FEDERAL REGISTER

Vol. 80 Monday,

No. 21 February 2, 2015

Pages 5451–5664

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 80, No. 21

Monday, February 2, 2015

Separate Parts In This Issue

Reader Aids

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

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
532.....5451
Proposed Rules:
532.....5487

14 CFR
39 (2 documents) 5452, 5454
Proposed Rules:
39.....5489

16 CFR
Proposed Rules:
500.....5491
502.....5491

29 CFR
2520.....5626

33 CFR
117.....5457

40 CFR
9.....5457
52.....5471
60.....5475
61.....5475
62.....5483
63.....5475
721.....5457
Proposed Rules:
52.....5497
60.....5498
61.....5498
63.....5498

45 CFR
1611.....5485

50 CFR
Proposed Rules:
226.....5499
680.....5499

Rules and Regulations

Federal Register
Vol. 80, No. 21
Monday, February 2, 2015

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN06

Prevailing Rate Systems; Redefinition of the Fort Wayne-Marion, IN, and Detroit, MI, Appropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a final rule to redefine the geographic boundaries of the Fort Wayne-Marion, IN, and Detroit, MI, appropriated fund Federal Wage System (FWS) wage areas. The final rule redefines Fulton County, OH, from the Fort Wayne-Marion wage area to the Detroit wage area. This change is based on a consensus recommendation of the Federal Prevailing Rate Advisory Committee (FPRAC) to best match Fulton County to a nearby FWS survey area. In addition, this final rule adds La Crosse County, WI, to the survey area of the Southwestern Wisconsin wage area, which OPM inadvertently omitted in a final rule published in 2013.

DATES: *Effective date:* This regulation is effective February 2, 2015. *Applicability date:* This change applies on the first day of the first applicable pay period beginning on or after March 4, 2015.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2838 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On July 18, 2014, OPM issued a proposed rule (79 FR 41927) to redefine Fulton County, OH, from the Fort Wayne-Marion, IN, wage area to the Detroit, MI, wage area. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and recommended this change by consensus. The proposed rule had a 30-day comment period, during which OPM received no comments.

This final rule adds La Crosse County, WI, to the survey area of the Southwestern Wisconsin wage area, which OPM inadvertently omitted in a final rule published in 2013 (78 FR 29611). This correction does not affect the pay of any FWS employees.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, the U.S. Office of Personnel Management amends 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

■ 2. Appendix C to subpart B is amended by revising the wage area listings for the Fort Wayne-Marion, IN; Detroit, MI; and Southwestern Wisconsin wage areas to read as follows:

* * * * *

INDIANA

* * * * *

Fort Wayne-Marion

Survey Area

Indiana:
Adams
Allen
DeKalb
Grant
Huntington
Wells

Area of Application. Survey area plus:

Indiana:
Blackford
Case
Elkhart
Fulton
Jay
Kosciusko
Lagrange
Marshall
Miami
Noble
St. Joseph
Steuben
Wabash
White
Whitley
Ohio:
Allen
Defiance
Henry
Mercer
Paulding
Putnam
Van Wert
Williams

* * * * *

MICHIGAN

* * * * *

Detroit

Survey Area

Michigan:
Lapeer
Livingston
Macomb
Oakland
St. Clair
Wayne

Area of Application. Survey area plus:

Michigan:
Arenac
Bay
Clare
Clinton
Eaton
Genesee
Gladwin
Gratiot
Huron
Ingham
Isabella
Lenawee
Midland
Monroe
Saginaw
Sanilac
Shiawassee
Tuscola
Washtenaw
Ohio:
Fulton
Lucas
Wood

* * * * *

WISCONSIN

* * * * *

Southwestern Wisconsin

Survey Area

Wisconsin:
Chippewa
Eau Claire
La Crosse
Monroe
Trempealeau

Area of Application. Survey area plus:

Minnesota:
Fillmore
Houston
Winona
Wisconsin:
Barron
Buffalo
Clark
Crawford
Dunn
Florence
Forest
Jackson
Juneau
Langlade
Lincoln
Marathon
Marinette
Menominee
Oneida
Pepin
Portage
Price
Richland
Rusk
Shawano
Taylor
Vernon
Vilas
Waupaca
Wood

* * * * *

[FR Doc. 2015–01938 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0961; Directorate Identifier 2011–NE–22–AD; Amendment 39–18090; AD 2015–02–22]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation Turboprop and Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2012–14–06 for certain Rolls-Royce Corporation (RRC) 250–C20, –C20B, and –C20R/2 turboshaft engines. AD 2012–14–06 required a one-time visual inspection and fluorescent-penetrant inspection (FPI) on certain 3rd-stage and 4th-stage turbine wheels for cracks in the turbine blades. This new AD replaces the one-time visual inspection and FPI with repetitive visual inspections and FPIs. This AD also adds certain engine models to the applicability. This AD was prompted by the determination that the one-time inspections required by AD 2012–14–06 should be changed to repetitive inspections. We are issuing this AD to prevent failure of 3rd-stage and 4th-stage turbine wheel blades, which could cause engine failure and damage to the aircraft.

DATES: This AD is effective March 9, 2015.

