 600.310(h) of this proposed action).

V. Data Limited Stocks

Establishing ACLs for data-limited stocks can be challenging. In data-limited situations there remains a high degree of uncertainty in determining the appropriate catch level for the fishery, leading some to believe that ACLs for data-limited stocks are overly restrictive, and others to argue that they should be reduced further to limit the chance of overfishing. NMFS continually strives to advance the science that informs fisheries management. Over time, scientific information and stock assessment methods have improved, and NMFS has increased the number of stocks with stock assessments. However, NMFS acknowledges that the status of many stocks is unknown. Since passage of the ACL requirements, scientists have developed tools to evaluate and manage data-limited stocks. Some include catch based methods, depletion based methods, or abundance based methods (Carruthers *et al.* 2014).

MSA section 303(a)(3) requires that FMPs assess and specify MSY. NMFS acknowledges that it may not be possible, based on the best scientific information available, to estimate MSY (as defined in the NS1 guidelines at § 600.310(e)(1)(i)) or MSY based proxies for some stocks. In such instances, proposed § 600.310(e)(2)(ii) provides that when data are not available to specify status determination criteria (SDCs) based on MSY or MSY proxies, alternative types of SDCs that promote sustainability of the stock or stock complex can be used. NMFS proposes adding to the examples provided for circumstances that may not fit the standard approaches for establishing reference points pursuant to the NS1 guidelines to address situations where data are not available to either set reference points based on MSY or MSY proxies, or manage to reference points based on MSY or MSY proxies (see § 600.310(h)(2) of this proposed action). However, note that § 600.310(h)(2) does not provide an exemption from any statutory requirements, including the requirement to establish ACLs; rather, it provides flexibility in the application of the NS1 guidelines. NMFS notes that existing § 600.310(h)(3) describes that one of the limited circumstances that may not fit the standard approaches to specification of reference points is harvests from aquaculture operations (*e.g.,* Gulf of Mexico Aquaculture FMP).

VI. Stock Complexes and Indicator Stocks

Stocks that require conservation and management can be grouped into stocks complexes and managed within a FMP. Stocks may be grouped into complexes for various reasons. For example, stock complexes may be useful tools when stocks in a multispecies fishery cannot be targeted independent of one another, when there is insufficient data to measure a stock's status relative to its SDC, or when it is not feasible for fishermen to distinguish individual stocks among their catch. In 2009, the NS1 guidelines defined stock complexes to mean a group of stocks that are sufficiently similar in geographic distribution, life history, and vulnerabilities to the fishery such that the impact of management actions on the stocks is similar. 50 CFR 600.310(d)(8). However, this definition potentially limits the applicability of stock complexes in many of the circumstances in which they may be most useful, such as situations where stocks in a multispecies fishery cannot be targeted independent of one another, or when it is not feasible for fishermen to distinguish individual stocks among their catch. Under these circumstances, stock complexes may not have similar life histories and vulnerabilities. To resolve this issue, NMFS is proposing to define stock complex more generally as a tool to manage groups of stocks within a FMP (see § 600.310(d)(2) of this proposed action) with consideration of geographic distribution, life history characteristics, and vulnerabilities to fishing pressure such that the impact of management actions on the stocks is similar (see § 600.310(d)(2)(i) of this proposed action).

Stock complexes are often created when there is not enough information to set reference points at the individual stock level. Therefore, the status of individual stocks within a complex is generally unknown. The current NS1 guidelines note that stock complexes can be comprised of many different combinations of indicator stocks and other stocks. In practice, few stock complexes are managed with indicator stocks. One reason for the dearth of indicator stocks is that, once a stock within a complex is assessed, it is often taken out of the complex and managed separately, rather than serving as the indicator for the complex. The current NS1 guidelines, while endorsing the use of indicator stocks, may be inadvertently contributing to the removal of assessed stocks from complexes by stating that MSY should be estimated on a stock-by-stock basis, whenever possible. §§ 600.310(d)(8) and (e)(1)(iii). To encourage the use of indicator stocks in stock complexes, NMFS is proposing to delete the afore-mentioned text in §§ 600.310(d)(8) and (e)(1)(iii). The proposed NS1 guidelines state that, where practicable, stock complexes should be comprised of one or more indicator stocks, each of which has SDC and ACLs (see § 600.310(d)(2)(ii)(B) of the proposed rule). These revisions are intended to reduce the practice of removing a stock from a complex once it has been assessed, so that the assessed stock can be used as an indicator for the complex, if it is practicable to do so. The revisions also help alleviate some of the discontinuities in how data-limited stock complexes are managed compared to data-rich multi-species fisheries. In mixed-stock fisheries, biological reference points are often specified for several of the stocks within the fishery and management measures are developed to prevent overfishing of each stock. Management measures for stocks that have lower productivities will restrict fishing effort for the overall mixed-stock fishery to some extent. However, in stock complex management the status of stocks within a complex is generally unknown and complexes often lack indicator species. Therefore, it possible that stocks that have lower productivities in the complex may experience occasional overfishing, since the status of these stocks are unknown. Encouraging the use of indicator species will likely reduce the probability that stocks within the complex could experience overfishing or become overfished. This is because the use of an indicator enhances the ability to discern the status of the complex, especially if the complex is of similar geographic distribution, life history, and vulnerabilities to the fishery such that the impact of management actions on the stocks is similar.

VII. Aggregate Maximum Sustainable Yield (MSY) Estimates

MSA section 303(a)(3) requires that each FMP include an estimate of MSY and OY for the fishery. The current NS1 guidelines do not provide guidance on describing MSY at the fishery level, but encourage specifying MSY at the stock level, while allowing it to be set for stock complexes. The current NS1 guidelines state that OY can be specified for a stock, stock complex, or fishery. In practice, Councils typically set MSY and other reference points for individual stocks when the data is available to do so. In data-limited situations, when it is not possible to specify single species reference points, stocks are often grouped into complexes.

A growing body of literature on ecosystem-based fisheries management has emphasized the importance of accounting for species interactions and environmental variability within fisheries management. Councils are increasingly working toward developing ecosystem-based fisheries management programs. These ecosystem-based considerations can be incorporated in a number of ways, including single species stock assessments and models that estimate MSY for an aggregate group of stocks. The phrase ''aggregate group of stocks'' refers to a group of stocks, such as: a stock complex; all of the stocks caught within a fishery; or some sub-component of a fishery. To further facilitate the Councils' use of ecosystem approaches to management, the proposed revisions to the NS1 guidelines introduce the concept of aggregate MSY estimates and describe how the concept can be used as an optional tool in fisheries management. In this action, NMFS would revise § 600.310(e)(1) to state that MSY may be specified for the fishery as a whole. Proposed § 600.310(e)(1)(iv) further

provides that estimating aggregate level MSY for a group of stocks can be done using models that account for multi-species interactions, composite properties for a group of similar species, common biomass (energy) flow and production patterns, or other relevant factors. In addition, NMFS proposes adding a paragraph to the OY section of the NS1 guidelines to note that aggregate level MSY estimates can be used as a basis for specifying OY for a fishery (see § 600.310(e)(3)(iv)(C) of this proposed action). When aggregate level MSY is estimated, single stock MSY estimates can be used to inform single stock management. For example, OY could be specified for a fishery, while other reference points are specified for individual stocks in order to prevent overfishing on each stock within the fishery. Lastly, NMFS proposes to encourage the incorporation of environmental information into stock assessments by noting that environmental information (*e.g.,* salinity, temperature), in addition to ecological information (*e.g.,* predator-prey interactions), should be taken into account, to the extent practicable, when assessing stocks and specifying MSY (see § 600.310(e)(1)(v)(C) of this proposed action).

VIII. Developing a Definition for ''Depleted''

The MSA defines the terms overfished and overfishing together as ''a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the MSY on a continuing basis.'' 16 U.S.C. 1802(34). The NS1 guidelines define overfishing and overfished separately, where the term ''overfishing'' refers to the fishing mortality rate or total catch, and the term ''overfished'' refers to a biomass condition. 50 CFR 600.310(e)(2)(i)(B) and (E). The NS1 overfished definition, unlike the statutory definition, gives no consideration to the ''rate or level of fishing mortality'' when determining if a stock is overfished. Rather the criteria to determine an overfished status, called the minimum stock size threshold (MSST), is defined as the level of biomass below which the stock or stock complex is considered to be overfished. Therefore, a stock may be determined to be overfished when overfishing has not occurred. Stakeholders have noted that the term ''overfished'' implies that fishing is the sole cause for a decline in stock biomass, when factors such as habitat and other environmental conditions may bear greater responsibility for the stock's biomass decline. Similarly, the 2013 NRC report recognized that the rate at which a fish stock rebuilds depends on ecological and other environmental conditions such as climate change, in addition to the fishing-induced mortality. However, separating out the impacts of environmental change from the impacts of fishing on a stock is a difficult task.

To address these concerns, NMFS proposes adding the term ''depleted'' to the NS1 guidelines to describe those stocks whose biomass has declined as a result of habitat and other environmental conditions, as opposed to fishing pressure. The proposed revision to the guidelines state that an overfished stock or stock complex is considered depleted when it has not experienced overfishing at any point over a period of two generation times of the stock and its biomass has declined below MSST, or when a rebuilding stock or stock complex has reached its targeted time to rebuild and the stock's biomass has shown no significant signs of growth despite being fished at or below catch levels that are consistent with the rebuilding plan throughout that period (see § 600.310(e)(2)(i)(F) of this proposed action). The time periods chosen (*i.e.,* two generation times and targeted time to rebuild) were chosen because: (1) They will scale with the productivity of the stock rather than being a fixed time period that is applied to all stocks, and (2) they are of a sufficient time period to allow fisheries scientists to easily separate out the impacts of environmental change from the impacts of fishing on a stock, given the requirements of not overfishing or exceeding catch levels that are consistent with the rebuilding plan during those time periods. Rebuilding plans would still be required for depleted stocks and Councils could consider additional measures for these stocks such as a re-evaluation of their SDCs to determine if they are representative of the current environmental conditions, restoration of habitat, identification of research priorities, or partnerships with other agencies to address non-fishing related impacts (see § 600.310(j)(6) of this proposed action).

Additionally, NMFS proposes minor revisions to the definitions of ''overfished'' and ''MSST'' to improve clarity and reduce redundancy, and to clearly show that the MSST is a reference point used to determine if a stock is overfished (see § 600.310(e)(2)(i)(G) of this proposed action). These revisions together will not result in any change to how the terms 'overfished' and 'MSST' are used; the revisions are proposed only to improve clarity in the definitions.

IX. Developing an Alternative Definition of Overfishing To Include a Multi-Year Approach

The MSA defines ''overfishing'' as a ''rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the MSY on a continuing basis.'' 16 U.S.C. 1802(34). The MSA does not specify a timeframe for determining overfishing, but the current NS1 guidelines state that overfishing should be determined by comparing annual rates of fishing mortality (F) to the maximum fishing mortality threshold (MFMT) or annual catch to the overfishing limit (OFL). 50 CFR 600.310(e)(2)(i)(B)–(C). In either case, under the current guidelines, overfishing determinations are made for the most recent year for which there is information. For example, if the F-based approach is used, the last available year of data in a stock assessment will be used to determine whether a stock will be declared subject to overfishing.

NMFS first adopted an annual approach to overfishing in its 1998 revision to the NS Guidelines. See 63 FR 24212, May 1, 1998. In those revisions, NMFS required Councils to establish status determination criteria for determining overfishing; in particular, NMFS required the establishment of a MFMT. Fishing in excess of the MFMT for a period of 1 or more years would constitute overfishing (63 FR 24230). Prior to these revisions, NMFS had deliberately chosen not to ''mandate a particular form for all specific overfishing definitions,'' leaving it to the discretion of the Councils to decide how to determine if overfishing was occurring. See 54 FR 30826, 30829 (response to comment 7), July 24, 1989. NMFS based the decision to take a more prescriptive approach in 1998 on the legislative changes made by Congress in the 1996 amendments to the MSA, which NMFS viewed as changing the statute's emphasis on and timeframe for addressing overfishing. See 63 FR 24215 (response to comment 2), May 1, 1998. When Congress amended the MSA in 2007 to add new ACL and AM requirements, NMFS revised its requirements for SDCs, providing the option to Councils to either compare annual fishing mortality rates against the MFMT or the annual level of catch against the OFL. 50 CFR 600.310(e)(2)(i)(B)–(C); see also 74 FR 3192 (response to comment 27), Jan. 16, 2009, (describing relative advantages of each methodology).

These current methods for determining overfishing do not consider the extent to which F exceeded the MFMT or catch exceeded the OFL. For

many stocks, a small amount of fishing effort above MFMT or catch in excess of OFL in a single year may not jeopardize the stocks' ability to produce MSY over the long term, though for other stocks a small overage may be significant. Another concern with the current approach of comparing F to MFMT, is that the terminal year's estimate of F in a stock assessment is often more uncertain than the estimates of F in prior years (NRC 1998). In some cases, subsequent assessments have revised the previous assessment's terminal year's estimate of F to a much greater degree than the prior years' estimates of F.

To address this issue, NMFS is proposing to give Councils the option to use a method for determining the overfishing status of a stock that is based on a multi-year approach (that may not exceed 3 years) that examines whether a stock's ability to produce MSY over the long term has been jeopardized (see § 600.310(e)(2)(ii)(A) of the proposed action). The proposed revisions to the NS1 guidelines would still allow Councils to have overfishing SDCs that are based on single year comparisons of F to MFMT or catch to OFL. A Council may develop overfishing SDCs that use a multi-year approach, so long as it provides a comprehensive analysis based on the best scientific information available that supports that the approach will not jeopardize the capacity of the fishery to produce the MSY on a continuing basis. The rationale for choosing 3 years as a maximum, versus some shorter or longer time period, was based on the fact that many stocks (57 percent) are assessed every 1, 2, or 3 years. Thus it is NMFS's assumption that using a 2- or 3-year time period will be sufficiently long as to capture the recent impacts of fishing on a stock and help smooth out retrospective bias in our understanding of stock status. Additionally, using a 2- or 3-year time period will dampen the effects of outliers within the data and help provide a more consistent determination of when the capacity of the stock to produce MSY on a continuing basis has been jeopardized. A single year's data point may not reflect the overall status of the stock. Were Councils to use a longer time period, there could be a longer delay between exceeding limit reference points and a subsequent management response, which could jeopardize the stocks ability to produce MSY on a continuing basis.

Although the current approach to single year overfishing determinations has been in place since 1998 and has the benefit of simplicity in calculation and use, NMFS believes that multi-year overfishing SDCs can, in appropriate cases, be used effectively to protect the stock while providing stability to the fishery. Multi-year overfishing SDCs, if used, would be based on the best scientific information available and would not impact the timeliness of Council and agency response to any overfishing. ACL and AM mechanisms are in place for all fisheries, and they would continue to constrain fishing mortality on an annual basis. The multi-year approach would only be used for overfishing determinations, where the focus appropriately is on the impact of fishing over a set period of time and the capacity of the stock to produce MSY.

X. Revising Optimum Yield (OY) Guidance

The MSA defines OY as an ''amount of fish which: (A) Will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems; (B) is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor; and (C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.'' 16 U.S.C. 1802(33). Setting and describing OY continues to be a challenge for fishery managers. OY is specified in several different ways by Councils (*e.g.,* the catch corresponding to 75 percent of $F_{msy,}$ all catch harvested pursuant to the FMP, OY is less than or equal to ABC, etc.), and the economic, social, and ecological factors required to be considered in the specification of OY are often not explicitly described by Councils. The proposed revisions to the NS1 guidelines (see § 600.305(e)(3) of this proposed action) are intended to provide greater clarity and guidance to the Councils in how to determine and specify OY. Once specified, OY may be achieved by different management programs.[2]

Prior to the requirement for ACLs, the concept of treating OY as a target was prominent in fisheries management. The Sustainable Fisheries Act, passed in 1996, revised the definition of OY to its current definition—notably these revisions required that OY can only be reduced from MSY upon consideration of any relevant economic, social or ecological factors. When NMFS revised the NS1 guidelines in 1998 (63 FR 24212, May 1, 1998), OY was described as a target reference point which should be set safely below limit reference points, and preference was placed on specifying OY in terms of numbers or weight of fish. Councils were encouraged to specify OY control rules, and Restrepo *et al.* (1998) recommended a default OY control rule of fishing at 75 percent of F_{MSY}. After passage of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, NMFS revised the NS1 guidelines to provide guidance on implementing ACLs (74 FR 3178, Jan. 16, 2009). With the requirement for setting OFL, ABC, and ACLs in fisheries, the concept of specifying OY as an annual target became less relevant. However, OY remains a key concept and requirement of the MSA, and NMFS believes that further revisions to the NS1 guidelines may assist Councils in better specifying and integrating OY into their management regimes.

NMFS received many comments in response to the ANPR requesting that NMFS provide further guidance to the Councils on addressing the economic, social, and ecological factors used in determining OY. NMFS believes that one impediment to Councils addressing these factors is the perception that the Councils must quantify their analysis of these factors. Such an analysis may not be possible in all cases, so NMFS proposes revising § 600.310(e)(3)(iv)(A) to provide that where it is not possible to specify OY quantitatively, Councils may instead provide a qualitative description of OY that explains how OY accounts for the economic, ecological, and social factors that are important to the fishery.

In the comments received on the NS1 ANPR, several stakeholders asked for clarification of the relationship of OY to the ACL framework—a relationship that is not discussed in the current guidelines. In response to these comments, proposed § 600.310(f)(4)(iv) of the NS1 guidelines includes a new explanation of the relationship between OY and the ACL framework. The dual goals of NS1 are to prevent overfishing and achieve OY on a continuing basis. The ABC is an upper limit on catch and is designed to prevent overfishing. ACLs (or ACTs if used) can be reduced from ABC based upon OY considerations for the fishery. Additionally, economic, social, or ecological trade-offs may be evaluated when determining the risk policy for an ABC control rule.

While OY is a long-term average amount of desired yield, there is, for each year, an amount of fish that is

[2] The proposed rule does not revise the regulatory text at § 600.310(e)(3)(i)(B) (describing achievement of OY) except for minor grammatical corrections.

consistent with achieving the long-term OY. A Council can choose to express OY on an annual basis, in which case the FMP or FMP amendment should indicate that the OY is an ''annual OY.'' An annual OY cannot exceed the ACL. If there is a desire to obtain a yield that is higher than the ACL, then a Council needs to determine if a change in the management regime (*e.g.,* improved data collection to reduce scientific and management uncertainty, minimized bycatch in mixed-stock fisheries, etc.) is needed in order to increase yield.

NMFS proposes to remove current § 600.310(e)(3)(v)(C) (which states that all catch must be counted against OY, including that resulting from bycatch, scientific research, and all fishing activities) and instead incorporate the concept within § 600.310(e)(2)(ii)(C) of the proposed action by stating that where practicable, all sources of mortality should be accounted for in the evaluation of stock status. The current language implies that catch accounting occurs at the level of OY, while in practice it typically occurs at the level of the ACL. However, the concept of accounting for all sources of mortality is critical to fisheries management; therefore NMFS proposes to retain the concept but incorporate it within the guidance on SDCs. NMFS uses the term ''where practicable'' because it recognizes that data on scientific research catch may not always be available. To the extent that data is available on scientific research catch, it should be accounted for within the system of reference points. For example, it could be accounted for within stock assessments, as a set-aside within the ACL framework, or by other methods.

NMFS is also proposing minor revisions and consolidations of redundant guidance. To remove repetition and improve clarity, NMFS proposes merging the guidance on determining the greatest benefits to the Nation and the considerations for economic, ecological, and social (EES) factors (currently contained in § 600.310(e)(3)(ii)–(iv)) together into a paragraph on assessing OY (see § 600.310(e)(3)(iii)(A) and (B) of the proposed action). Both are important for assessing OY. Additionally, NMFS proposes minor revisions to the guidance on the total allowable level of foreign fishing and domestic annual harvest at § 600.310(e)(3)(v)(D) and (H) to improve clarity and consolidate it with the rest of the guidance on foreign fishing (see § 600.310(e)(3)(v)(A) and (B) of this proposed action). NMFS also proposes removing § 600.310(e)(3)(v)(G) (stating that there should be a mechanism in the FMP for periodic reassessment of OY), and instead explain in proposed § 600.310(e)(3)(iii) that, consistent with MSA section 302(h)(5), the assessment and specification of OY should be reviewed on a continuing basis, so that it is responsive to the changing circumstances in the fishery. Lastly, NMFS proposes that for internationally managed stocks, fishing levels that are agreed upon by the U.S. at the international level are consistent with achieving OY (see § 600.310(e)(3)(iv)(D) of this proposed action).

XI. Acceptable Biological Catch and Annual Catch Limit Guidance

In general, NMFS proposes revisions to the guidance regarding ABC in section § 600.310(f) to minimize redundancy and improve clarity. For example, the ABC control rule (§ 600.310(f)(4)) was moved forward in the guidelines (see § 600.310(f)(2) of this proposed action) so that the guidance on ABC control rules is provided before the guidance on specifying ABC, and statements about providing a proxy for the uncertainty in estimate of MSY (§ 600.310(e)(1)(v)) was moved to the ABC control rule section of the guidelines to consolidate guidance on accounting for uncertainty (see § 600.310(f)(2)(ii) of this proposed action). More substantial revisions to the ABC guidance are listed below.

Definitions

NMFS proposes to modify the definition of the annual catch limit (ACL) to improve clarity. The ACL is currently defined as the level of annual catch of a stock or stock complex that serves as a basis for invoking AMs. ACL cannot exceed the ABC, but may be divided into sector-ACLs. 50 CFR 600.310(f)(2)(iv). This definition, while accurate, failed to include reference to the fact that an ACL is a limit on the total annual catch for a stock or stock complex. NMFS proposes clarifying that an ACL is a limit on the total annual catch for a stock or stock complex, which cannot exceed the ABC, that serves as the basis for invoking AMs. An ACL may be divided into sector-ACLs (see § 600.310(f)(1)(iii) of this proposed action).

NMFS also proposes adding three new definitions for the following terms: control rule, management uncertainty, and scientific uncertainty (see § 600.310(f)(1)(iv)–(vi) of this proposed action). These terms are currently used throughout the guidelines, but were never separately defined. To reduce redundancy, NMFS proposes deleting the ABC control rule and ACT control rule definitions, since these definitions were very similar to the definitions of ABC and ACT, and there is a more general definition of control rule provided. Lastly, NMFS is proposing to move the definition of ''ACT'' to § 600.310 (g)(4) of this proposed rule, because ACTs are a type of AM, and thus better suited in the AMs section of the guidelines.

Acceptable Biological Catch (ABC) Risk Policy

Section 302(g)(1)(B) of the MSA states that the Scientific and Statistical Committee (SSC) for each Council shall provide its Council with ongoing scientific advice for fishery management decisions, including recommendations for ABC. 16 U.S.C. 1852(g)(1)(B). In 2009, the NS1 guidelines described ABC as the level of a stock or stock complex's annual catch that accounts for the scientific uncertainty in the estimate of the overfishing limit and any other scientific uncertainty, and should be specified based on the ABC control rule. When these provisions began to be implemented in 2009, Councils were uncertain as to whether or not the SSC could specify the ABC without input from the Council on its risk preferences. At that time, NMFS referred Councils and their SSCs to the response to comments section of the 2009 final guidelines, which noted that the ''SSC must recommend an ABC to the Council after the Council advises the SSC what would be the acceptable probability that a catch equal to the ABC would result in overfishing. This risk policy is part of the required ABC control rule.'' 74 FR at 3191–92 (response to comment 42), Jan. 16, 2009. NMFS also addressed this issue within its NS1 guidelines frequently asked questions document, which was published online (*http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/ns1_resources.html*).

When the NS1 provisions began to be implemented in 2009, Councils were interested in using alternative methods to specify ABC, which were not based on ''the probability that an actual catch equal to the stock's ABC would result in overfishing'' even though such an approach could be calculated. In particular, in their comment to the NS1 ANPR, the North Pacific Council expressed interest in using a decision theoretic approach, which is similar in concept but is not the same as the probabilistic approach (Thompson 2011). Thompson (2011) suggests that the use of a decision theoretic approach may actually be more effective at accounting for scientific uncertainty than the recommended probabilistic approach.

To address the above issues, NMFS is proposing revisions to existing guidance on ABC control rules to state that the Council's risk policy could be based, on an acceptable probability (at least 50 percent) that catch equal to the stock's ABC will not result in overfishing, but other appropriate methods can be used. When determining the risk policy, Councils could consider the economic, social, and ecological trade-offs between being more or less risk averse. (See § 600.310(f)(2)(i) of this proposed action.) References to the Council's risk policy were also included in the definition of ABC (see § 600.310(f)(1)(ii)).

Phase-In ABC Control Rules

In practice, the management system described in the NS1 guidelines has led managers to adjust ABCs and ACLs in lock-step with assessment results through the use of control rules. A manager's understanding about the status of a stock may change from one assessment to another, but some of that change could be due to scientific uncertainty. Scientific uncertainty, particularly regarding the data from the most recent years within the assessment, can produce perceived fluctuations in stock abundance that do not match the actual, but unknown, status of the stock (NRC 1998). In the time period between stock assessments, Councils often hold ACLs constant because, absent stock forecasts, information is lacking on which to justify changes to the ACL. The result is that an ACL could be left unchanged for several years when there is no assessment update, but upon completion of a new assessment, reference points could change dramatically (Methot 2014). This type of dramatic change could be the result of a changed understanding of the stock or due to a change in the level of scientific uncertainty; it may be extremely difficult to parse the cause of such changes.

Making large reductions in catch limits to prevent overfishing may cause negative short-term impacts on fishery participants, while large increases in catch limits due to a favorable assessment result may have negative short-term impacts by flooding markets and reducing profitability. Patrick *et al.* (2013) has also shown that management uncertainty (*i.e.,* the inability of managers to control catch) increases when quotas vary substantially (*i.e.,* >20 percent) from year to year. The ability to make ACL adjustments that provide more stability to fishing participants, yet do not jeopardize the capacity of the stock or stock complex to produce MSY on a continuing basis, would be useful to Councils.

NMFS proposes revising the NS1 guidelines to allow Councils to develop an ABC control rule that would phase in changes to the ABC over a period of time not to exceed 3 years, so long as overfishing is prevented (see § 600.310 (f)(2)(ii)(A) of this action). The rationale for choosing 3 years is similar to that described in Section IX of this preamble. For example, choosing a shorter time frame may not be that helpful in stabilizing catches, while a longer time frame that spans multiple stock assessments does not seem logical or transparent.

Phase-in approaches to management are currently being used successfully elsewhere in the world. For example, the International Pacific Halibut Commission (IPHC) currently adjusts its quotas according to a ''slow up/full down'' policy. Under IPHC policy, 1/3 of the indicated annual increases are taken and 100 percent of decreases are taken (Hare and Clark 2008, Hare 2011). Similarly, multi-annual plans for some European Union marine fisheries limit annual change in catch quota to 15 percent (Marchal *et al.* 2009). When fishing effort needs to be reduced in the fishery, using a phase-in approach will likely result in the use of a less risk averse ABC control rule; whereas, when fishing effort can be increased in the fishery, a phase-in approach will likely result in a more risk averse ABC control rule. For example, if a 15 percent reduction is needed to set the ABC at the Council's preferred level of risk (*i.e.,* using the Council's regular ABC control rule), using the phase-in control rule, a Council could incrementally reduce the ABC by 5 percent each year over a period of 3 years, and still prevent overfishing. Alternatively if a 15 percent increase is allowed, using the phase-in control rule a Council could incrementally increase the ABC by 5 percent each year over a period of 3 years. To ensure that phase-in ABC control rules do not lead to overfishing, NMFS also proposes that Councils must provide a comprehensive analysis of the control rules and articulate within an FMP or FMP amendment when a phase-in ABC control rule can and cannot be used and demonstrate how the control rule prevents overfishing (see § 600.310 (f)(2)(ii) of this action).

Carry-Over ABC Control Rules

The term carry-over is often used in the context of catch share programs, where unused allocation from one year can be carried over to the next. Historically, carry-over provisions have allowed fishermen to carry over a portion of the quota they had available at the end of the year. Carry-over provisions can reduce the likelihood that quotas are exceeded by minimizing incentives to catch every last pound. Similarly, carry-over provisions can relieve pressure on fishermen to fish in potentially unsafe conditions to ensure full utilization of quota. The amount of carry-over historically allowed has been relatively small compared to the total ACL, and could well be offset, in a typical year, with under-harvest by other fishermen.

Some Councils have expressed interest in carrying over significant levels of catch that could result in the previously specified ACL and in some cases the ABC being exceeded. The NS1 guidelines currently do not provide any guidance regarding carry-over. In *Conservation Law Foundation* v. *Pritzker,* the U.S. District Court for the District of Columbia found that Framework 50 of the Northeast Multispecies FMP violated the MSA by allowing sectors to carry over unused catch in an amount that would exceed the SSC's recommendation of ABC for several stocks. The court held that MSA section 302(h)(6) requires that carryover plus ACLs cannot exceed a stock's specified ABC. Consistent with this court decision, NMFS proposes revising the NS1 guidelines at proposed § 600.310(f)(2)(ii)(B) to state that an ABC control rule may include provisions for carry-over of some of the unused portion of the ACL from one year to increase the ABC for the next year, based on increased stock abundance resulting from the fishery harvesting less than the full ACL. The resulting ABC recommended by the SSC must prevent overfishing and consider scientific uncertainty consistent with the Council's risk policy. In cases where an ACL has been reduced from the ABC, carry-over provisions may not require the ABC to be re-specified if the ACL can be adjusted upward so that it is equal to or below the existing ABC. Like phase-in control rules, to ensure that carry-over ABC control rules do not lead to overfishing, NMFS proposes that Councils must provide a comprehensive analysis and articulate within an FMP or FMP amendment when a carry-over ABC control rule can and cannot be used and demonstrate how the control rule prevents overfishing (see § 600.310(f)(2)(ii) of this proposed action).

XII. Accountability Measures

NMFS proposes minor revisions to consolidate and clarify the guidance on accountability measures (see § 600.310(g) of this proposed action).

NMFS proposes moving the guidance on ACT and ACT control rules from current paragraph (f) into the section of the guidelines that provides guidance on accountability measures (see § 600.310(g)(4) of this proposed action), as ACTs and ACT control rules are types of accountability measures. NMFS is also proposing to simplify the guidance on ACT control rules, as they are an optional tool that managers can use. Additionally, NMFS is moving the description of management uncertainty out of the description of the ACT control rule and other sections of the guidelines (§ 600.310(f)(1) and (f)(6)(i)) into a definition of management uncertainty (see § 600.310(f)(1)(v) of this proposed action). Consistent with the current NS1 guidelines, some Councils have chosen to account for management uncertainty when setting ACLs. NMFS acknowledges and encourages this practice by adding a sentence in proposed § 600.310(f)(4) stating that if ACT is not used, management uncertainty should be accounted for in the ACL.

Additionally, NMFS proposes moving the guidance on AMs that is currently contained in § 600.310(h)(1) into paragraphs (f) and (g) of the NS1 guidelines. Specifically, NMFS proposes adding ''if sector-ACLs are used, sector-AMs should also be specified'' to § 600.310(f)(4)(ii) of this proposed action. This concept is currently in § 600.310(h)(1)(iv) and was moved into the discussion of sector-ACLs to improve clarity. NMFS also proposes to add ''the FMP should identify what sources of data will be used to implement AMs (*e.g.,* inseason data, annual catch compared to the ACL, or multi-year averaging approach)'' into the introductory paragraph on AMs (see § 600.310(g)(1) of this proposed action). This concept is currently in § 600.310(h)(1)(iii) and was moved into the discussion on AMs to consolidate the guidance on AMs.

NMFS also proposes to consolidate the guidance regarding the ACL performance standard from current §§ 600.310(g)(3) and (g)(4) into one section (see § 600.310(g)(7) of this proposed action). However, the guidance regarding the performance standard remains the same; if catch exceeds the ACL for a given stock or stock complex more than once in the last four years, the system of ACLs and AMs should be reevaluated, and modified if necessary to improve its performance and effectiveness.