ADDRESSES: For service information identified in this AD, contact Rolls-Royce Corporation, 450 South Meridian Street, Indianapolis, IN 46225–1103; phone: 888–255–4766 or 317–230–2720; email: *helicoptercustsupp@rolls-royce.com;* Internet: *www.rolls-royce.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*by searching for and locating Docket No. FAA–2011–0961; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: John Tallarovic, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–8180; fax: 847–294–7834; email: *john.m.tallarovic@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–14–06, Amendment 39–17120 (77 FR 40479, July 10, 2012), (''AD 2012–14–06''). AD 2012–14–06 applied to certain RRC 250–C20, –C20B, and –C20R/2 turboshaft engines. The NPRM published in the **Federal Register** on October 2, 2014 (79 FR 59463). The NPRM was prompted by determination that the one-time inspections required by AD 2012–14–06 should be changed to repetitive inspections. The NPRM proposed to replace the one-time visual inspection and FPI with repetitive visual inspections and FPIs, and also to require a visual inspection and FPI after any engine hot start. The NPRM also proposed to add certain engine models to the applicability. We are issuing this AD to prevent failure of 3rd-stage and 4th-stage turbine wheel blades, which could cause engine failure and damage to the aircraft.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 59463, October 2, 2014) and the FAA's response to each comment.

Request To Remove a Certain Proposed Inspection Requirement

RRC requested that we remove the requirement to inspect the 3rd-stage and 4th-stage turbine wheels after a hot start because they are already prohibited from further use after a hot start by the maintenance instructions.

We agree. Maintenance instructions clearly direct replacement of 3rd-stage and 4th-stage turbine wheels following a hot start. We removed from this AD the requirement to perform a visual inspection and an FPI on the affected turbine wheels after any hot start.

Request To Limit Applicability

RRC requested that we restrict applicability of the AD to only those affected engines that are installed on MD helicopters because the majority of failures have occurred on MD helicopters.

We disagree. Failures have occurred in installations on other than MD helicopters. Also, the FAA cannot ensure that parts once used on MD helicopters have not been subsequently installed on other engines or helicopter models. We did not change this AD.

Request To Delete a Certain Reference

RRC requested that we remove, from the Actions Since AD 2012–14–06 Was Published paragraph, reference to 3rd-stage turbine wheel failures by replacing the words ''3rd-stage and'' with the words ''two additional'' because additional failures only occurred in 4th-stage turbine wheels.

We agree. The new failures since AD 2012–14–06 was published were in 4th-stage turbine wheels. However, the paragraph, Actions Since AD 2012–14–06 was Published, which appeared in the NPRM (October 2, 2014 79 FR 59463), does not appear in this final rule. We did not change this AD.

Request To Revise a Certain Paragraph

RRC requested that we add the word ''potential'' before the word ''failures'' in the Actions Since AD 2012–14–06 Was Published paragraph.

We agree. However, the paragraph, Actions Since AD 2012–14–06 Was Published, which appeared in the NPRM (October 2, 2014 79 FR 59463), does not appear in this final rule. We did not change this AD.

Request To Revise the Costs of Compliance

RRC requested that we change, in the Costs of Compliance paragraph, the estimated time to conduct the inspection from one hour to two hours.

We agree. We changed our estimate in this AD to reflect two hours of labor to conduct the inspection.

Request To Revise the Labor Rate

RRC requested that we change, in the Costs of Compliance paragraph, the labor rate from $85 per hour to $116 per hour.

We disagree. The rate of $85 per hour is provided by the FAA Office of Aviation Policy and Plans for us to use when estimating the labor costs of complying with AD requirements. We did not change this AD.

Request To Revise the Costs of Compliance

RRC requested that we add the word ''initial'' before the stated cost in the Costs of Compliance paragraph.

We partially agree. We did not insert the word ''initial'', but we clarified that our estimate of costs of compliance are for one inspection, whether initial or recurring.

Request To Revise a Definition

RRC requested that we change our definition of a hot start.

We partially agree. We agree with the suggested changes because they clarify the definition of a hot start. However, in our reply to a prior comment, we agreed to remove the inspection requirements associated with a hot start. Therefore, we have deleted all requirements in this AD to conduct inspections after hot starts, and have deleted the Definition paragraph.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 59463, October 2, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 59463, October 2, 2014).

We also determined that these changes will not significantly increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 3,769 engines installed on aircraft of U.S. registry. We also estimate that it will take about 2 hours per engine to comply with the inspection requirement of this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of this AD on U.S. operators for one inspection to be $640,730.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–14–06, Amendment 39–17120 (77 FR 40479, July 10, 2012), and adding the following new AD:

2015–02–22 Rolls-Royce Corporation: Amendment 39–18090; Docket No. FAA–2011–0961; Directorate Identifier 2011–NE–22–AD.

(a) Effective Date

This AD is effective March 9, 2015.

(b) Affected ADs

This AD supersedes AD 2012–14–06, Amendment 39–17120 (77 FR 40479, July 10, 2012).

(c) Applicability

This AD applies to Rolls-Royce Corporation (RRC) 250–B17, –B17B, –B17C, –B17D, –B17E, –B17F, –B17F/1, –B17F/2 turboprop engines; and 250–C20, –C20B, –C20F, –C20J, –C20R, –C20R/1, –C20R/2, –C20R/4, –C20S, and –C20W turboshaft engines; with either a 3rd-stage turbine wheel, part number (P/N) 23065818, or a 4th-stage turbine wheel, P/N 23055944, installed.

(d) Unsafe Condition

This AD was prompted by investigations that revealed that not all 3rd-stage and 4th-stage turbine wheel blade failures were identified by the one-time inspections required by AD 2012–14–06, Amendment 39–17120 (77 FR 40479, July 10, 2012). We determined that to address the unsafe condition, repetitive inspections are

required, triggered by hours since last inspection (HSLI). We are issuing this AD to prevent failure of 3rd-stage and 4th-stage turbine wheel blades, which could cause engine failure and damage to the aircraft.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done. After the effective date of this AD:

(1) Within 1,750 HSLI, remove the affected turbine wheels and perform a visual inspection and a fluorescent-penetrant inspection (FPI) on the removed turbine wheels for cracks at the trailing edge of the turbine blades near the fillet at the rim.