NMFS also proposes to clarify in the guidance for AMs when ACL is exceeded that the type of AM chosen by a Council will likely vary depending on the sector of the fishery, status of the stock, the degree of the overage, recruitment patterns of the stock, or other pertinent information (see § 600.310(g)(3) of this proposed action). For example, some stocks have highly variable recruitment and when environmental conditions are favorable, the catches may exceed the ACL because the abundance of the stock is higher than anticipated. When deciding on the appropriate AM, Councils could consider if higher than expected recruitment played a role in catches exceeding the ACL. Another example of how the type of AM may vary is that a Council may choose to use a more stringent AM as the biomass of the stock declines.

Lastly, within the guidance on AMs for when the ACL is exceeded, NMFS proposes that, if an ACL is set equal to zero and the AM for the fishery is a closure that prohibits fishing for a stock, additional AMs are not required if (1) only small amounts of catch or bycatch occur, and (2) that catch or bycatch is unlikely to result in overfishing (see § 600.310(g)(3) of this proposed action). Under these circumstances, NMFS believes that a closure that prohibits fishing for a stock is an adequate AM for a fishery, and in some cases, it may be the only option available for a Council.

XIII. Establishing Annual Catch Limit (ACL) and Accountability Measure (AM) Mechanisms

NMFS is proposing minor revisions to reduce redundancy and improve clarity within § 600.310(h). NMFS proposes to remove the guidance on stock complexes and indicator stocks within current paragraph (h) because it is redundant; similar guidance is contained in § 600.310(d)(2)(ii) of the proposed action.

NMFS proposes to remove current §§ 600.310(h)(1)(i) and (h)(1)(ii), because they are redundant with the guidance in §§ 600.310(f)(4)(i) and (f)(4)(ii), respectively, of this proposed action. As described above in preamble section XII, NMFS proposes to remove the guidance on AMs in current §§ 600.310(h)(1)(iii) and (iv), and consolidate it into §§ 600.310(g)(1) and (f)(4)(ii), respectively, of this proposed action to improve clarity.

The MSA provides a statutory exception to the requirements for ACLs and AMs for ''a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species.'' 16 U.S.C. 1853. Section 600.310(h)(2) of the current NS1 guidelines further explains that the life cycle exception applies to ''a stock for which the average length of time it takes for an individual to produce a reproductively active offspring is approximately 1 year and that individual has only one breeding season in its lifetime.'' NMFS believes that the current guidance is confusing and that the requirement to only have one breeding season in a lifetime is overly restrictive. Some short lived species have multiple breeding cycles in a lifetime. NMFS proposes to revise this exception to apply to ''a stock for which the average age of spawners in the population is approximately 1 year or less'' (see § 600.310(h)(1)(i) of the proposed action). NMFS believes that this is a more scientifically correct description of a species that has a life cycle of approximately 1 year.

Lastly, as described above in preamble section V, NMFS proposes amending the ''Flexibility in application of NS1 guidelines'' provision of the guidelines by adding two additional examples of circumstances that may not fit the standard approaches to specification of reference points as those described in the NS1 guidelines (see § 600.310(h)(2) of this proposed action).

XIV. Adding Flexibility in Rebuilding

The topic of rebuilding plans has been discussed extensively in a number of public forums. NMFS received several comments in response to the NS1 ANPR stating that the 10-year rebuilding requirement is arbitrary and expressing a desire for more flexibility in meeting the statutory rebuilding requirements, while other commenters supported the use of the 10-year rebuilding requirement. Similar comments were provided at the Managing Our Nation's Fisheries III conference held in Washington, DC, in 2013. The National Research Council also published a report on U.S. rebuilding plans in 2013 (NRC 2013), which provided several findings and recommendations on improving rebuilding guidance. Below is a summary of the proposed revisions to the NS1 guidelines related to providing flexibility in developing effective rebuilding plans.

Calculating T_{max}

When the biomass of a stock has declined below a level that jeopardizes the capacity of the stock to produce MSY on a continuing basis, the stock is considered overfished. Section 304(e)(4) of the MSA requires Councils to specify a time period for rebuilding overfished stocks within 10 years, except in cases where the biology of the stock, other environmental conditions, or management measures under an international agreement in which the

United States participates dictate otherwise. 16 U.S.C. 1854(e)(4). Currently, the NS1 guidelines provide guidance on determining the minimum (T_{min}), maximum (T_{max}), and target (T_{target}) time to rebuild a stock to a level that supports MSY (B_{msy}). T_{min} is defined as the amount of time the stock or stock complex is expected to take to rebuild to B_{msy} in the absence of any fishing mortality. If T_{min} for the stock or stock complex is 10 years or less, then T_{max} for that stock is 10 years. Otherwise, T_{max} is calculated as T_{min} plus the length of time associated with one generation time for that stock or stock complex. ''Generation time'' is defined in the proposed NS1 guidelines at § 600.310(j)(3)(i)(B)(*2*)(*i*) as the average length of time between when an individual is born and the birth of its offspring.

In the past, Councils have had difficulties calculating T_{max} (*i.e.,* T_{min} + 1 generation time), because it requires life history information on the natural mortality, age at maturity, fecundity, and maximum age of the stock (Restrepo, *et al.* 1998). As a result, several Councils have had to rely on proxies of generation time, which can sometimes lead to either overly conservative or exaggerated estimates of T_{max}. To address the data requirement issues of calculating generation time, NMFS is proposing to add two additional ways of calculating T_{max} (see § 600.310(j)(3)(i)(B) of the proposed rule). Thus, Councils will have three options for calculating T_{max}: (1) T_{min} plus one generation time; (2) the amount of time the stock is expected to take to rebuild to its MSY biomass level if fished at 75 percent of MFMT; and (3) T_{min} multiplied by two. These alternative methods of calculating T_{max} rely on different life history parameters, and provide similar timelines for rebuilding when compared to T_{min} plus one generation time. The 75 percent of MFMT approach is potentially advantageous in that MFMT is highly correlated with the productivity of a stock, meaning there is a reduced probability of calculating less conservative or exaggerated estimates of T_{max}. Whereas, T_{min} multiple by two, is the most simplistic method of calculating T_{max}, and it is has been applied elsewhere in the world. For example, the New Zealand's Ministry of Primary Industries uses this method to calculate T_{max} for their overfished stocks. When selecting a method for determining T_{max}, a Council must provide a rationale for its decision based on the best scientific information available.

NMFS does not expect that drastically different estimates of T_{max} will result from one option to another. Rather, NMFS expects the method selected will largely depend on the best scientific information available for calculating T_{max}. It is also important to note, that an overfished stock is expected to have a T_{target} that is less than T_{max}, which rebuilds the stock in as short a time as possible (see § 600.310(j)(3)(i)(C) of this proposed rule).

Adequate Progress and Extending Rebuilding Timelines

MSA section 304(e)(7) requires the Secretary to review rebuilding plans to ensure that adequate progress toward ending overfishing and rebuilding affected fish stocks is being made. 16 U.S.C. 1854(e)(7). The current NS1 guidelines do not provide any guidance on this provision, and NMFS received several comments in response to the ANPR requesting additional guidance on this provision. NMFS proposes adding guidance to clarify that the review of rebuilding progress could include the review of recent stock assessments, comparisons of catches to the ACL, or other appropriate performance measures. NMFS also proposes that the Secretary may find that adequate progress in rebuilding is not being made if: $F_{rebuild}$ or the ACL associated with $F_{rebuild}$ are being exceeded and AMs are not effective at correcting for the overages; or when the rebuilding expectations of the stock or stock complex have significantly changed due to new and unexpected information about the status of the stock (see § 600.310(f)(3)(iv) of this proposed action).

NMFS also proposes clarifying that, while a stock or stock complex is rebuilding, revising rebuilding timeframes (*i.e.,* T_{target} and T_{max}) or $F_{rebuild}$ is not necessary, unless the Secretary finds that adequate progress is not being made (see § 600.310(f)(3)(v) of this proposed action). As highlighted in the NRC (2013) report on rebuilding, the primary objective of a rebuilding plan should be to maintain fishing mortality at or below $F_{rebuild}$. By doing so, managers can avoid issues with updating timelines that are based on biomass milestones, which are subject to uncertainty (see § 600.310(j)(3)(i)(A)) and changing environmental conditions that are outside the control of fishery managers.

Emergency Actions and Interim Measures

The NS1 guidelines provide guidance on emergency actions and interim measures to reduce overfishing that can be taken under sections 304(e)(6) and 305(c) of the MSA. NMFS is proposing to delete §§ 600.310(j)(4)(i) and (ii) because: (1) The guidance simply repeats the language in the MSA; (2) NMFS has separately published a policy on implementing the provisions of MSA 305(c) (NMFS Policy Directive 01–101–07, Policy Guidelines on the Use of Emergency Rules, 62 FR 44421 (Aug. 21, 1997)); and (3) NS1 guidance should only provide guidance on the 304(e)(6) provisions of the MSA, because it pertains to rebuilding stocks. NMFS proposes to clarify in § 600.310(j)(4) of this proposed action that the Secretary's ability to implement interim measures to reduce, but not necessarily end, overfishing should rarely be used and require that the following three criteria be met before the interim measure can be used: (1) The interim measure is needed to address an unanticipated and significantly changed understanding of the stock's status; (2) ending overfishing immediately is expected to result in severe social and/or economic impacts to a fishery; and (3) the interim measures will at least ensure that the stock will increase its current biomass through the duration of the interim measure.

Discontinuing a Rebuilding Plan Based on New Information

Due to scientific uncertainty in the biomass estimate of fish stocks, occasionally a stock is identified as overfished, but is later determined to have never been overfished. The recent NRC (2013) study on rebuilding estimated that approximately 30 percent of rebuilding stocks are later discovered to have never been overfished. In the past, it has been NMFS' policy that once a rebuilding plan has been implemented, the rebuilding plan cannot be discontinued until the stock has rebuilt to B_{msy}, regardless of new information about the status of the stock when it was originally declared overfished. This policy was in place because a future stock assessment could find that the stock actually had been overfished, and rebuilding to B_{msy} is consistent with the MSA's objective that fisheries produce MSY on a continuing basis.

However, NMFS realizes that rebuilding stocks are sometimes restricted to relatively low $F_{rebuilds}$, which can have negative impacts on fishery participants due to the reduced landings of the overfished stock, as well as reduced catch of other stocks in mixed-stock fisheries. Therefore, NMFS is proposing to allow a Council to discontinue a rebuilding plan before it reaches B_{msy} so long as the stock meets

the following criteria: (1) The Secretary determines that the stock was not overfished in the year that the MSA section 304(e)(3) overfished determination was based on; and (2) the biomass of the stock is not currently below the MSST (see § 600.310(j)(5) of this proposed action). This proposed revision is based on the rationale that the terminal year of a stock assessment (*i.e.,* the most recent year) is often the most uncertain, while subsequent reviews of that same year by stock assessments conducted several years later are often more accurate (NRC 1998). Thus, if a subsequent assessment shows that the stock was not overfished in the year that the overfished determination was based on, it is more likely that the stock was never overfished. However, in such a situation, a Council may always opt to continue following the rebuilding plan to further the conservation and management needs of a stock or stock complex that remains below B_{msy}.

Other Revisions

In § 600.310(j)(2), NMFS proposes deleting text that referred to the 2010 and 2011 implementation dates for ACLs and AMs, given that these deadlines have passed and all 46 FMPs have implemented ACLs and AMs (see §§ 600.310(j)(2)(i) and (ii) of this proposed action). NMFS also proposes adding guidance to clarify that, when a Council is notified that a stock or stock complex is undergoing overfishing, it should work with its SSC to ensure that the ABC is set appropriately to end overfishing. Councils should evaluate the cause of the overfishing, address the issue that caused overfishing, and reevaluate their ACLs and AM to make sure they are adequate (see § 600.310(j)(2)(i) of this proposed action).

XV. Recreational Fisheries

Since the reauthorization of the MSA in 2007, many recreational stakeholders have commented that the ACL requirements of the MSA do not recognize the different ways in which recreational and commercial fisheries are managed and prosecuted. The recreational community has provided comments through a variety of forums, such as: the 2012 NS1 ANPR; NMFS's Marine Fisheries Advisory Committee's White Paper on Recommendations for MSA by the Recreational Working Group; NMFS's Recreational Regional Roundtable discussions of 2013; Managing Our Nations Fisheries III (2013); The Commission on Saltwater Recreational Fisheries Management, A Vision for Managing America's Saltwater Recreational Fisheries (Morris and Deal 2014); and NMFS Recreational Saltwater Fishing Summits in 2010 and 2014. In general, the recreational community has expressed an interest in increased fishing opportunities; having the opportunity to catch larger fish; flexibility in setting ACLs for recreational fisheries; managing for greater abundance; and, managing forage fish more conservatively to improve the resiliency of recreationally important fish stocks. While not highlighted in a separate or specific section, these issues are addressed in various sections of this proposed rule.

Recreational Fishing Objectives

NMFS recognizes that recreational and commercial sectors of a fishery will sometimes have different objectives for a fishery. Existing guidelines note that it is the Councils' responsibility to integrate the objectives of these various sectors or fishery participants into their fishery management plans, and prioritize among these objectives when they are in conflict (see §§ 600.305(b) and 600.310(e)(3)). However, in practice the process of identifying and prioritizing the objectives of a fishery are rarely reexamined once defined; there are some exceptions like the Mid-Atlantic and South-Atlantic Councils' recent visioning processes (for more information on these projects, see: *http://safmc.net/resource-library/council-visioning-project* and *http://www.mafmc.org/strategic-plan/*). Because the needs and objectives of a fishery change over time, NMFS is proposing that Councils reassess the objectives of the fishery on a regular basis (see § 600.305(b)(2) of this proposed action). Recreational fishermen should work with their Councils to advance their sector specific objectives, such as increasing the opportunity to catch larger fish.

Flexibility in Setting ACLs and AMs

The MSA requires ACLs and AMs for all managed fisheries; however, the NS1 guidelines do not require Councils to specify or implement AMs in the same manner among the sectors of a fishery. For example, in several cases, Councils have chosen to monitor the commercial catch using daily or weekly reporting mechanisms and use in-season management measures to close the commercial sector when it is expected to reach its ACL. In contrast, in some recreational fisheries, catch can only be monitored in 2-month increments, and ACL overages can only be addressed through post-season AMs. So as not to be constrained to one type of AM, the Mid-Atlantic and South Atlantic Councils have developed conditional AMs that implement different AMs depending on the status of the stock and/or degree of ACL overage. These conditional AMs provide flexibility in managing sectors of the fishery differently. NMFS encourages the use of conditional AMs and proposes clarifying that the type of AM chosen by a Council will likely vary depending on the sector of the fishery, the status of the stock, degree of overage, recruitment patterns of the stock, and other pertinent information (see § 600.310(g)(3) of this proposed action).

NMFS also recognizes that an impediment to implementing ACLs for many recreationally important fish stocks is the lack of life history information to calculate MSY (or a standard proxy), as well as the lack of timely information on the catch levels of the stock. As noted above in section V of the preamble, NMFS is proposing to revise the NS1 guidelines to make clear that, when data are not available to specify MSY or MSY proxies, alternative types of SDCs that promote sustainability of the stock or stock complex can be used (see § 600.310(e)(2)(ii) of this proposed action). For example, SDCs could be based on recent average catch, fish densities derived from visual census surveys, length/weight frequencies or other methods. NMFS also proposes to allow alternative approaches to satisfying the NS1 requirements for stocks for which data are not available to either set MSY or MSY based reference points or manage to MSY or MSY based reference points (see § 600.310(h)(2) of this proposed action).

NMFS understands that many of the fish stocks captured in recreational fisheries are not targeted, but retained because they are valued by the fishermen. In the current NS1 guidelines, these ''often retained'' non-target stocks are considered to be ''in the fishery'' and are therefore required to have ACLs. Many stakeholders including recreational fishery participants have noted that, while these non-target stocks are often retained, many of these stocks may not be in need of conservation and management. As noted above in section IV of the preamble, NMFS is revising its guidance on stocks in the fishery and ecosystem component species to provide further guidance to Councils in determining whether stocks require conservation and management based on several factors. Therefore, some non-target fish stocks may no longer need ACLs based on this proposed rule.

Some stakeholders have also recommended that, where appropriate,

NMFS should consider allowing fisheries (in their entirety) to be managed at the state level. They have expressed that Federal agencies are not always the most appropriate organizations to manage fisheries, and, where applicable, states or fishery management commissions should take control of managing fish populations. NMFS agrees that Federal management is not required for all stocks, and has in the past provided guidance on when Federal management was and was not needed within its NS7 guidelines. As explained in Section IV, NMFS is consolidating guidance on stocks that require conservation and management in proposed § 600.305(c).

Forage Fish

NMFS is not proposing any new revisions to the NS guidelines related to forage fish, as the importance of forage fish to fisheries and the marine ecosystem was adequately highlighted in the 2009 revisions of the NS1 guidelines. For example, in current § 600.310(e)(3)(iii)(C), NMFS notes that maintaining adequate forage for all components of the ecosystem is one consideration that could be taken by the Council when determining the greatest benefit to the Nation. Additionally, current § 600.310(e)(3)(iv)(C) describes that, when specifying OY, consideration should be given to managing forage stocks for higher biomass than B_{msy} to enhance and protect the marine ecosystem. NMFS is not proposing to change these concepts within the guidelines.

XVI. Republishing Codified Text in Its Entirety

For clarity and convenience to the reader, this proposed rule would revise § 600.305 (National Standard General), § 600.310 (National Standard 1 guidelines), § 600.320 (National Standard 3 guidelines) and § 600.340 (National Standard 7 guidelines) in their entirety. The following describes the changes to these guidelines that are being proposed, and a tracked changes copy of the proposed rule is also available at: *http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/ns1_revisions.html.*

In the proposed revisions to § 600.305, paragraph (b)—*Fishery management objectives,* is revised. Current paragraph (c)—*Word usage* is revised and redesignated paragraph (d). A new paragraph (c)—*Stocks that require conservation and management,* is added to describe which stocks are in need of conservation and management.

In the proposed revisions to § 600.310, paragraph (b)—*General,* is revised. Paragraph (c)—*Summary of items to include in FMPs related to NS1,* is revised. Current paragraph (d)—*Classifying stocks in an FMP,* is retitled *Stocks and stock complexes.* Paragraph (d)(1)—*Introduction,* is revised. Current paragraphs (d)(2)—*Stocks in a fishery,* (d)(4)—*Non-target species,* and (d)(5)—*Ecosystem component (EC) species* were deleted. Current paragraph (d)(3)—*Target stocks,* was revised and redesignated (d)(11) in § 600.305. Current paragraph (d)(6)—*Reclassification,* was revised and redesignated (c)(5) in § 600.305. Current paragraph (d)(7)—*Stocks or species identified in more than on FMP,* was revised and redesignated (c)(4) in § 600.305. Current paragraph (d)(8)—*Stock complex* was revised and redesignated (d)(2)(i) and (d)(2)(ii)(B). Current paragraph (d)(9)—*Indicator stocks,* was revised and redesignated (d)(2)(ii)(A),(C)–(D). Current paragraph (d)(10)—*Vulnerability,* was revised and redesignated (b)(4). Current paragraph (e)(1)—*MSY,* was revised. Current paragraph (e)(1)(iii)—*MSY for stock complexes,* was revised and portions therein were redesignated in (d)(2)(ii)(E). Current paragraph (e)(1)(iv)—*Specifying MSY,* was revised and redesignated (e)(1)(v)(A)–(D). A new paragraph (e)(1)(iv)—*Methods of estimating MSY for an aggregate group of stocks,* was added to describe alternative methods of calculating MSY for a group of stocks. Paragraphs (e)(2)(i)(A)—*Status determination criteria (SDC),* (e)(2)(i)(B)—*Overfishing,* (e)(2)(i)(C)—*Maximum Fishing Mortality Threshold (MFMT),* (e)(2)(i)(D)—*Overfishing limit,* (e)(2)(i)(E)—*Overfished* were revised. Current paragraph (e)(2)(i)(F)—*Minimum stock size threshold (MSST),* was revised and redesignated (e)(2)(i)(G). Current paragraph (e)(2)(i)(G)—*Approaching an overfished condition,* was redesignated (e)(2)(i)(H). A new paragraph (e)(2)(i)(F)—*Depleted,* was added to defined the term depleted. Paragraphs (e)(2)(ii)—*Specification of SDC and overfishing and overfished determinations* and subsections therein (e)(2)(ii)(A)–(B) were revised. Paragraph (e)(2)(ii)(A)(*3*) was added to describe multiyear periods to determine overfishing status. Paragraph (e)(2)(ii)(C) was added to describe that sources of mortality should be accounted for in the evaluation of stock status with respect to reference points. Current paragraph (e)(2)(iii)—*Relationship of SDC to environmental change,* is retitled *Relationship of SDC to environmental and habitat change.* Current paragraphs (e)(2)(iii)(C), (e)(2)(iv)(A), (e)(3)—*Optimum yield,* (e)(3)(i)(A)–(B), and (e)(3)(ii)—*General* were revised. Current paragraph (e)(3)(iii)—*Determining the greatest benefit to the Nation,* was revised and redesignated (e)(3)(iii)(A). Current paragraphs (e)(3)(iii)(A)–(C), were revised and redesignated (e)(3)(iii)(A)(1)–(3), respectively. A new paragraph (e)(3)(iii)—*Assessing OY,* was added to described the OY assessment process. Current paragraph (e)(3)(iv)—*Factors to consider in OY specification,* was revised, redesignated (e)(3)(iii)(B) and retitled *Economic, Ecological, and Social Factors.* Current paragraphs (e)(3)(iv)(A)–(C), were revised and redesignated (e)(3)(iii)(B)(1)–(3). Current paragraph (e)(3)(v)—*Specification of OY,* was revised, redesignated (e)(3)(iv), and retitled *Specifying OY.* Current paragraph (e)(3)(v)(A) was revised and redesignated (e)(3)(iv)(A). Current paragraph (e)(3)(v)(B), was deleted, and the content was incorporated into (e)(3)(v)(A). Current paragraph (e)(3)(v)(C), was revised and redesignated (e)(3)(ii)(C). Current paragraph (e)(3)(v)(D), was redesignated to (e)(3)(v)(A). Current paragraph (e)(3)(v)(E), was redesignated (e)(3)(iv)(B). Current paragraph (e)(3)(v)(F), was revised and redesignated (e)(3)(iv)(C). Current paragraph (e)(3)(v)(G), was deleted and the concept was moved to (e)(3)(iii). Current paragraph (e)(3)(v)(H), was redesignated (e)(3)(v)(B). A new paragraph (e)(3)(iv)(D), was added to address issues with internationally managed stocks. Current paragraph (e)(3)(vi)—*OY and foreign fishing,* was redesignated (e)(3)(v). Current paragraphs (e)(3)(vi)(A)–(C), were redesignated (e)(3)(v)(C)–(E), respectively. Paragraph (f)—*Acceptable biological catch, annual catch limits, and annual catch targets,* is revised and retitled *Acceptable biological catch and annual catch limits.* Paragraph (f)(1)—*Introduction,* was deleted. Current paragraph (f)(2)—*Definitions* and (f)(2)(i), are redesignated (f)(1) and (f)(1)(i), respectively. Current paragraph (f)(2)(ii)—*Acceptable biological catch (ABC),* is revised and redesignated (f)(1)(ii). Current paragraph (f)(2)(iii)—*ABC control rule,* is deleted. Current paragraph (f)(2)(iv)—*Annual catch limit (ACL),* is revised and redesignated (f)(1)(iii). Current paragraphs (f)(2)(v)—*Annual catch target (ACT)* and (f)(2)(vi)—*ACT control rule,* were deleted and the content was moved to paragraph (g)(4). New paragraphs (f)(1)(iv)—*Control rule,* (f)(1)(v)—*Management uncertainty,* and (f)(1)(vi)—*Scientific uncertainty,* were added because the terms were not

clearly defined in the current guidelines. Current paragraphs (f)(3)—*Specification of ABC* and (f)(3)(ii) were revised. Current paragraph (f)(4)—*ABC control rule,* was revised and redesignated (f)(2)(i)–(ii). Paragraphs (f)(2)(ii)(A)&(B) were added to describe phase-in and carry-over ABC control rules. Current paragraph (f)(5)—*Setting the annual catch limit,* was redesignated (f)(4). Current paragraphs (f)(5)(i)–(iii) were revised and redesignated (f)(4)(i)–(iii), respectively. A new paragraph (f)(4)(iv)—*Relationship between OY and the ACL framework,* was added. Current paragraphs (f)(6)—*ACT control rule,* (f)(6)(i)—*Determining management uncertainty* and (f)(6)(ii)—*Establishing tiers and corresponding ACT control rules,* were revised and redesignated (g)(4)—*Annual catch target (ACT) and ACT control rule.* Paragraph (f)(7) was deleted. Paragraph (g)—*Accountability measures,* was revised and retitled *Accountability measures (AMs).* Paragraph (g)(1)—*Introduction,* and (g)(2)—*Inseason AMs* were revised. Paragraph (g)(3)—*AMs for when the ACL is exceeded,* was revised and portions therein were redesignated to a new paragraph (g)(7)—*Performance standard.* Current paragraphs (g)(4)—*AMs based on multi-year average data,* was revised and redesignated (g)(5). Current paragraph (g)(5)—*AMs for State-Federal Fisheries,* was redesignated (g)(6). Paragraph (h)—*Establishing ACL mechanisms and AMs in FMPs,* was revised. Current paragraphs (h)(1)(i)–(ii) were deleted. Current paragraphs (h)(1)(ii) and (h)(1)(iv) were deleted and incorporated in (g)(1) and (f)(4)(ii), respectively. Current paragraph (h)(2)—*Exceptions from ACL and AM requirements* and (h)(2)(ii)—*International fishery agreements,* were redesignated (h)(1) and (h)(1)(ii), respectively. Current paragraphs (h)(2)(i)—*Life cycle* and (h)(3)—*Flexibility in application of NS1 guidelines,* were revised and redesignated (h)(1)(i) and (h)(2), respectively. Paragraphs (i)—*Fisheries data* and (i)(3), were revised. Paragraph (j)—*Council actions to address overfishing and rebuilding for stocks and stock complex in the fishery,* was retitled *Council actions to address overfishing and rebuilding for stocks and stock complexes.* Paragraph (j)(2)(i)—*If a stock or stock complex is undergoing overfishing,* was revised. Paragraphs (j)(2)(i)(A)–(C), were deleted. Paragraph (j)(2)(ii)—*If a stock or stock complex is overfished or approaching an overfished condition,* was revised. Paragraph (j)(3)(i)(A), was revised. Paragraph (j)(3)(i)(B), was deleted but portions therein were revised and incorporated into paragraph (j)(3)(i)(A). Current paragraph (j)(3)(i)(C), was revised and redesignated (j)(3)(i)(B)(*1*). Current paragraph (j)(3)(i)(D), was revised and redesignated (j)(3)(i)(B)(2), (j)(3)(i)(B)(2)(i)–(iii) and (j)(3)(i)(B)(3). Current paragraph (j)(3)(i)(E), is revised and redesignated (j)(3)(i)(C)—*Target time to rebuilding a stock or stock complex (Ttarget).* Paragraph (j)(3)(ii), was revised and redesignated (j)(4)—*Adequate progress,* and (j)(4)(i)–(ii). Current paragraphs (j)(3)(iii) and (j)(3)(iv), were redesignated (j)(3)(ii) and (j)(3)(iii), respectively. Current paragraph (j)(4)—*Emergency actions and interim measures,* was revised and redesignated (j)(4). Current paragraphs (j)(4)(i) and (j)(4)(ii), were deleted. New paragraphs (j)(5)—*Discontinuing a rebuilding plan based on new scientific information,* (j)(5)(i)–(ii), and (j)(6)—*Management measures for depleted stocks,* were added.

In the proposed revisions to § 600.320, paragraphs (d)—*Management unit* and (d)(1)—*Basis,* were revised. Paragraphs (d)(1)(i)–(vi), were deleted. Paragraphs (d)(2)—*Conservation and management measures,* and (e)—*Analysis* were revised.

In the proposed revisions to § 600.340, paragraphs (b)—*Necessity of Federal management,* (b)(1)—*General,* and (b)(2)—*Criteria* were deleted. Current paragraphs (b)(2)(i)–(iii), were revised and redesignated paragraphs (c)(2)(vi), (c)(2)(iii), and (c)(2)(x), respectively, in § 600.305. Current paragraphs (b)(2)(iv)–(vi) were redesignated paragraphs (c)(2)(vii)–(ix) in § 600.305. Paragraph (b)(2)(vii), was deleted. Current paragraphs (c)—*Alternative management measures,* and (d)—*Analysis,* were redesignated (b)—*Alternative management measures,* and (c)—*Analysis.*

XVII. References Cited

A complete list of all the references cited in this final action is available online at: *http://www.nmfs.noaa.gov/sfa/laws_policies/national_standards/ns1_revisions.html* or upon request from Wesley Patrick (see **FOR FURTHER INFORMATION CONTACT**).

XIII. Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Act, and other applicable law, subject to further consideration after public comment.

This rule has been determined to be significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows.

The purpose of the rule is to facilitate compliance with requirements of the Magnuson-Stevens Act to end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield (OY) without establishing new requirements or requiring the Councils or Secretary to revise their Fishery Management Plans (FMPs). The objectives of the rule are to improve and clarify the guidance within the NS guidelines, address concerns that have been raised during the implementation of annual catch limits (ACLs) and accountability measures (AMs), and provide flexibility to address fishery management issues. Pursuant to MSA section 301(b), the NS guidelines are advisory in nature and do not have the force and effect of law. The Magnuson-Stevens Act serves as the legal basis for the rule.

Small entities include ''small businesses,'' ''small organizations,'' and ''small governmental jurisdictions.'' The Small Business Administration has established size standards for all major industry sectors in the U.S. including commercial finfish harvesters (NAICS code 114111), commercial shellfish harvesters (NAICS code 114112), other commercial marine harvesters (NAICS code 114119), for-hire businesses (NAICS code 487210), marinas (NAICS code 713930), seafood dealers/wholesalers (NAICS code 424460), and seafood processors (NAICS code 311710). A business primarily involved in finfish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $20.5 million for all its affiliated operations worldwide. For commercial shellfish harvesters, the other qualifiers apply and the receipts threshold is $5.5 million. For other commercial marine harvesters, for-hire businesses, and marinas, the other qualifiers apply and the receipts threshold is $7.5 million. A business primarily involved in seafood processing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual employment not in excess of 500 employees for all its affiliated operations worldwide. For seafood

dealers/wholesalers, the other qualifiers apply and the employment threshold is 100 employees. A small organization is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. Small governmental jurisdictions are governments of cities, counties, towns, townships, villages, school districts, or special districts, with populations of less than 50,000.

The actions in this rule make technical changes to the general section to the National Standard Guidelines, and the Guidelines for National Standard 1 (NS 1), National Standard 3 (NS 3), and National Standard 7 (NS 7). Specifically, this rule would: (1) Revise the general section of the NS guidelines regarding the importance of identifying fishery management objectives within an FMP, (2) consolidate guidance on identifying whether stocks need conservation and management, (3) revise the guidelines to provide flexibility in managing data limited stocks, (4) revise the guidance on stock complexes to encourage the use of complexes and indicator stocks, (5) revise the guidelines to promote the use of aggregate MSY estimates, (6) revise the guidelines by adding a definition for a depleted stock, (7) revise the guidelines to allow multi-year overfishing determinations, methods to phase-in adjustments to ABC, and methods to carry-over of all or some of an unused portion of the ACL, (8) revise guidance on OY to improve clarity and describe the role of OY under the ACL framework, (9) revise the acceptable biological catch (ABC) guidance, (10) revise guidance on AMs, (11) revise guidance on establishing ACL and AM mechanisms, and (12) provide flexibility in rebuilding stocks.