(2) Any time the power turbine is disassembled, perform a visual inspection and an FPI on the affected turbine wheels for cracks at the trailing edge of the turbine blades, near the fillet at the rim.

(3) Thereafter, re-inspect every 1,750 HSLI.

(4) Do not return to service any turbine wheels that have cracks detected.

(f) Alternative Methods of Compliance (AMOCs)

The Manager, Chicago Aircraft Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(g) Related Information

(1) For more information about this AD, contact John Tallarovic, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–8180; fax: 847–294–7834; email: *john.m.tallarovic@faa.gov.*

(2) RRC Alert Commercial Engine Bulletin (CEB) No. CEB–A–1407, Revision 3, dated May 19, 2014, and Alert CEB No. CEB–A–72–4098, Revision 3, dated May 19, 2014 (combined into one document), which are not incorporated by reference in this AD, can be obtained from RRC, using the contact information in paragraph (g)(3) of this AD.

(3) For service information identified in this AD, contact Rolls-Royce Corporation Customer Support, 450 South Meridian Street, Indianapolis, IN 46225–1103; phone: 888–255–4766 or 317–230–2720; email: *helicoptercustsupp@rolls-royce.com;* Internet: *www.rolls-royce.com.*

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

(h) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on January 20, 2015.

Colleen M. D'Alessandro,

Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–01371 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0049; Directorate Identifier 2014–SW–037–AD; Amendment 39–18096; AD 2015–02–27]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–19–19 for certain Eurocopter France Model AS332C, AS332L, AS332L1, AS332L2, and EC225LP helicopters. AD 2013–19–19 required replacing certain serial-numbered main gearbox (MGB) bevel gear vertical shafts and inspecting and replacing, if necessary, each MGB bevel gear vertical shaft (shaft). This new AD requires the same actions as AD 2013–19–19 but corrects an error in the term used to identify an inspection qualification and updates the type certificate holder's name. This AD is prompted by two incidents of emergency ditching after warning indications of loss of MGB oil pressure. These actions are intended to detect a cracked shaft, which could result in loss of MGB oil pressure, loss of the MGB lubrication system, and subsequent loss of control of the helicopter.

DATES: This AD is effective February 17, 2015.

We must receive comments on this AD by April 3, 2015.

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

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

Examining the AD Docket

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

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

FOR FURTHER INFORMATION CONTACT: James Blyn, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *james.blyn@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Discussion

On September 9, 2013, we issued AD 2013–19–19 (78 FR 60188, October 1, 2013), which required replacing certain

serial-numbered shafts because they are no longer airworthy. Also, AD 2013–19–19 required certain inspections at specified intervals of each shaft for a crack and, if there is a crack, replacing the shaft with an airworthy part before further flight. AD 2013–19–19 was prompted by two incidents of emergency ditching after warning indication of loss of oil pressure. A full circumferential crack of the lower shaft occurred in the area where two sections of the shaft are welded together. As a result, the shaft stopped driving the main and backup oil pumps, leading to warning indications of the loss of the MGB lubrication. The crew activated the MGB emergency lubrication system, and following a warning that indicated failure of that system, performed a controlled ditching into the sea. The actions in AD 2013–19–19 were intended to detect a cracked shaft, which could result in loss of MGB oil pressure, loss of the MGB lubrication system, and subsequent loss of control of the helicopter.

AD 2013–19–19 was prompted by AD No. 2013–0138R1, dated July 15, 2013, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for the Eurocopter Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters, all serial numbers, with certain part-numbered shafts, installed. EASA advises of two events of the Model EC225LP helicopters where an emergency ditching was performed after warning indication of MGB loss of oil pressure and subsequent additional red alarm on the MGB emergency lubrication system (EMLUB). EASA also advises of a full circumferential crack of the lower shaft in the area where the two sections of the shaft are welded together. As a result, the vertical shaft ceased to drive the main and backup oil pumps leading to warning indications of the loss of the MGB main and standby oil lubrication systems. The crew activated the EMLUB system and, following a subsequent warning indicating failure of that system, performed a controlled ditching into the sea.

EASA advises that Eurocopter determined after investigating the incidents that the shaft failures resulted from a combination of factors, including stress hot-spots induced by the shaft geometry, residual stresses in the shaft weld material resulting from the manufacturing process, and corrosion pitting inside the shaft on areas where gear spline wear particles accumulated.

The EASA AD allows continued operations under certain conditions if equipped with a Vibration Health Monitoring System (VHM).

Actions Since We Issued AD 2013–19–19

After we issued AD 2013–19–19 (78 FR 60188, October 1, 2013), we discovered an incorrect term used to identify the inspection qualification for one of the inspections in the AD. Specifically, the AD included in the Required Actions section, under paragraph (e)(3)(ii), the following:

''Before further flight and thereafter at intervals not to exceed 11.5 hours TIS, remove the main jet and emergency spraying jet, and ultrasonic inspect the shaft in the weld area for a crack, which must be done by a Level II or Level III inspector certified in the eddy current fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard, or''.