Because the proposed changes to the guidelines do not create new requirements and thus are technical in nature, this rule would allow but does not require the Councils or the Secretary to make changes to their FMPs. Further, because the guidelines do not directly regulate any entities, the proposed changes will not directly alter the behavior of any entities operating in federally managed fisheries, and thus no direct economic effects on commercial harvesting businesses, for-hire businesses, marinas, seafood dealers/wholesalers, or seafood processors are expected to result from this action. Therefore, no small entities would be directly affected by this rule.

As a result of the information above, a reduction in profits for a substantial number of small entities is not expected. Because this rule, if implemented, is not expected to have a significant adverse economic effect on the profits of a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

No duplicative, overlapping, or conflicting Federal rules have been identified. This rule would not establish any new reporting or record-keeping requirements.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: January 12, 2015.

Samuel D. Rauch III,

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

For the reasons stated in the preamble, 50 CFR part 600 is proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. Section 600.305 is revised to read as follows:

§ 600.305 General.

(a) *Purpose.* (1) This subpart establishes guidelines, based on the national standards, to assist in the development and review of FMPs, amendments, and regulations prepared by the Councils and the Secretary.

(2) In developing FMPs, the Councils have the initial authority to ascertain factual circumstances, to establish management objectives, and to propose management measures that will achieve the objectives. The Secretary will determine whether the proposed management objectives and measures are consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable law. The Secretary has an obligation under section 301(b) of the Magnuson-Stevens Act to inform the Councils of the Secretary's interpretation of the national standards so that they will have an understanding of the basis on which FMPs will be reviewed.

(3) The national standards are statutory principles that must be followed in any FMP. The guidelines summarize Secretarial interpretations that have been, and will be, applied under these principles. The guidelines are intended as aids to decision-making; FMPs formulated according to the guidelines will have a better chance for expeditious Secretarial review, approval, and implementation. FMPs that are in substantial compliance with the guidelines, the Magnuson-Stevens Act, and other applicable law must be approved.

(b) *Fishery management objectives.* (1) Each FMP, whether prepared by a Council or by the Secretary, should identify what the FMP is designed to accomplish (*i.e.,* the management objectives to be attained in regulating the fishery under consideration). In establishing objectives, Councils balance biological constraints with human needs, reconcile present and future costs and benefits, and integrate the diversity of public and private interests. If objectives are in conflict, priorities should be established among them.

(2) To reflect the changing needs of the fishery over time, Councils should reassess the objectives of the fishery on a regular basis.

(3) How objectives are defined is important to the management process. Objectives should address the problems of a particular fishery. The objectives should be clearly stated, practicably attainable, framed in terms of definable events and measurable benefits, and based upon a comprehensive rather than a fragmentary approach to the problems addressed. An FMP should make a clear distinction between objectives and the management measures chosen to achieve them. The objectives of each FMP provide the context within which the Secretary will judge the consistency of an FMP's conservation and management measures with the national standards.

(c) *Stocks that require conservation and management.* (1) Magnuson-Stevens Act section 302(h)(1) requires a Council to prepare an FMP for each fishery under its authority that requires (or in other words, is in need of) conservation and management. Not every fishery requires Federal management. Any stocks that are predominately caught in Federal waters and are overfished or subject to overfishing, or likely to become overfished or subject to overfishing, are considered to require conservation and management. In addition, the following non-exhaustive list of factors should be used by a Council when deciding whether stocks require conservation and management:

(i) The stock is an important component of the marine environment.

(ii) The stock is caught by the fishery.

(iii) Whether an FMP can improve or maintain the condition of the stocks.

(iv) The stock is a target of a fishery.

(v) The stock is important to commercial, recreational, or subsistence users.

(vi) The fishery is important to the Nation and to the regional economy.

(vii) The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.

(viii) The economic condition of a fishery and whether an FMP can produce more efficient utilization.

(ix) The needs of a developing fishery, and whether an FMP can foster orderly growth.

(x) The extent to which the fishery could be or is already adequately managed by states, by state/Federal programs, by Federal regulations pursuant to other FMPs or international commissions, or by industry self-regulation, consistent with the policies and standards of the Magnuson-Stevens Act.

(2) When considering adding a new stock to an FMP or keeping an existing stock within an FMP, Councils should prepare a thorough analysis of the factors, and any additional considerations that may be relevant to the particular stock. No single factor is dispositive, but Councils should consider weighting the factors as follows. Factors in paragraphs (c)(1)(i) through (iii) of this section should be considered first, as they address maintaining a fishery resource and the marine environment. *See* 16 U.S.C. 1802(5)(A). These factors weigh in favor of including a stock in an FMP. Councils should next consider factors in paragraphs (c)(1)(iv) through (ix) of this section, which set forth key economic, social, and other reasons contained within the MSA for an FMP action. *See* 16 U.S.C. 1802(5)(B). Regardless of whether any of the first nine factors indicates a conservation and management need, a Council should consider factor in paragraph (c)(1)(x) of this section before deciding to include or maintain a stock in an FMP. In many circumstances, adequate management of a fishery by states, state/Federal programs, or another Federal FMP would weigh heavily against a Federal FMP action. *See, e.g.,* 16 U.S.C. 1851(a)(7) and 1856(a)(3). In evaluating the above criteria, a Council should consider the specific circumstances of a fishery, based on the best scientific information available; to determine whether there are biological, economic, social and/or operational concerns that can be addressed by Federal management.

(3) Councils may choose to identify stocks within their FMPs as ecosystem component (EC) species (see § 600.310(d)(1)) if they do not require conservation and management. EC species may be identified at the species or stock level, and may be grouped into complexes. Consistent with National Standard 9, Magnuson-Stevens Fishery Conservation and Management Act (MSA) section 303(b)(12), and other applicable MSA sections, management measures can be adopted in order to, for example, collect data on the EC species, minimize bycatch or bycatch mortality of EC species, protect the associated role of EC species in the ecosystem, or for other reasons.

(4) A stock or stock complex may be identified in more than one FMP. In this situation, the relevant Councils should choose which FMP will be the primary FMP in which reference points for the stock or stock complex are established. In other FMPs, the stock or stock complex may be identified as ''other managed stocks'' and management measures that are consistent with the objectives of the primary FMP can be established.

(5) Councils should periodically review their FMPs and the best scientific information available and determine if the stocks are appropriately identified. As appropriate, stocks should be reclassified within a FMP, added to or removed from an existing FMP, or added to a new FMP, through a FMP amendment that documents the rationale for the decision.

(d) *Word usage within the National Standard Guidelines.* The word usage refers to all regulations in this subpart.

(1) *Must* is used, instead of ''shall'', to denote an obligation to act; it is used primarily when referring to requirements of the Magnuson-Stevens Act, the logical extension thereof, or of other applicable law.

(2) *Shall* is used only when quoting statutory language directly, to avoid confusion with the future tense.

(3) *Should* is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary's interpretation of the Magnuson-Stevens Act, and is a factor reviewers will look for in evaluating a SOPP or FMP.

(4) *May* is used in a permissive sense.

(5) *Will* is used descriptively, as distinguished from denoting an obligation to act or the future tense.

(6) *Could* is used when giving examples, in a hypothetical, permissive sense.

(7) *Can* is used to mean ''is able to'', as distinguished from ''may''.

(8) *Examples* are given by way of illustration and further explanation. They are not inclusive lists; they do not limit options.

(9) *Analysis,* as a paragraph heading, signals more detailed guidance as to the type of discussion and examination an FMP should contain to demonstrate compliance with the standard in question.

(10) *Council* includes the Secretary, as applicable, when preparing FMPs or amendments under section 304(c) and (g) of the Magnuson-Stevens Act.

(11) *Target stocks* are stocks or stock complexes that fishers seek to catch for sale or personal use, including ''economic discards'' as defined under Magnuson-Stevens Act section 3(9).

■ 3. Section 600.310 is revised to read as follows:

§ 600.310 National Standard 1—Optimum Yield.

(a) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the U.S. fishing industry.

(b) *General.* (1) The guidelines set forth in this section describe fishery management approaches to meet the objectives of National Standard 1 (NS1), and include guidance on:

(i) Specifying maximum sustainable yield (MSY) and OY;

(ii) Specifying status determination criteria (SDC) so that overfishing and overfished determinations can be made for stocks and stock complexes that require, or are in need of, conservation and management;

(iii) Preventing overfishing and achieving OY, incorporation of scientific and management uncertainty in control rules, and adaptive management using annual catch limits (ACL) and measures to ensure accountability (*i.e.,* accountability measures (AMs)); and

(iv) Rebuilding stocks and stock complexes.

(2) *Overview of Magnuson-Stevens Act concepts and provisions related to NS1*— (i) *MSY.* The Magnuson-Stevens Act establishes MSY as the basis for fishery management and requires that: The fishing mortality rate must not jeopardize the capacity of a stock or stock complex to produce MSY; the abundance of an overfished stock or stock complex must be rebuilt to a level that is capable of producing MSY; and OY must not exceed MSY.

(ii) *OY.* The determination of OY is a decisional mechanism for resolving the Magnuson-Stevens Act's conservation and management objectives, achieving a

fishery management plan's (FMP) objectives, and balancing the various interests that comprise the greatest overall benefits to the Nation. OY is based on MSY as reduced under paragraphs (e)(3)(iii)(A) and (B) of this section. The most important limitation on the specification of OY is that the choice of OY and the conservation and management measures proposed to achieve it must prevent overfishing.

(iii) *ACLs and AMs.* Any FMP shall establish a mechanism for specifying ACLs in the FMP (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability (Magnuson-Stevens Act section 303(a)(15)).

(iv) *Reference points.* SDC, MSY, OY, acceptable biological catch (ABC), and ACL, which are described further in paragraphs (e) and (f) of this section, are collectively referred to as ''reference points.''

(v) *Scientific advice.* The Magnuson-Stevens Act has requirements regarding scientific and statistical committees (SSC) of the Regional Fishery Management Councils, including but not limited to, the following provisions (paragraphs (b)(2)(v)(A) through (D) of this section). See the National Standard 2 guidelines for further guidance on SSCs and the peer review process (§ 600.315).

(A) Each Regional Fishery Management Council shall establish an SSC as described in section 302(g)(1)(A) of the Magnuson-Stevens Act.

(B) Each SSC shall provide its Regional Fishery Management Council recommendations for ABC as well as other scientific advice, as described in Magnuson-Stevens Act section 302(g)(1)(B).

(C) The Secretary and each Regional Fishery Management Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of a fishery (see Magnuson-Stevens Act section 302(g)(1)(E)). If a peer review process is established, it should investigate the technical merits of stock assessments and other scientific information to be used by the SSC or agency or international scientists, as appropriate. For Regional Fishery Management Councils, the peer review process is not a substitute for the SSC and should work in conjunction with the SSC. For the Secretary, which does not have an SSC, the peer review process should provide the scientific information necessary.

(D) Each Council shall develop ACLs for each of its managed fisheries that may not exceed the ''fishing level recommendations'' of its SSC or peer review process (Magnuson-Stevens Act section 302(h)(6)). The SSC recommendation that is the most relevant to ACLs is ABC, as both ACL and ABC are levels of annual catch.

(3) *Approach for setting limits and accountability measures, including targets, for consistency with NS1.* When specifying limits and accountability measures, Councils must take an approach that considers uncertainty in scientific information and management control of the fishery. These guidelines describe how the Councils could address uncertainty such that there is a low risk that limits are exceeded as described in paragraphs (f)(2) and (g)(4) of this section.

(4) *Vulnerability.* A stock's vulnerability to fishing pressure is a combination of its productivity, which depends upon its life history characteristics, and its susceptibility to the fishery. Productivity refers to the capacity of the stock to produce MSY and to recover if the population is depleted or overfished, and susceptibility is the potential for the stock to be impacted by the fishery, which includes direct captures, as well as indirect impacts of the fishery (*e.g.,* loss of habitat quality).

(c) *Summary of items to include in FMPs related to NS1.* This section provides a summary of items that Councils must include in their FMPs and FMP amendments in order to address ACL, AM, and other aspects of the NS1 guidelines. Councils must describe fisheries data for the stocks and stock complexes in their FMPs, or associated public documents such as Stock Assessment and Fishery Evaluation (SAFE) Reports. For all stocks and stock complexes that require conservation and management (see § 600.305(c)), the Councils must evaluate and describe the following items in their FMPs and amend the FMPs, if necessary, to align their management objectives to end or prevent overfishing and to achieve OY:

(1) MSY and SDC (see paragraphs (e)(1) and (2) of this section).

(2) OY at the stock, stock complex, or fishery level and provide the OY specification analysis (see paragraph (e)(3) of this section).

(3) ABC control rule (see paragraph (f)(2) of this section).

(4) Mechanisms for specifying ACLs (see paragraph (f)(4) of this section).

(5) AMs (see paragraph (g) of this section).

(6) Stocks and stock complexes that have statutory exceptions from ACLs and AMs (see paragraph (h)(1) of this section) or which fall under limited circumstances which require different approaches to meet the Magnuson-Stevens Act requirements (see paragraph (h)(2) of this section).

(d) *Stocks and stock complexes*—(1) *Introduction.* As described in § 600.305(c), Councils should identify in their FMPs the stocks that require conservation and management. Such stocks must have ACLs, other reference points, and accountability measures. Other stocks that are identified in an FMP (*i.e.,* ecosystem component species or stocks that the fishery interacts with but are managed primarily under another FMP, see § 600.305(c)(3) and (4)) do not require ACLs, other reference points, and accountability measures.

(2) *Stock complex.* Stocks that require conservation and management can be grouped into stock complexes. A ''stock complex'' is a tool to manage a group of stocks within a FMP.

(i) At the time a stock complex is established, the FMP should provide, to the extent practicable, a full and explicit description of the proportional composition of each stock in the stock complex. Stocks may be grouped into complexes for various reasons, including where stocks in a multispecies fishery cannot be targeted independent of one another; where there is insufficient data to measure a stock's status relative to SDC; or when it is not feasible for fishermen to distinguish individual stocks among their catch. Where practicable, the group of stocks should have a similar geographic distribution, life history characteristics, and vulnerabilities to fishing pressure such that the impact of management actions on the stocks is similar. The vulnerability of individual stocks should be considered when determining if a particular stock complex should be established or reorganized, or if a particular stock should be included in a complex.

(ii) *Indicator stocks.* (A) An indicator stock is a stock with measurable and objective SDC that can be used to help manage and evaluate more poorly known stocks that are in a stock complex.

(B) Where practicable, stock complexes should include one or more indicator stocks (each of which has SDC and ACLs). Otherwise, stock complexes may be comprised of: Several stocks without an indicator stock (with SDC and an ACL for the complex as a whole), or one or more indicator stocks (each of which has SDC and management objectives) with an ACL for the complex

as a whole (this situation might be applicable to some salmon species). Councils should review the available quantitative or qualitative information (*e.g.,* catch trends, changes in vulnerability, fish health indices, etc.) of stocks within a complex on a regular basis to determine if they are being sustainably managed.

(C) If an indicator stock is used to evaluate the status of a complex, it should be representative of the typical vulnerability of stocks within the complex. If the stocks within a stock complex have a wide range of vulnerability, they should be reorganized into different stock complexes that have similar vulnerabilities; otherwise the indicator stock should be chosen to represent the more vulnerable stocks within the complex. In instances where an indicator stock is less vulnerable than other members of the complex, management measures should be more conservative so that the more vulnerable members of the complex are not at risk from the fishery.

(D) More than one indicator stock can be selected to provide more information about the status of the complex.

(E) When indicator stocks are used, the stock complex's MSY could be listed as ''unknown,'' while noting that the complex is managed on the basis of one or more indicator stocks that do have known stock-specific MSYs, or suitable proxies, as described in paragraph (e)(1)(v) of this section.

(e) *Features of MSY, SDC, and OY*—(1) *MSY.* Each FMP must include an estimate of MSY for the stocks and stock complexes that require conservation and management. MSY may also be specified for the fishery as a whole.

(i) *Definitions*—(A) *MSY* is the largest long-term average catch or yield that can be taken from a stock or stock complex under prevailing ecological, environmental conditions and fishery technological characteristics (*e.g.,* gear selectivity), and the distribution of catch among fleets.

(B) *MSY fishing mortality rate* (F_{msy}) is the fishing mortality rate that, if applied over the long term, would result in MSY.

(C) *MSY stock size* (B_{msy}) means the long-term average size of the stock or stock complex, measured in terms of spawning biomass or other appropriate measure of the stock's reproductive potential that would be achieved by fishing at Fmsy.

(ii) *MSY for stocks.* MSY should be estimated for each stock based on the best scientific information available (see § 600.315).

(iii) *MSY for stock complexes.* When stock complexes are used, MSY should be estimated for one or more indicator stocks or for the complex as a whole (see paragraph (d)(2)(ii) of this section).

(iv) *Methods of estimating MSY for an aggregate group of stocks.* Estimating MSY for an aggregate group of stocks (including stock complexes and the fishery as a whole) can be done using models that account for multi-species interactions, composite properties for a group of similar species, common biomass (energy) flow and production patterns, or other relevant factors (see paragraph (e)(3)(iv)(C) of this section).

(v) *Specifying MSY.* (A) Because MSY is a long-term average, it need not be estimated annually, and should be re-estimated as required by changes in long-term environmental or ecological conditions, fishery technological characteristics, or new scientific information.

(B) When data are insufficient to estimate MSY directly, Councils should adopt other measures of reproductive potential that can serve as reasonable proxies for MSY, F_{msy}, and B_{msy}.

(C) The MSY for a stock or stock complex is influenced by its interactions with other stocks in its ecosystem and these interactions may shift as multiple stocks in an ecosystem are fished. Ecological and environmental information should be taken into account, to the extent practicable, when assessing stocks and specifying MSY. Ecological and environmental information that is not directly accounted for in the specification of MSY can be among the ecological factors considered when setting OY below MSY.

(D) As MSY values are estimates or are based on proxies, they will have some level of uncertainty associated with them. The degree of uncertainty in the estimates should be identified, when practicable, through the stock assessment process and peer review (see § 600.335), and should be taken into account when specifying the ABC Control rule (see paragraph (f)(2) of this section).

(2) *Status determination criteria*—(i) *Definitions*—(A) *Status determination criteria* (*SDC*) mean the measurable and objective factors, MFMT, OFL, and MSST, or their proxies, that are used to determine if overfishing has occurred, or if the stock or stock complex is overfished. Magnuson-Stevens Act (section 3(34)) defines both ''overfishing'' and ''overfished'' to mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the MSY on a continuing basis. To avoid confusion, this section clarifies that ''overfished'' relates to biomass of a stock or stock complex, and ''overfishing'' pertains to a rate or level of removal of fish from a stock or stock complex.

(B) *Overfishing* occurs whenever a stock or stock complex is subjected to a level of fishing mortality or total catch that jeopardizes the capacity of a stock or stock complex to produce MSY on a continuing basis.

(C) *Maximum fishing mortality threshold (MFMT)* means the level of fishing mortality (F) above which overfishing is occurring. The MFMT or reasonable proxy may be expressed either as a single number (a fishing mortality rate or F value), or as a function of spawning biomass or other measure of reproductive potential.

(D) *Overfishing limit (OFL)* means the annual amount of catch that corresponds to the estimate of MFMT applied to a stock or stock complex's abundance and is expressed in terms of numbers or weight of fish.

(E) *Overfished.* A stock or stock complex is considered ''overfished'' when its biomass has declined below MSST.

(F) *Depleted.* An overfished stock or stock complex is considered depleted when it has not experienced overfishing at any point over a period of two generation times of the stock and its biomass has declined below MSST, or when a rebuilding stock or stock complex has reached its targeted time to rebuild and the stock's biomass has shown no significant signs of growth despite being fished at or below catch levels that are consistent with the rebuilding plan throughout that period (see paragraphs (j)(3)(i)(B)(*2*)(*i*) and (j)(6) of this section).

(G) *Minimum stock size threshold (MSST)* means the level of biomass below which the capacity of the stock or stock complex to produce MSY on a continuing basis has been jeopardized.

(H) *Approaching an overfished condition.* A stock or stock complex is approaching an overfished condition when it is projected that there is more than a 50 percent chance that the biomass of the stock or stock complex will decline below the MSST within two years.

(ii) *Specification of SDC and overfishing and overfished determinations.* Each FMP must describe how objective and measurable SDCs will be specified, as described in paragraphs (e)(2)(ii)(A) and (B) of this section. To be measurable and objective, SDC must be expressed in a way that enables the Council to monitor the status of each stock or stock complex in the FMP. Applying the SDC set forth in

the FMP, the Secretary determines if overfishing is occurring and whether the stock or stock complex is overfished (Magnuson-Stevens Act section 304(e)). SDCs are often based on fishing rates or biomass levels associated with MSY or MSY based proxies. When data are not available to specify SDCs based on MSY or MSY proxies, alternative types of SDCs that promote sustainability of the stock or stock complex can be used. For example, SDC could be based on recent average catch, fish densities derived from visual census surveys, length/weight frequencies or other methods. In specifying SDC, a Council must provide an analysis of how the SDC were chosen and how they relate to reproductive potential of stocks of fish within the fishery. If alternative types of SDCs are used, the Council should explain how the approach will promote sustainability of the stock or stock complex on a long term basis. A Council should consider a process that allows SDCs to be quickly updated to reflect the best scientific information available. In the case of internationally-managed stocks, the Council may decide to use the SDCs defined by the relevant international body. In this instance, the SDCs should allow the Council to monitor the status of a stock or stock complex, recognizing that the SDCs may not be defined in such a way that a Council could monitor the MFMT, OFL, or MSST as would be done with a domestically managed stock or stock complex.

(A) *SDC To Determine Overfishing Status.* Each FMP must describe the method used to determine the overfishing status for each stock or stock complex. For domestically-managed stocks or stocks complexes, one of the following methods should be used:

(*1*) *Fishing Mortality Rate Exceeds MFMT.* Exceeding the MFMT for a period of 1 year or exceeding a multi-year mortality reference point constitutes overfishing.

(*2*) *Catch Exceeds the OFL.* Exceeding the annual OFL for 1 year or exceeding a multi-year catch reference point constitutes overfishing.

(*3*) *Use of Multi-Year Periods To Determine Overfishing Status.* A multi-year period may not exceed three years. A Council may develop overfishing SDCs that use a multi-year approach, so long as it provides a comprehensive analysis based on the best scientific information available that supports that the approach will not jeopardize the capacity of the fishery to produce MSY on a continuing basis. A Council should identify in its FMP or FMP amendment circumstances in which the multi-year approach should not be used (*e.g.,* because the capacity of the stock to produce MSY over the longer term could be jeopardized).

(B) *SDC to determine overfished status.* The MSST or reasonable proxy must be expressed in terms of spawning biomass or other measure of reproductive potential. MSST should be between ½ B_{msy} and B_{msy}, and could be informed by the life history of the stock, the natural fluctuations in biomass associated with fishing at MFMT over the long-term, the time needed to rebuild to B_{msy} and associated social and/or economic impacts on the fishery, the requirements of internationally-managed stocks, or other considerations.

(C) Where practicable, all sources of mortality including that resulting from bycatch, scientific research catch, and all fishing activities should be accounted for in the evaluation of stock status with respect to reference points.

(iii) *Relationship of SDC to environmental and habitat change.* Some short-term environmental changes can alter the size of a stock or stock complex without affecting its long-term reproductive potential. Long-term environmental changes affect both the short-term size of the stock or stock complex and the long-term reproductive potential of the stock or stock complex.

(A) If environmental changes cause a stock or stock complex to fall below its MSST without affecting its long-term reproductive potential, fishing mortality must be constrained sufficiently to allow rebuilding within an acceptable time frame (see also paragraph (j)(3)(i) of this section). SDC should not be respecified.

(B) If environmental, ecosystem, or habitat changes affect the long-term reproductive potential of the stock or stock complex, one or more components of the SDC must be respecified. Once SDC have been respecified, fishing mortality may or may not have to be reduced, depending on the status of the stock or stock complex with respect to the new criteria.

(C) If manmade environmental changes are partially responsible for a stock or stock complex's biomass being below MSST, in addition to controlling fishing mortality, Councils should recommend restoration of habitat and other ameliorative programs, to the extent possible (see also the guidelines issued pursuant to section 305(b) of the Magnuson-Stevens Act for Council actions concerning essential fish habitat).

(iv) *Secretarial approval of SDC.* Secretarial approval or disapproval of proposed SDC will be based on consideration of whether the proposal:

(A) Is based on the best scientific information available;

(B) Contains the elements described in paragraph (e)(2)(ii) of this section;

(C) Provides a basis for objective measurement of the status of the stock or stock complex against the criteria; and

(D) Is operationally feasible.

(3) *Optimum yield.* For stocks that require conservation and management, OY may be established at the stock, stock complex, or fishery level.

(i) *Definitions*—(A) *Optimum yield (OY).* Magnuson-Stevens Act section (3)(33) defines ''optimum,'' with respect to the yield from a fishery, as the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems; that is prescribed on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, that provides for rebuilding to a level consistent with producing the MSY in such fishery.

(B) In NS1, use of the phrase ''achieving, on a continuing basis, the optimum yield from each fishery'' means: Producing, from each stock, stock complex, or fishery, an amount of catch that is, on average, equal to the Council's specified OY; prevents overfishing; maintains the long term average biomass near or above B_{msy}; and rebuilds overfished stocks and stock complexes consistent with timing and other requirements of section 304(e)(4) of the Magnuson-Stevens Act and paragraph (j) of this section.

(ii) *General.* OY is a long-term average amount of desired yield from a stock, stock complex, or fishery. An FMP must contain conservation and management measures, including ACLs and AMs, to achieve OY on a continuing basis, and provisions for information collection that are designed to determine the degree to which OY is achieved. These measures should allow for practical and effective implementation and enforcement of the management regime. If management measures prove unenforceable—or too restrictive, or not rigorous enough to prevent overfishing while achieving on a continuing basis OY—they should be modified; an alternative is to reexamine the adequacy of the OY specification to ensure that the dual requirements of NS1 are met (preventing overfishing while achieving, on a continuing basis, OY).

(iii) *Assessing OY.* An FMP must contain an assessment and specification of OY, which documents how the OY

will produce the greatest benefits to the nation and prevent overfishing. The assessment should include a summary of information utilized in making such specification, consistent with requirements of section 303(a)(3) of the Magnuson-Stevens Act and consideration of the economic, social, and ecological factors relevant to management of a particular stock, stock complex, or fishery. Consistent with Magnuson-Stevens Act section 302(h)(5), the assessment and specification of OY should be reviewed on a continuing basis, so that it is responsive to changing circumstances in the fishery.

(A) *Determining the greatest benefit to the Nation.* In determining the greatest benefit to the Nation, the values that should be weighed and receive serious attention when considering the economic, social, or ecological factors used in reducing MSY, or its proxy, to obtain OY are:

(*1*) The benefits of food production derived from providing seafood to consumers; maintaining an economically viable fishery together with its attendant contributions to the national, regional, and local economies; and utilizing the capacity of the Nation's fishery resources to meet nutritional needs.

(*2*) The benefits of recreational opportunities reflect the quality of both the recreational fishing experience and non-consumptive fishery uses such as ecotourism, fish watching, and recreational diving. Benefits also include the contribution of recreational fishing to the national, regional, and local economies and food supplies.

(*3*) The benefits of protection afforded to marine ecosystems are those resulting from maintaining viable populations (including those of unexploited species), maintaining adequate forage for all components of the ecosystem, maintaining evolutionary and ecological processes (*e.g.,* disturbance regimes, hydrological processes, nutrient cycles), maintaining productive habitat, maintaining the evolutionary potential of species and ecosystems, and accommodating human use.

(B) *Economic, ecological, and social factors.* Councils should consider the management objectives of their FMPs and their management framework to determine the relevant social, economic, and ecological factors used to determine OY. There will be inherent trade-offs when determining the objectives of the fishery. The following is a non-exhaustive list of potential considerations for social, economic, and ecological factors.

(*1*) *Social factors.* Examples are enjoyment gained from recreational fishing, avoidance of gear conflicts and resulting disputes, preservation of a way of life for fishermen and their families, and dependence of local communities on a fishery (*e.g.,* involvement in fisheries and ability to adapt to change). Consideration may be given to fishery-related indicators (*e.g.,* number of fishery permits, number of commercial fishing vessels, number of party and charter trips, landings, ex-vessel revenues etc.) and non-fishery related indicators (*e.g.,* unemployment rates, percent of population below the poverty level, population density, etc.), and preference for a particular type of fishery (*e.g.,* size of the fishing fleet, type of vessels in the fleet, permissible gear types). Other factors that may be considered include the effects that past harvest levels have had on fishing communities, the cultural place of subsistence fishing, obligations under Indian treaties, proportions of affected minority and low-income groups, and worldwide nutritional needs.

(*2*) *Economic factors.* Examples are prudent consideration of the risk of overharvesting when a stock's size or reproductive potential is uncertain (see § 600.335(c)(2)(i)), satisfaction of consumer and recreational needs, and encouragement of domestic and export markets for U.S. harvested fish. Other factors that may be considered include: The value of fisheries, the level of capitalization, the decrease in cost per unit of catch afforded by an increase in stock size, the attendant increase in catch per unit of effort, alternate employment opportunities, and economic contribution to fishing communities, coastal areas, affected states, and the nation.

(*3*) *Ecological factors.* Examples include impacts on ecosystem component species, forage fish stocks, other fisheries, predator-prey or competitive interactions, marine mammals, threatened or endangered species, and birds. Species interactions that have not been explicitly taken into account when calculating MSY should be considered as relevant factors for setting OY below MSY. In addition, consideration should be given to managing forage stocks for higher biomass than B_{msy} to enhance and protect the marine ecosystem. Also important are ecological or environmental conditions that stress marine organisms or their habitat, such as natural and manmade changes in wetlands or nursery grounds, and effects of pollutants on habitat and stocks.

(iv) *Specifying OY.* If the estimates of MFMT and current biomass are known with a high level of certainty and management controls can accurately limit catch, then OY could be set very close to MSY, assuming no other reductions are necessary for social, economic, or ecological factors. To the degree that such MSY estimates and management controls are lacking or unavailable, OY should be set farther from MSY.

(A) The OY can be expressed in terms of numbers or weight of fish, and either as a single value or a range. When it is not possible to specify OY quantitatively, OY may be described qualitatively.

(B) The determination of OY is based on MSY, directly or through proxy. However, even where sufficient scientific data as to the biological characteristics of the stock do not exist, or where the period of exploitation or investigation has not been long enough for adequate understanding of stock dynamics, or where frequent large-scale fluctuations in stock size diminish the meaningfulness of the MSY concept, OY must still be established based on the best scientific information available.

(C) An OY established at a fishery level may not exceed the sum of the MSY values for each of the stocks or stocks complexes within the fishery. Aggregate level MSY estimates could be used as a basis for specifying OY for the fishery (see paragraph (e)(1)(iv) of this section). When aggregate level MSY is estimated, single stock MSY estimates can also be used to inform single stock management. For example, OY could be specified for a fishery, while other reference points are specified for individual stocks in order to prevent overfishing on each stock within the fishery.

(D) For internationally-managed stocks, fishing levels that are agreed upon by the U.S. at the international level are consistent with achieving OY.

(v) *OY and foreign fishing.* Section 201(d) of the Magnuson-Stevens Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States. The FMP must include an assessment to address the following, as required by section 303(a)(4) of the Magnuson-Stevens Act:

(A) The OY specification is the basis for establishing any total allowable level of foreign fishing (TALFF).

(B) Part of the OY may be held as a reserve to allow for domestic annual harvest (DAH). If an OY reserve is established, an adequate mechanism should be included in the FMP to permit timely release of the reserve to domestic or foreign fishermen, if necessary.

(C) *DAH.* Councils and/or the Secretary must consider the capacity of, and the extent to which, U.S. vessels will harvest the OY on an annual basis. Estimating the amount that U.S. fishing vessels will actually harvest is required to determine the surplus.