As published, the term ''eddy current'' used to identify the inspection qualification is incorrect. The correct term is ''ultrasonic.'' Also, since the issuance of AD 2013–19–19, the type certificate holder's name changed from Eurocopter France to Airbus Helicopters. This AD requires the same actions as AD 2013–19–19 but corrects the inspection qualification and updates the type certificate holder's name.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Interim Action

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

Related Service Information

Eurocopter (now Airbus Helicopters) issued the following service information:

- Alert Service Bulletin (ASB) No. AS332–01.00.82, Revision 3, dated July 8, 2013, for the Model AS332C, C1, L, L1, L2 civil helicopters and Model AS332B, B1, M, M1, and F1 military model helicopters. The ASB defines inspection requirements to detect a crack in the shaft, and
- ASB No. EC225–04A009, Revision 3, dated July 8, 2013 for Model EC225LP helicopters. The ASB defines inspection requirements to detect a crack in the shaft.

AD Requirements

This AD requires:

- Removing certain part-numbered and serial-numbered shafts that are no longer considered airworthy from service.
- For certain model helicopters, before further flight and at specified intervals, eddy current inspecting the shaft for a crack in the area of the weld.
- For Model EC225LP helicopters, before further flight, either installing a placard in full view of the pilot with the following statement in red, 6 millimeter letters on a white background: ''MAXIMUM CONTINUOUS TORQUE LIMITED TO 70% DURING LEVEL FLIGHTS AT IAS EQUAL TO OR MORE THAN 60 KTS,'' and before further flight and thereafter at intervals not to exceed 11.5 hours TIS, removing the main jet and emergency spraying jet, and ultrasonic inspecting the shaft in the weld area for a crack; or
- Before further flight and thereafter at intervals not to exceed 8 hours TIS, removing the main jet and emergency spraying jet, and ultrasonic inspecting the shaft for a crack in the area of the weld.
- Each eddy current or ultrasonic inspection be done by a Level II or Level III operator certified in the eddy current or ultrasonic fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard.
- If there is a crack, before further flight, replacing the shaft with an airworthy part.

Differences Between This AD and the EASA AD

The EASA AD allows continued operations under certain conditions if equipped with a VHM. The VHM system is validated by FAA for information only, and therefore we have not adopted that portion of the EASA AD.

Costs of Compliance

We estimate that this AD affects 4 helicopters of U.S. Registry and that operators may incur the following costs to comply with this AD. At $85 per work hour; minimal cost to install a placard; and 3 work hours to inspect each shaft for a crack, it will cost $255 per helicopter and $1,020 for the fleet per inspection. It will take 44 work hours to replace a shaft and $1,243,350

for required parts for a total of $1,247,090 per helicopter.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments before adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment before adopting this rule because the required corrective actions must be done within 10 hours TIS and at repeated intervals within short time periods.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–19–19, Amendment 39–17601 (78 FR 60188, October 1, 2013), and adding the following new (AD):

2015–02–27 Airbus Helicopters (Previously Eurocopter France): Amendment 39–18096; Docket No. FAA–2015–0049; Directorate Identifier 2014–SW–037–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332L, AS332L1, AS332L2, and EC225LP helicopters with a main gearbox (MGB) bevel gear vertical shaft (shaft), part number (P/N) 332A32–5101–00, 332A32–5101–05, 332A32–5101–10, or 332A32–5101–15, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a cracked shaft resulting in loss of MGB oil pressure. These actions are intended to prevent loss of the MGB lubrication system and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2013–19–19, Amendment 39–17601 (78 FR 60188, October 1, 2013).

(d) Effective Date

This AD becomes effective February 17, 2015.

(e) Compliance

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

(f) Required Actions

(1) Before further flight, remove shaft, P/N 332A32–5101–00, 332A32–5101–05, 332A32–5101–10, or 332A32–5101–15, with S/N M330 through M340 (inclusive) and S/N M370 through M5000 (inclusive) from service, which are no longer considered airworthy.

(2) For Model AS332C, AS332L, AS332L1, and AS332L2 helicopters, before further flight and thereafter at intervals not to exceed 10 hours time-in-service (TIS), eddy current inspect the shaft for a crack in the area of the weld, which must be done by a Level II or Level III inspector certified in the eddy current fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard.

(3) For Model EC225LP helicopters, either do paragraphs (3)(i) and (3)(ii) or do paragraph (3)(iii).

(i) Before further flight, install a placard in full view of the pilot with the following statement in red, 6 millimeter letters on a white background: ''MAXIMUM CONTINUOUS TORQUE LIMITED TO 70% DURING LEVEL FLIGHTS AT IAS EQUAL TO OR MORE THAN 60 KTS,'' and

(ii) Before further flight and thereafter at intervals not to exceed 11.5 hours TIS, remove the main jet and emergency spraying jet, and ultrasonic inspect the shaft in the weld area for a crack, which must be done by a Level II or Level III inspector certified in the ultrasonic fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard, or

(iii) Before further flight, and thereafter at intervals not to exceed 8 hours TIS, remove the main jet and emergency spraying jet, and ultrasonic inspect the shaft for a crack in the area of the weld, which must be done by a Level II or Level III operator certified in the ultrasonic fault detection method in the Aeronautics Sector according to the EN4179 or NAS410 standard.

(4) If there is a crack, before further flight, replace the shaft with an airworthy part.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to James Blyn, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *james.blyn@faa.gov*.

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

(h) Additional Information

(1) Eurocopter Alert Service Bulletin No. AS332–01.00.82 and Alert Service Bulletin No. EC225–04A009, both Revision 3 and both dated July 8, 2013, which are not

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

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013–0138R1, dated July 15, 2013. You may view the EASA AD at *http://www.regulations.gov* in the Docket No. FAA–2015–0049.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6320 Main rotor gearbox.

Issued in Fort Worth, Texas, on January 16, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–01800 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0003]

Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the regulation governing the operation of the State Route 433 (SR433) Bridge across Bonfouca Bayou, mile 7.0, at Slidell, St. Tammany Parish, Louisiana. This deviation provides for the bridge to remain closed to navigation for five and a half consecutive hours in the morning and four and a half hours in the afternoon with an opening in the middle to pass vessels. There will be a two-hour notice to pass vessels in the evenings and a four-hour notice to pass vessels on weekends. This deviation will last for 33 consecutive days. The purpose of the closure is to conduct scheduled maintenance and repairs to the drawbridge.

DATES: This deviation is effective from 6:30 a.m. on February 2, 2015 through 5:30 p.m. on March 6, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0003] 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 rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Jim Wetherington, Bridge Administration Branch, Coast Guard, telephone (504)671–2128, email *james.r.wetherington@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 Louisiana Department of Transportation and Development (LDOTD) requested a temporary deviation from the normal operation of the drawbridge at 33 CFR 117.433 in order to perform scheduled maintenance and rehabilitation. This is necessary for the continued operation of the bridge. This deviation allows the draw of the SR433 Bridge across Bonfouca Bayou, mile 7.0, to remain closed to navigation for five and a half consecutive hours in the morning and four and a half hours in the afternoon with an opening in the middle to pass vessels. This deviation is effective from 6:30 a.m. to noon and then again from 1 p.m. through 5:30 p.m. daily from February 2 through March 6, 2015. There will be two-hour notice required in the evenings and a four-hour notice all day on the weekends.

Broadcast Notice to Mariners will be used to update mariners of any changes in this deviation.

The bridge has a vertical clearance of 8 feet above high water in the closed-to-navigation position and unlimited clearance above high water in the open-to-navigation position. There is 125 feet fender to fender horizontal clearance. Navigation on the waterway consists of tugs with tows, commercial fishing vessels and mainly recreational craft. There is no alternate route.

CEC (the contractor for the maintenance and rehab) and the Coast Guard have coordinated the closure with waterway users, industry, and other Coast Guard units. This date and this schedule were chosen to minimize the significant effects on vessel traffic.

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 27, 2015.

David M. Frank,

Bridge Administrator, Eighth District.

[FR Doc. 2015–01826 Filed 1–30–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2014–0714; FRL–9919–68]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 27 chemical substances which were the subject of premanufacture notices (PMNs). Two of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture (including import) or process any of these 27 chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

DATES: This rule is effective on April 3, 2015. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on February 17, 2015.

Written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs must be received on or before March 4, 2015 (see Unit VI. of the **SUPPLEMENTARY INFORMATION**). If EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs before March 4, 2015, EPA will withdraw the relevant sections of this direct final rule before its effective date.

For additional information on related reporting requirement dates, see Units I.A., VI., and VII. of the **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0714, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, are available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division (7405 M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of a proposed or final rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

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

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

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the agency taking?

EPA is promulgating these SNURs using direct final procedures. These SNURs will require persons to notify EPA at least 90 days before commencing the manufacture or processing of a chemical substance for any activity designated by these SNURs as a significant new use. Receipt of such notices allows EPA to assess risks that may be presented by the intended uses and, if appropriate, to regulate the proposed use before it occurs. Additional rationale and background to these rules are more fully set out in the preamble to EPA's first direct final SNUR published in the **Federal Register** issue of April 24, 1990 (55 FR 17376). Consult that preamble for further information on the objectives, rationale, and procedures for SNURs and on the basis for significant new use designations, including provisions for developing test data.

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

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use. Persons who must report are described in § 721.5.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA sections 5(e), 5(f), 6, or 7 to control the activities for which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human

beings or the environment to a chemical substance.

- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the 27 chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four bulleted TSCA section 5(a)(2) factors listed in this unit.

IV. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for 27 chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the TSCA section 5(e) consent order or the basis for the TSCA non-section 5(e) SNURs (*i.e.,* SNURs without TSCA section 5(e) consent orders).
- Toxicity concerns.
- Tests recommended by EPA to provide sufficient information to evaluate the chemical substance (see Unit VIII. for more information).
- CFR citation assigned in the regulatory text section of this rule.

The regulatory text section of this rule specifies the activities designated as significant new uses. Certain new uses, including production volume limits (*i.e.,* limits on manufacture and importation volume) and other uses designated in this rule, may be claimed as CBI. Unit IX. discusses a procedure companies may use to ascertain whether a proposed use constitutes a significant new use.

This rule includes two PMN substances (P–12–17 and P–13–573) that are subject to ''risk-based'' consent orders under TSCA section 5(e)(1)(A)(ii)(I) where EPA determined that activities associated with the PMN substances may present unreasonable risk to human health or the environment. Those consent orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The so-called ''section 5(e) SNURs'' on these PMN substances are promulgated pursuant to § 721.160, and are based on and consistent with the provisions in the underlying consent orders. The section 5(e) SNURs designate as a ''significant new use'' the absence of the protective measures required in the corresponding consent orders.

Where EPA determined that the PMN substance may present an unreasonable risk of injury to human health via inhalation exposure, the underlying TSCA section 5(e) consent order usually requires, among other things, that potentially exposed employees wear specified respirators unless actual measurements of the workplace air show that air-borne concentrations of the PMN substance are below a New Chemical Exposure Limit (NCEL) that is established by EPA to provide adequate protection to human health. In addition to the actual NCEL concentration, the comprehensive NCELs provisions in TSCA section 5(e) consent orders, which are modeled after Occupational Safety and Health Administration (OSHA) Permissible Exposure Limits (PELs) provisions, include requirements addressing performance criteria for sampling and analytical methods, periodic monitoring, respiratory protection, and recordkeeping. However, no comparable NCEL provisions currently exist in 40 CFR part 721, subpart B, for SNURs. Therefore, for these cases, the individual SNURs in 40 CFR part 721, subpart E, will state that persons subject to the SNUR who wish to pursue NCELs as an alternative to the § 721.63 respirator requirements may request to do so under § 721.30. EPA expects that persons whose § 721.30 requests to use the NCELs approach for SNURs are approved by EPA will be required to comply with NCELs provisions that are comparable to those contained in the corresponding TSCA section 5(e) consent order for the same chemical substance.