(D) *Domestic annual processing (DAP).* Each FMP must assess the capacity of U.S. processors. It must also assess the amount of DAP, which is the sum of two estimates: The estimated amount of U.S. harvest that domestic processors will process, which may be based on historical performance or on surveys of the expressed intention of manufacturers to process, supported by evidence of contracts, plant expansion, or other relevant information; and the estimated amount of fish that will be harvested by domestic vessels, but not processed (*e.g.,* marketed as fresh whole fish, used for private consumption, or used for bait).

(E) *Joint venture processing (JVP).* When DAH exceeds DAP, the surplus is available for JVP.

(f) *Acceptable biological catch and annual catch limits*—(1) *Definitions*—(i) *Catch* is the total quantity of fish, measured in weight or numbers of fish, taken in commercial, recreational, subsistence, tribal, and other fisheries. Catch includes fish that are retained for any purpose, as well as mortality of fish that are discarded.

(ii) *Acceptable biological catch (ABC)* is a level of a stock or stock complex's annual catch, which is based on an ABC control rule that accounts for the scientific uncertainty in the estimate of OFL, any other scientific uncertainty, and the Council's risk policy.

(iii) *Annual catch limit (ACL)* is a limit on the total annual catch of a stock or stock complex, which cannot exceed the ABC, that serves as the basis for invoking AMs. An ACL may be divided into sector-ACLs (see paragraph (f)(4) of this section).

(iv) *Control rule* is a policy for establishing a limit or target catch level that is based on the best scientific information available and is established by the Council in consultation with its SSC.

(v) *Management uncertainty* refers to uncertainty in the ability of managers to constrain catch so that the ACL is not exceeded, and the uncertainty in quantifying the true catch amounts (*i.e.,* estimation errors). The sources of management uncertainty could include: late catch reporting; misreporting; underreporting of catches; lack of sufficient inseason management, including inseason closure authority; or other factors.

(vi) *Scientific uncertainty* refers to uncertainty in the information about a stock and its reference points. Sources of scientific uncertainty could include: uncertainty in stock assessment results; uncertainty in the estimates of MFMT, MSST, the biomass of the stock, and OFL; time lags in updating assessments; the degree of retrospective revision of assessment results; uncertainty in projections; uncertainties due to the choice of assessment model; longer-term uncertainties due to potential ecosystem and environmental effects; or other factors.

(2) *ABC control rule*—(i) For stocks and stock complexes required to have an ABC, each Council must establish an ABC control rule that accounts for scientific uncertainty in the OFL and the Council's risk policy. The Council's risk policy could be based, on an acceptable probability (at least 50 percent) that catch equal to the stock's ABC will not result in overfishing, but other appropriate methods can be used. When determining the risk policy, Councils could consider the economic, social, and ecological trade-offs between being more or less risk averse. The Council's choice of a risk policy cannot result in an ABC that exceeds the OFL. The process of establishing an ABC control rule may involve science advisors or the peer review process established under Magnuson-Stevens Act section 302(g)(1)(E).

(ii) The ABC control rule must articulate how ABC will be set compared to the OFL based on the scientific knowledge about the stock or stock complex and taking into account scientific uncertainty (see paragraph (f)(1)(vi) of this section). The ABC control rule should consider reducing fishing mortality as stock size declines below B_{msy} and as scientific uncertainty increases, and may establish a stock abundance level below which directed fishing would not be allowed. When scientific uncertainty cannot be directly calculated, such as when proxies are used, then a proxy for the uncertainty itself should be established based on the best scientific information, including comparison to other stocks. The control rule may be used in a tiered approach to address different levels of scientific uncertainty. Councils can develop ABC control rules that allow for changes in catch limits to be phased-in over time or to account for the carry-over of some of the unused portion of the ACL from one year to the next; in which case, the Council must provide a comprehensive analysis and articulate within their FMP when the control rule can and cannot be used and how the control rule prevents overfishing.

(A) *Phase-in ABC control rules.* Large changes in catch limits due to new scientific information about the status of the stock can have negative short-term effects on a fishing industry. To help stabilize catch levels as stock assessments are updated, a Council may choose to develop a control rule that phases in changes to ABC over a period of time, not to exceed 3 years, as long as overfishing is prevented.

(B) *Carry-over ABC control rules.* An ABC control rule may include provisions for carry-over of some of the unused portion of the ACL from one year to increase the ABC for the next year, based on the increased stock abundance resulting from the fishery harvesting less than the full ACL. The resulting ABC recommended by the SSC must prevent overfishing and consider scientific uncertainty consistent with the Council's risk policy. In cases where an ACL has been reduced from the ABC, carry-over provisions may not require the ABC to be re-specified if the ACL can be adjusted upwards so that it is equal to or below the existing ABC.

(3) *Specification of ABC.* ABC may not exceed OFL (see paragraph (e)(2)(i)(D) of this section). Councils and their SSC should develop a process by which the SSC can access the best scientific information available regarding implementation of the ABC control rule. An SSC may recommend an ABC that differs from the result of the ABC control rule calculation, based on factors such as data uncertainty, recruitment variability, declining trends in population variables, and other factors, but must provide an explanation for the deviation. For Secretarial FMPs or amendments, agency scientists or a peer review process would provide the scientific advice to establish ABC. For internationally-assessed stocks, an ABC as defined in these guidelines is not required if stocks fall under the international exception (see paragraph (h)(1)(ii) of this section). While the ABC is allowed to equal OFL, NMFS expects that in most cases ABC will be reduced from OFL to reduce the probability that overfishing might occur in a year.

(i) *Expression of ABC.* ABC should be expressed in terms of catch, but may be expressed in terms of landings as long as estimates of bycatch and any other fishing mortality not accounted for in the landings are incorporated into the determination of ABC.

(ii) *ABC for overfished stocks.* For overfished stocks and stock complexes, a rebuilding ABC must be set to reflect the annual catch that is consistent with the schedule of fishing mortality rates (*i.e.,* $F_{rebuild}$) in the rebuilding plan.

(4) *Setting the annual catch limit*—(i) *General.* ACL cannot exceed the ABC and may be set annually or on a multiyear plan basis. ACLs in coordination with AMs must prevent overfishing (see MSA section 303(a)(15)). If an Annual Catch Target (ACT) is not used, management uncertainty should be accounted for in the ACL. If a Council recommends an ACL which equals ABC, and the ABC is equal to OFL, the Secretary may presume that the proposal would not prevent overfishing, in the absence of sufficient analysis and justification for the approach. A ''multiyear plan'' as referenced in section 303(a)(15) of the Magnuson-Stevens Act is a plan that establishes harvest specifications or harvest guidelines for each year of a time period greater than 1 year. A multiyear plan must include a mechanism for specifying ACLs for each year with appropriate AMs to prevent overfishing and maintain an appropriate rate of rebuilding if the stock or stock complex is in a rebuilding plan. A multiyear plan must provide that, if an ACL is exceeded for a year, then AMs are implemented for the next year consistent with paragraph (g)(3) of this section.

(ii) *Sector-ACLs.* A Council may, but is not required to, divide an ACL into sector-ACLs. If sector-ACLs are used, sector-AMs should also be specified. ''Sector,'' for purposes of this section, means a distinct user group to which separate management strategies and separate catch quotas apply. Examples of sectors include the commercial sector, recreational sector, or various gear groups within a fishery. If the management measures for different sectors differ in the degree of management uncertainty, then sector-ACLs may be necessary so that appropriate AMs can be developed for each sector. If a Council chooses to use sector-ACLs, the sum of sector-ACLs must not exceed the stock or stock complex level ACL. The system of ACLs and AMs designed must be effective in protecting the stock or stock complex as a whole. Even if sector-ACLs and AMs are established, additional AMs at the stock or stock complex level may be necessary.

(iii) *ACLs for State-Federal Fisheries.* For stocks or stock complexes that have harvest in state or territorial waters, FMPs and FMP amendments should include an ACL for the overall stock that may be further divided. For example, the overall ACL could be divided into a Federal-ACL and state-ACL. However, NMFS recognizes that Federal management is limited to the portion of the fishery under Federal authority. See 16 U.S.C. 1856. When stocks are co-managed by Federal, state, tribal, and/or territorial fishery managers, the goal should be to develop collaborative conservation and management strategies, and scientific capacity to support such strategies (including AMs for state or territorial and Federal waters), to prevent overfishing of shared stocks and ensure their sustainability.

(iv) *Relationship between OY and the ACL framework.* The dual goals of NS1 are to prevent overfishing and achieve on a continuing basis OY. The ABC is an upper limit on catch and is designed to prevent overfishing. As described in paragraph (e)(3) of this section, ecological, economic, and social factors, as well as values associated with determining the greatest benefit to the Nation, are important considerations in specifying OY. These OY considerations can also be considered in the ACL framework. For example, an ACL (or ACT) could be set lower than the ABC to account for OY considerations (*e.g.,* needs of forage fish, promoting stability, addressing market conditions, etc.). Additionally, economic, social, or ecological trade-offs could be evaluated when determining the risk policy for an ABC control rule (see paragraph (f)(2) of this section). While OY is a long-term average amount of desired yield, there is, for each year, an amount of fish that is consistent with achieving the long-term OY. A Council can choose to express OY on an annual basis, in which case the FMP or FMP amendment should indicate that the OY is an ''annual OY.'' An annual OY cannot exceed the ACL.

(g) *Accountability measures (AMs)*—(1) *Introduction.* AMs are management controls to prevent ACLs, including sector-ACLs, from being exceeded, and to correct or mitigate overages of the ACL if they occur. AMs should address and minimize both the frequency and magnitude of overages and correct the problems that caused the overage in as short a time as possible. NMFS identifies two categories of AMs, inseason AMs and AMs for when the ACL is exceeded. The FMP should identify what sources of data will be used to implement AMs (*e.g.,* inseason data, annual catch compared to the ACL, or multi-year averaging approach).

(2) *Inseason AMs.* Whenever possible, FMPs should include inseason monitoring and management measures to prevent catch from exceeding ACLs. Inseason AMs could include, but are not limited to: an annual catch target (see paragraph (g)(4) of this section); closure of a fishery; closure of specific areas; changes in gear; changes in trip size or bag limits; reductions in effort; or other appropriate management controls for the fishery. If final data or data components of catch are delayed, Councils should make appropriate use of preliminary data, such as landed catch, in implementing inseason AMs. FMPs should contain inseason closure authority giving NMFS the ability to close fisheries if it determines, based on data that it deems sufficiently reliable, that an ACL has been exceeded or is projected to be reached, and that closure of the fishery is necessary to prevent overfishing. For fisheries without inseason management control to prevent the ACL from being exceeded, AMs should utilize ACTs that are set below ACLs so that catches do not exceed the ACL.

(3) *AMs for when the ACL is exceeded.* On an annual basis, the Council must determine as soon as possible after the fishing year if an ACL was exceeded. If an ACL was exceeded, AMs must be implemented as soon as possible to correct the operational issue that caused the ACL overage, as well as any biological consequences to the stock or stock complex resulting from the overage when it is known. These AMs could include, among other things, modifications of inseason AMs, the use or modification of ACTs, or overage adjustments. The type of AM chosen by a Council will likely vary depending on the sector of the fishery, status of the stock, the degree of the overage, recruitment patterns of the stock, or other pertinent information. If an ACL is set equal to zero and the AM for the fishery is a closure that prohibits fishing for a stock, additional AMs are not required if only small amounts of catch or bycatch occur, and the catch or bycatch is unlikely to result in overfishing. For stocks and stock complexes in rebuilding plans, the AMs should include overage adjustments that reduce the ACLs in the next fishing year by the full amount of the overage, unless the best scientific information available shows that a reduced overage adjustment, or no adjustment, is needed to mitigate the effects of the overage.

(4) *Annual Catch Target (ACT) and ACT control rule.* ACTs are recommended in the system of AMs so that ACL is not exceeded. An ACT is an amount of annual catch of a stock or stock complex that is the management target of the fishery, and accounts for management uncertainty in controlling the catch at or below the ACL. ACT control rules can be used to articulate how management uncertainty is accounted for in setting the ACT. ACT control rules can be developed by the Council, in coordination with the SSC,

to help the Council account for management uncertainty.

(5) *AMs based on multi-year average data.* Some fisheries have highly variable annual catches and lack reliable inseason or annual data on which to base AMs. If there are insufficient data upon which to compare catch to ACL, AMs could be based on comparisons of average catch to average ACL over a three-year moving average period or, if supported by analysis, some other appropriate multi-year period. Councils should explain why basing AMs on a multi-year period is appropriate. Evaluation of the moving average catch to the average ACL must be conducted annually, and if the average catch exceeds the average ACL, appropriate AMs should be implemented consistent with paragraph (g)(3) of this section.

(6) *AMs for State-Federal fisheries.* For stocks or stock complexes that have harvest in state or territorial waters, FMPs and FMP amendments must, at a minimum, have AMs for the portion of the fishery under Federal authority. Such AMs could include closing the EEZ when the Federal portion of the ACL is reached, or the overall stock's ACL is reached, or other measures.

(7) *Performance standard.* If catch exceeds the ACL for a given stock or stock complex more than once in the last four years, the system of ACLs and AMs should be reevaluated, and modified if necessary, to improve its performance and effectiveness. If AMs are based on multi-year average data, the performance standard is based on a comparison of the average catch to the average ACL. A Council could choose a higher performance standard (*e.g.,* a stock's catch should not exceed its ACL more often than once every five or six years) for a stock that is particularly vulnerable to the effects of overfishing, if the vulnerability of the stock has not already been accounted for in the ABC control rule.

(h) *Establishing ACL mechanisms and AMs in FMPs.* FMPs or FMP amendments must establish ACL mechanisms and AMs for all stocks and stock complexes that require conservation and management (see § 600.305(c)), unless paragraph (h)(1) of this section is applicable. These mechanisms should describe the annual or multiyear process by which ACLs, AMs, and other reference points such as OFL, and ABC will be established.

(1) *Exceptions from ACL and AM requirements*—(i) *Life cycle.* Section 303(a)(15) of the Magnuson-Stevens Act ''shall not apply to a fishery for species that has a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species'' (as described in Magnuson-Stevens Act section 303 note). This exception applies to a stock for which the average age of spawners in the population is approximately 1 year or less. While exempt from the ACL and AM requirements, FMPs or FMP amendments for these stocks must have SDC, MSY, OY, ABC, and an ABC control rule.

(ii) *International fishery agreements.* Section 303(a)(15) of the Magnuson-Stevens Act applies ''unless otherwise provided for under an international agreement in which the United States participates'' (Magnuson-Stevens Act section 303 note). This exception applies to stocks or stock complexes subject to management under an international agreement, which is defined as ''any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the United States is a party'' (see Magnuson-Stevens Act section 3(24)). These stocks would still need to have SDC, MSY, and OY.

(2) *Flexibility in application of NS1 guidelines.* There are limited circumstances that may not fit the standard approaches to specification of reference points and management measures set forth in these guidelines. These include, among other things, conservation and management of Endangered Species Act listed species, harvests from aquaculture operations, stocks with unusual life history characteristics (*e.g.,* Pacific salmon, where the spawning potential is concentrated in one year), and stocks for which data are not available either to set reference points based on MSY or MSY proxies, or manage to reference points based on MSY or MSY proxies. In these circumstances, Councils may propose alternative approaches for satisfying requirements of the Magnuson-Stevens Act other than those set forth in these guidelines. Councils must document their rationale for any alternative approaches in an FMP or FMP amendment, which will be reviewed for consistency with the Magnuson-Stevens Act.

(i) *Fisheries data.* In their FMPs, or associated public documents such as SAFE reports as appropriate, Councils must describe general data collection methods, as well as any specific data collection methods used for all stocks and stock complexes in their FMPs, including:

(1) Sources of fishing mortality (both landed and discarded), including commercial and recreational catch and bycatch in other fisheries;

(2) Description of the data collection and estimation methods used to quantify total catch mortality in each fishery, including information on the management tools used (*i.e.,* logbooks, vessel monitoring systems, observer programs, landings reports, fish tickets, processor reports, dealer reports, recreational angler surveys, or other methods); the frequency with which data are collected and updated; and the scope of sampling coverage for each fishery; and

(3) Description of the methods used to compile catch data from various catch data collection methods and how those data are used to determine the relationship between total catch at a given point in time and the ACL for stocks and stock complexes that require conservation and management.