This rule also includes SNURs on 25 PMN substances that are not subject to consent orders under TSCA section 5(e). In these cases, for a variety of reasons, EPA did not find that the use scenario described in the PMN triggered the determinations set forth under TSCA section 5(e). However, EPA does believe that certain changes from the use scenario described in the PMN could result in increased exposures, thereby constituting a ''significant new use.'' These so-called ''non-section 5(e) SNURs'' are promulgated pursuant to § 721.170. EPA has determined that every activity designated as a ''significant new use'' in all non-section 5(e) SNURs issued under § 721.170 satisfies the two requirements stipulated in § 721.170(c)(2), *i.e.,* these significant new use activities are different from those described in the premanufacture notice for the substance, including any amendments, deletions, and additions of activities to the premanufacture notice, and may be accompanied by changes in exposure or release levels that are significant in relation to the health or environmental concerns identified'' for the PMN substance.

PMN Number P–12–17

Chemical name: Phosphoric acid, iron (2+) lithium salt (1:1:1).

CAS number: 15365–14–7.

Effective date of TSCA section 5(e) consent order: May 27, 2014.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the PMN will be as electrode components. Based on test data on analogous respirable, poorly soluble particulates, EPA identified concerns for lung overload. Further, based on lithium (about 5 percent of the molecular weight of the PMN), EPA identified concerns for neurotoxicity, developmental toxicity, and immunotoxicity. The Order was issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I) based on a finding that the substance may present an unreasonable risk of injury to human health, the substance may be produced in substantial quantities and may reasonably be anticipated to enter the environment in substantial quantities, and there may be significant (or substantial) human exposure to the substance. To protect against these risks, the consent order requires:

1. Risk notification. If as a result of the test data required, the company becomes aware that the PMN substance may present a risk of injury to human health, the company must incorporate this new information, and any information on methods for protecting against such risk into a Material Safety Data Sheet (MSDS), within 90 days.

2. Use of personal protective equipment including a National Institute of Occupational Safety and Health (NIOSH)-certified respirator with an assigned protection factor (APF) of at least 10 or compliance with a NCEL of 2.4 milligram/meter^3 (mg/m^3) as an 8-hour time-weighted average (when there is potential inhalation exposure), when there is potential inhalation exposure.

3. Submission of certain testing prior to exceeding the confidential

production volume limits of the PMN substance specified in the consent order.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the test data from certain human health testing identified in the consent order would help characterize possible health effects of the substance. The company has agreed not to exceed the first confidential production limit without performing a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465) in rats, with special attention to histopathology as described in the consent order. If the results of the 90-day inhalation toxicity test indicates the potential for carcinogenicity, then the submitter has agreed not to exceed the second confidential production limit without performing a carcinogenicity test (OPPTS Test Guideline 870.4200) in rats via the inhalation route.

CFR citation: 40 CFR 721.10793.

PMN Numbers P–13–212 and P–13–213

Chemical names: Alkenyl succinate, amine salts (generic).

CAS numbers: Claimed confidential.

Basis for action: The PMNs state that the use of the substances will be as metalworking fluid additives. Based on test data on analogous anionic surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 3 parts per billion (ppb) in aggregate of the PMN substances in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early-life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substances to surface water exceed releases from the use described in the PMNs. For the use described in the PMNs, environmental releases of the substances did not exceed 3 ppb for more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that use of the substances other than as described in the PMNs may result in significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended Testing: EPA has determined that a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (Office of Chemical Safety and Pollution Prevention (OCSPP) Test Guideline 850.4500), would help characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.10794.

PMN Number P–13–559

Chemical name: Amine salt of vegetable oil, polymer with cycloaliphatic glycol, hydroxy substituted carboxylic acid, aliphatic diisocyanate and tetra hydroxyalkane (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the use of the substance will be as a wood sealer or concrete sealer. Based on ecological structure activity relationship (SAR) analysis of test data on polyamphoteric polymers, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 60 ppb of the PMN substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early-life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if releases of the PMN substance to surface water exceed releases from the use described in the PMN. For the use described in the PMN, environmental releases of the substances did not exceed 60 ppb for more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10795.

PMN Number P–13–573

Chemical name: Polymer of terephthalic acid and ethyl benzene with multi-walled carbon nanotube (generic).

CAS number: Claimed confidential.

Effective date of TSCA section 5(e) consent order: April 16, 2014.

Basis for TSCA section 5(e) consent order: The PMN states that the generic (non-confidential) use of the PMN will be as dispersing agents for various resin systems, such as thermosets, elastomers, thermoplastics and solvents and water. Based on test data on analogous respirable, poorly soluble particulates, EPA identified concerns for immunotoxicity, oncogenicity, and mutagenicity. Further, based on the agglomeration potential of carbon nanotubes, EPA identified concerns for environmental releases to water where the PMN may combine with dissolved organic matter to form stable aqueous suspensions. The Order was issued under TSCA sections 5(e)(1)(A)(i) and 5(e)(1)(A)(ii)(I), based on a finding that the substance may present an unreasonable risk of injury to human health and the environment, the substance may be produced in substantial quantities and may reasonably be anticipated to enter the environment in substantial quantities, and there may be significant (or substantial) human exposure to the substance. To protect against these risks, the consent order requires:

1. Use of personal protective equipment involving impervious gloves and protective clothing (where there is a potential for dermal exposure) and a NIOSH-certified respirator with N–100, P–100, or R–100 cartridges (where there is a potential for inhalation exposure).

2. Submission of certain physical-chemical data for the PMN substance within nine months of signing of the consent order.

3. Submission of certain human health testing prior to exceeding the confidential production volume limit specified in the consent order.

4. Processing and use of the PMN substance only for the confidential use specified in the consent order.

5. No use of the substance resulting in releases to surface waters.

The SNUR would designate as a ''significant new use'' the absence of these protective measures.

Recommended testing: EPA has determined that the development of data on certain physical-chemical properties, as well as certain human health and environmental toxicity testing would help characterize possible effects of the substance. The submitter has agreed to provide the physical/chemical properties data within the specified time limit. In addition, the submitter has agreed not to exceed the confidential production limit without performing a 90-day inhalation toxicity test (OPPTS Test Guideline 870.3465 or

Organisation for Economic Co-operation and Development (OECD) Test Guideline 413) in rats with a post-exposure observation period of up to 3 months (including BALF analysis, a determination of cardiovascular toxicity (clinically-based blood/plasma protein analyses), and histopathology of the heart). Although the order does not require the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400), a chronic daphnid toxicity test (OPPTS Test Guideline 850.1300), and an algal toxicity test (OCSPP Test Guideline 850.4500) at any specified time or volume, the Order's restrictions on manufacture, processing, distribution in commerce, and disposal will remain in effect until the Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.10796.

PMN Number P–13–674

Chemical name: Polycarbamoylsulfonic acid sodium salt (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the use of the substance will be for leather processing. Based on test data of the PMN substance, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 11 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations exceeding 11 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in releases to surface waters exceeding 11 ppb may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(i).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400) and a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10797.

PMN Number P–13–864

Chemical name: Phosphonic acid chloride, diester (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic use of the substance will be as a chemical intermediate. Based on ecological SAR analysis of test data on analogous esters, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 5 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations exceeding 5 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in releases to surface waters exceeding 5 ppb may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10798.

PMN Numbers P–13–874, P–13–875, P–13–876, and P–13–877

Chemical names: Substituted dimethyl phenols (generic).

CAS numbers: Claimed confidential.

Basis for action: The PMNs state that the generic use of the substances will be as chemical intermediates. Based on ecological SAR analysis of test data on analogous phenols, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 10 ppb of the PMN substances P–13–874 or P–13–875, and 5 ppb of the PMN substances P–13–876 or P–13–877, in surface waters. As described in the PMNs, releases of the substances are not expected to result in surface water concentrations exceeding 10 ppb in aggregate of the PMN P–13–874 and P–13–875 substances or 5 ppb in aggregate of the PMN P–13–876 and P–13–877 substances. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances that results in releases to surface waters exceeding 10 ppb in aggregate of the PMN P–13–874 and P–13–875 substances or 5 ppb in aggregate of the PMN P–13–876 and P–13–877 substances may result in significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test (OPPTS Test Guideline 850.1010); an algal toxicity test (OCSPP Test Guideline 850.4500); and a ready biodegradability test (OECD Test Guideline 301) on either P–13–874 or P–13–875, would help characterize the environmental effects of these two PMN substances. Further, EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); an algal toxicity test (OCSPP Test Guideline 850.4500); and a ready biodegradability test (OECD Test Guideline 301) on P–13–877 would help characterize the environmental effects of P–13–876 and P–13–877.

CFR citation: 40 CFR 721.10799.

PMN Number P–13–931

Chemical name: 2-propenoic acid, 4-phenoxybutyl ester.

CAS number: 103969–85–3.

Basis for action: The PMN states that the use of the substance will be a polymerizable component in adhesive formulations. Based on ecological SAR analysis of test data on analogous acrylates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations exceeding 1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in releases to surface waters exceeding 1 ppb may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a water solubility test (OECD Test Guideline 105) and a partition coefficient (n-octanol/water) test, HPLC Method (OECD Test Guideline 117) would help to characterize the physical-chemical properties of the PMN substance. EPA recommends that this testing be performed first as the results may mitigate the need for further testing or change the testing recommendations. Depending upon the results of these data, EPA has determined that the results of a fish acute toxicity test (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test (OPPTS Test Guideline 850.1010); and

an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10800.

PMN Number P–13–936

Chemical name: Organic phosphonate salt (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic use of the substance will be a contained use in energy production. Based on ecological SAR analysis of test data on analogous polyanionic monomers, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 130 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations exceeding 130 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in releases to surface waters exceeding 130 ppb may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of an algal toxicity test (OCSPP Test Guideline 850.4500) and a modified algal toxicity test with equivalent calcium ion amendments (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10801.

PMN Number P–14–39

Chemical name: Quaternized protein/silicone copolymer (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic use of the substance will be as a fabric softener additive. Based on test data on the PMN substance, as well as ecological SAR analysis of test data on analogous amphoteric surfactants, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 31 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations exceeding 31 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in releases to surface waters exceeding 31 ppb may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10802.

PMN Number P–14–70

Chemical name: 1,5-Pentanediamine.

CAS number: 462–94–2.

Basis for action: The PMN states that the uses of the substance will be as a monomer for polyamides and as an ingredient to produce metamethylene 1,5 diisocyanate. Based on ecological SAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 300 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations exceeding 300 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in releases to surface waters exceeding 300 ppb may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish acute toxicity test (OPPTS Test Guideline 850.1075); an aquatic invertebrate acute toxicity test (OPPTS Test Guideline 850.1010); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10803.