(j) *Council actions to address overfishing and rebuilding for stocks and stock complexes*—(1) *Notification.* The Secretary will immediately notify in writing a Regional Fishery Management Council whenever it is determined that:

(i) Overfishing is occurring;

(ii) A stock or stock complex is overfished;

(iii) A stock or stock complex is approaching an overfished condition; or

(iv) Existing remedial action taken for the purpose of ending previously identified overfishing or rebuilding a previously identified overfished stock or stock complex has not resulted in adequate progress.

(2) *Timing of actions*—(i) *If a stock or stock complex is undergoing overfishing.* Upon notification that a stock or stock complex is undergoing overfishing, a Council should immediately begin working with its SSC (or agency scientists or peer review processes in the case of Secretarially-managed fisheries) to ensure that the ABC is set appropriately to end overfishing. Councils should evaluate the cause of overfishing, address the issue that caused overfishing, and reevaluate their ACLs and AMs to make sure they are adequate.

(ii) *If a stock or stock complex is overfished or approaching an overfished condition.* Upon notification that a stock or stock complex is overfished or approaching an overfished condition, a Council must prepare and implement an FMP, FMP amendment, or proposed regulations within two years of notification, consistent with the requirements of section 304(e)(3) of the Magnuson-Stevens Act. Council actions should be submitted to NMFS within 15 months of notification to ensure sufficient time for the Secretary to implement the measures, if approved.

(3) *Overfished fishery.* (i) Where a stock or stock complex is overfished, a Council must specify a time period for rebuilding the stock or stock complex based on factors specified in Magnuson-Stevens Act section 304(e)(4). This target time for rebuilding (T_{target}) shall be as short as possible, taking into account: the status and biology of any overfished stock, the needs of fishing communities, recommendations by international organizations in which the U.S. participates, and interaction of the stock within the marine ecosystem. In addition, the time period shall not exceed 10 years, except where biology of the stock, other environmental conditions, or management measures under an international agreement to which the U.S. participates, dictate otherwise. SSCs (or agency scientists or peer review processes in the case of Secretarial actions) shall provide recommendations for achieving rebuilding targets (see Magnuson-Stevens Act section 302(g)(1)(B)). The above factors enter into the specification of T_{target} as follows:

(A) *The minimum time for rebuilding a stock (T_{min}). T_{min}* means the amount of time the stock or stock complex is expected to take to rebuild to its MSY biomass level in the absence of any fishing mortality. In this context, the term ''expected'' means to have at least a 50 percent probability of attaining the $B_{msy,}$ where such probabilities can be calculated. The starting year for the T_{min} calculation should be the first year that the rebuilding plan is expected to be implemented.

(B) *The maximum time for rebuilding a stock or stock complex to its B_{msy} (T_{max}).* (*1*) If T_{min} for the stock or stock complex is 10 years or less, then T_{max} is 10 years.

(*2*) If T_{min} for the stock or stock complex exceeds 10 years, then one of the following methods can be used to determine T_{max}:

(*i*) T_{min} plus the length of time associated with one generation time for that stock or stock complex. ''Generation time'' is the average length of time between when an individual is born and the birth of its offspring,

(*ii*) The amount of time the stock or stock complex is expected to take to rebuild to B_{msy} if fished at 75 percent of MFMT, or

(*iii*) T_{min} multiplied by two.

(*3*) When selecting a method for determining $T_{max,}$ a Council must provide a rationale for its decision based on the best scientific information available.

(C) *Target time to rebuilding a stock or stock complex (T_{target}).* T_{target} is the specified time period for rebuilding a stock that is considered to be in as short a time as possible, while taking into account the factors described in paragraph (j)(3)(i) of this section. T_{target} shall not exceed T_{max}, and the fishing mortality associated with achieving T_{target} is referred to as $F_{rebuild}$.

(ii) Council action addressing an overfished fishery must allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery.

(iii) For fisheries managed under an international agreement, Council action addressing an overfished fishery must reflect traditional participation in the fishery, relative to other nations, by fishermen of the United States.

(iv) *Adequate Progress.* The Secretary shall review rebuilding plans at routine intervals that may not exceed two years to determine whether the plans have resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks (MSA section 304(e)(7)). Such reviews could include the review of recent stock assessments, comparisons of catches to the ACL, or other appropriate performance measures. The Secretary may find that adequate progress is not being made if $F_{rebuild}$ or the ACL associated with $F_{rebuild}$ are exceeded, and AMs are not correcting the operational issue that caused the overage and addressing any biological consequences to the stock or stock complex resulting from the overage when it is known (see paragraph (g)(3) of this section). A lack of adequate progress may also be found when the rebuilding expectations of a stock or stock complex are significantly changed due to new and unexpected information about the status of the stock. If a determination is made under this provision, the Secretary will notify the appropriate Council and recommend further conservation and management measures, and the Council must develop and implement a new or revised rebuilding plan within two years (see MSA sections 304(e)(3) and (e)(7)(B)). For Secretarially-managed fisheries, the Secretary would take immediate action necessary to achieve adequate progress toward ending overfishing and rebuilding.

(v) While a stock or stock complex is rebuilding, revising rebuilding timeframes (*i.e.,* T_{target} and T_{max}) or $F_{rebuild}$ is not necessary, unless the Secretary finds that adequate progress is not being made.

(vi) If a stock or stock complex has not rebuilt by T_{max}, then the fishing mortality rate should be maintained at its current $F_{rebuild}$ or 75 percent of the MFMT, whichever is less, until the stock or stock complex is rebuilt or the Secretary finds that adequate progress is not being made.

(4) *Emergency actions and interim measures.* If a Council is developing a rebuilding plan or revising an existing rebuilding plan due to a lack of adequate progress (see MSA section 304(e)(7)), the Secretary may, in response to a Council request, implement interim measures that reduce, but do not necessarily end, overfishing (see MSA section 304(e)(6)) if all of the following criteria are met:

(i) The interim measures are needed to address an unanticipated and significantly changed understanding of the status of the stock or stock complex;

(ii) Ending overfishing immediately is expected to result in severe social and/or economic impacts to a fishery; and

(iii) The interim measures will ensure that the stock or stock complex will increase its current biomass through the duration of the interim measures.

(5) *Discontinuing a rebuilding plan based on new scientific information.* A Council may discontinue a rebuilding plan for a stock or stock complex before it reaches B_{msy}, if all of the following criteria are met:

(i) The Secretary determines that the stock was not overfished in the year that the overfished determination (see MSA section 304(e)(3)) was based on; and

(ii) The biomass of the stock is not currently below the MSST.

(6) *Management measures for depleted stocks.* In cases where an overfished stock or stock complex is considered to be ''depleted'' (see paragraph (e)(2)(i)(F) of this section), a Council may identify in its rebuilding plan additional management measures or initiatives that could improve the status of the stock, such as: reevaluating SDCs to determine if they are representative of current environmental conditions, recommending the restoration of habitat and other ameliorative programs, identifying research priorities to improve the Councils understanding of the impediments to rebuilding, or partnering with Federal and state agencies to address non-fishing related impacts.

(k) *International overfishing.* If the Secretary determines that a fishery is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures (or no effective measures) to end overfishing under an international agreement to which the United States is a party, then the Secretary and/or the appropriate Council shall take certain actions as provided under Magnuson-Stevens Act section 304(i). The

Secretary, in cooperation with the Secretary of State, must immediately take appropriate action at the international level to end the overfishing. In addition, within one year after the determination, the Secretary and/or appropriate Council shall:

(1) Develop recommendations for domestic regulations to address the relative impact of the U.S. fishing vessels on the stock. Council recommendations should be submitted to the Secretary.

(2) Develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock. Councils should, in consultation with the Secretary, develop recommendations that take into consideration relevant provisions of the Magnuson-Stevens Act and NS1 guidelines, including section 304(e) of the Magnuson-Stevens Act and paragraph (j)(3)(iii) of this section, and other applicable laws. For highly migratory species in the Pacific, recommendations from the Western Pacific, North Pacific, or Pacific Councils must be developed and submitted consistent with Magnuson-Stevens Reauthorization Act section 503(f), as appropriate.

(3) *Considerations for assessing ''relative impact''.* ''Relative impact'' under paragraphs (k)(1) and (2) of this section may include consideration of factors that include, but are not limited to: Domestic and international management measures already in place, management history of a given nation, estimates of a nation's landings or catch (including bycatch) in a given fishery, and estimates of a nation's mortality contributions in a given fishery. Information used to determine relative impact must be based upon the best available scientific information.

(l) *Relationship of National Standard 1 to other national standards—General.* National Standards 2 through 10 provide further requirements for conservation and management measures in FMPs (see MSA section 301(a)), and guidelines for these standards are provided in §§ 600.315 through 600.355. Below is a description of how some of the other National Standards intersect with National Standard 1.

(1) *National Standard 2 (see § 600.315).* Management measures and reference points to implement NS1 must be based on the best scientific information available. When data are insufficient to estimate reference points directly, Councils should develop reasonable proxies to the extent possible (also see paragraph (e)(1)(v)(B) of this section). In cases where scientific data are severely limited, effort should also be directed to identifying and gathering the needed data. SSCs should advise their Councils regarding the best scientific information available for fishery management decisions.

(2) *National Standard 3 (see § 600.320).* Reference points should generally be specified in terms of the level of stock aggregation for which the best scientific information is available (also see paragraphs (e)(1)(ii) and (iii) of this section).

(3) *National Standard 6 (see § 600.335).* Councils must build into the reference points and control rules appropriate consideration of risk, taking into account uncertainties in estimating harvest, stock conditions, life history parameters, or the effects of environmental factors.

(4) *National Standard 8 (see § 600.345).* National Standard 8 addresses economic and social considerations and minimizing to the extent practicable adverse economic impacts on fishing communities within the context of preventing overfishing and rebuilding overfished stocks as required under National Standard 1. Calculation of OY as reduced from MSY also includes consideration of economic and social factors, but the combination of management measures chosen to achieve the OY must principally be designed to prevent overfishing and rebuild overfished stocks.

(5) *National Standard 9 (see § 600.350).* Evaluation of stock status with respect to reference points must take into account mortality caused by bycatch. In addition, the estimation of catch should include the mortality of fish that are discarded.

(m) *Exceptions to requirements to prevent overfishing.* Exceptions to the requirement to prevent overfishing could apply under certain limited circumstances. Harvesting one stock at its optimum level may result in overfishing of another stock when the two stocks tend to be caught together (This can occur when the two stocks are part of the same fishery or if one is bycatch in the other's fishery). Before a Council may decide to allow this type of overfishing, an analysis must be performed and the analysis must contain a justification in terms of overall benefits, including a comparison of benefits under alternative management measures, and an analysis of the risk of any stock or stock complex falling below its MSST. The Council may decide to allow this type of overfishing if the fishery is not overfished and the analysis demonstrates that all of the following conditions are satisfied:

(1) Such action will result in long-term net benefits to the Nation;

(2) Mitigating measures have been considered and it has been demonstrated that a similar level of long-term net benefits cannot be achieved by modifying fleet behavior, gear selection/configuration, or other technical characteristic in a manner such that no overfishing would occur; and

(3) The resulting rate of fishing mortality will not cause any stock or stock complex to fall below its MSST more than 50 percent of the time in the long term, although it is recognized that persistent overfishing is expected to cause the affected stock to fall below its B_{msy} more than 50 percent of the time in the long term.

■ 4. Section 600.320 is revised to read as follows:

§ 600.320 National Standard 3—Management Units.

(a) *Standard 3.* To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(b) *General.* The purpose of this standard is to induce a comprehensive approach to fishery management. The geographic scope of the fishery, for planning purposes, should cover the entire range of the stocks(s) of fish, and not be overly constrained by political boundaries. Wherever practicable, an FMP should seek to manage interrelated stocks of fish.

(c) *Unity of management.* Cooperation and understanding among entities concerned with the fishery (*e.g.,* Councils, states, Federal Government, international commissions, foreign nations) are vital to effective management. Where management of a fishery involves multiple jurisdictions, coordination among the several entities should be sought in the development of an FMP. Where a range overlaps Council areas, one FMP to cover the entire range is preferred. The Secretary designates which Council(s) will prepare the FMP (see section 304(f) of the Magnuson-Stevens Act).

(d) *Management unit.* The term ''management unit'' means a fishery or that portion of a fishery identified in an FMP as relevant to the FMP's management objectives. Stocks in the fishery management unit are considered to be in need of conservation and management (see § 600.305(c)).

(1) *Basis.* The choice of a management unit depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives.

(2) *Conservation and management measures.* FMPs should include conservation and management measures for that part of the management unit within U.S. waters, although the Secretary can ordinarily implement them only within the EEZ. The measures need not be identical for each geographic area within the management unit, if the FMP justifies the differences. A management unit may contain stocks of fish for which there is not enough information available to specify MSY and OY or their proxies.

(e) *Analysis.* An FMP should include discussion of the following:

(1) The range and distribution of the stocks, as well as the patterns of fishing effort and harvest.

(2) Alternative management units and reasons for selecting a particular one. A less-than-comprehensive management unit may be justified if, for example, complementary management exists or is planned for a separate geographic area or for a distinct use of the stocks, or if the unmanaged portion of the resource is immaterial to proper management.

(3) Management activities and habitat programs of adjacent states and their effects on the FMP's objectives and management measures. Where state action is necessary to implement measures within state waters to achieve FMP objectives, the FMP should identify what state action is necessary, discuss the consequences of state inaction or contrary action, and make appropriate recommendations. The FMP should also discuss the impact that Federal regulations will have on state management activities.

(4) Management activities of other countries having an impact on the fishery, and how the FMP's management measures are designed to take into account these impacts. International boundaries may be dealt with in several ways. For example:

(i) By limiting the management unit's scope to that portion of the stock found in U.S. waters;

(ii) By estimating MSY for the entire stock and then basing the determination of OY for the U.S. fishery on the portion of the stock within U.S. waters; or

(iii) By referring to treaties or cooperative agreements.

■ 5. Section 600.340 is revised to read as follows:

§ 600.340 National Standard 7—Costs and Benefits.

(a) *Standard 7.* Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(b) *Alternative management measures.* Management measures should not impose unnecessary burdens on the economy, on individuals, on private or public organizations, or on Federal, state, or local governments. Factors such as fuel costs, enforcement costs, or the burdens of collecting data may well suggest a preferred alternative.

(c) *Analysis.* The supporting analyses for FMPs should demonstrate that the benefits of fishery regulation are real and substantial relative to the added research, administrative, and enforcement costs, as well as costs to the industry of compliance. In determining the benefits and costs of management measures, each management strategy considered and its impacts on different user groups in the fishery should be evaluated. This requirement need not produce an elaborate, formalistic cost/benefit analysis. Rather, an evaluation of effects and costs, especially of differences among workable alternatives, including the status quo, is adequate. If quantitative estimates are not possible, qualitative estimates will suffice.

(1) *Burdens.* Management measures should be designed to give fishermen the greatest possible freedom of action in conducting business and pursuing recreational opportunities that are consistent with ensuring wise use of the resources and reducing conflict in the fishery. The type and level of burden placed on user groups by the regulations need to be identified. Such an examination should include, for example: Capital outlays; operating and maintenance costs; reporting costs; administrative, enforcement, and information costs; and prices to consumers. Management measures may shift costs from one level of government to another, from one part of the private sector to another, or from the government to the private sector. Redistribution of costs through regulations is likely to generate controversy. A discussion of these and any other burdens placed on the public through FMP regulations should be a part of the FMP's supporting analyses.

(2) *Gains.* The relative distribution of gains may change as a result of instituting different sets of alternatives, as may the specific type of gain. The analysis of benefits should focus on the specific gains produced by each alternative set of management measures, including the status quo. The benefits to society that result from the alternative management measures should be identified, and the level of gain assessed.

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