PMN Number P–14–110

Chemical name: Cashew-nutshell-liquid, polymer with formaldehyde, reaction products with diethanolamine and diisopropanol amine.

CAS number: 1462343–28–7.

Basis for action: The PMN states that the generic use of the substance will be as a polyol to be reacted with polyisocyanates to create polyurethane foam. Based on ecological SAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations exceeding 1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance that results in releases to surface waters exceeding 1 ppb may result in significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a water solubility test (OECD Test Guideline 105) and a partition coefficient (n-octanol/water) test, high performance liquid chromotography (HPLC) Method (OECD Test Guideline 117) would help to characterize the physical-chemical properties of the PMN substance. EPA recommends that this testing be performed first as the results may mitigate the need for further testing or change the testing recommendations. Depending on the results of these tests, EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) OR the sediment-water chironomid life-cycle toxicity test using spiked water or spiked sediment (OECD Test Guideline 233) and the ready biodegradability test (OECD Test Guideline 301) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10804.

PMN Numbers P–14–202, P–14–203, P–14–204, P–14–205, and P–14–206

Chemical names: Fatty acid imidazolines (generic).

CAS numbers: Claimed confidential.

Basis for action: The PMNs state that the generic use of the substances will be as emulsifiers. Based on ecological SAR analysis of test data on analogous aliphatic amines, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb in aggregate of the PMN substances P–14–202 and P–14–203 or 1 ppb in aggregate of PMNs P–14–204, P–14–205, and P–14–206 in surface waters. As described in the PMNs, releases of the substances are not expected to result in surface water concentrations exceeding 1 ppb in aggregate of P–14–202 and P–14–203 or

1 ppb in aggregate of PMNs P–14–204, P–14–205, and P–14–206. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substances may present an unreasonable risk. EPA has determined, however, that any use of the substances that results in releases to surface waters exceeding 1 ppb in aggregate of the PMN substances P–14–202 and P–14–203 or 1 ppb in aggregate of PMNs P–14–204, P–14–205, and P–14–206 may result in significant adverse environmental effects. Based on this information, the PMN substances meet the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that a water solubility test (OECD Test Guideline 105) and a partition coefficient (n-octanol/water) test, HPLC Method (OECD Test Guideline 117) for P–14–202 and P–14–204 would help to characterize the physical-chemical properties of the PMN substances. EPA recommends that this testing be performed first as the results may mitigate the need for further testing or change the testing recommendations. Depending on the results of these tests, EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); an algal toxicity test (OCSPP Test Guideline 850.4500); as well as either the fish acute toxicity mitigated by humic acid test (OPPTS Test Guideline 850.1085) or the whole sediment acute toxicity invertebrates, freshwater test (OPPTS Test Guideline 850.1735) on P–14–202 and P–14–204 may help characterize the environmental effects of the PMN substances. EPA also recommends that the guidance document on aquatic toxicity testing of difficult substances and mixtures (OECD Test Guideline 23) be followed to facilitate solubility in the test media.

CFR citation: 40 CFR 721.10805.

PMN Number P–14–341

Chemical name: Trimellitic anhydride, polymer with alkanolamine and tetrahydrophthalic anhydride (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the use of the substance will be as a binder for gluing the individual mineral fibres together to form a firm product, used industrially in a closed system. Based on test data on the PMN substance, the EPA identified human health concerns regarding blood toxicity and uncertain concerns for liver and kidney toxicity from exposure to the PMN substance via inhalation exposure. As described in the PMN, exposure is expected to be minimal for this use. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as listed in the PMN may result in serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(i).

Recommended testing: EPA has determined that the results of a combined repeated dose toxicity study with the reproductive/developmental toxicity screening test (OECD Test Guideline 422) would help characterize the human health effects of the PMN substance.

CFR citation: 40 CFR 721.10806.

PMN Number P–14–417

Chemical name: Aliphatic ether ethyl alcohol (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a solvent for ink. Based on test data on analogous ethylene glycol ethers, EPA identified concerns for blood, liver, and kidney toxicity, immunotoxicity, neurotoxicity, and developmental and reproductive toxicity to humans exposed to the PMN substance. Because of the use described in the PMN, significant dermal, inhalation and drinking water exposures are not expected for the worker, the general population, or consumer. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that use of the substance other than as described in the PMN may cause serious health effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(3)(ii).

Recommended testing: EPA has determined that the results of the combined repeated dose toxicity study, with the reproduction/developmental toxicity screening test (OECD Test Guideline 422) would help characterize the health effects of the PMN substance.

CFR citation: 40 CFR 721.10807.

PMN Number P–14–513

Chemical name: Bisxylenol diglycidyl ether polymer (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a chemical intermediate. Based on ecological SAR analysis of test data on analogous polyepoxides, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 1 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 1 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10808.

PMN Number P–14–518

Chemical name: Cyclotetrasiloxane, 2,4,6,8-tetrakis[3-[2-(2-methoxyethoxy)ethoxy]propyl]-2,4,6,8-tetramethyl-.

CAS number: 17232–95–0.

Basis for action: The PMN states that the substance will be used in the preparation of a triethyleneoxy-terminated polymer. Based on ecological SAR analysis of test data on analogous neutral organic chemicals, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 8 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 8 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 8 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help characterize the environmental effects of the PMN substance. EPA also

recommends that the guidance document on aquatic toxicity testing of difficult substances and mixtures (OECD Test Guideline 23) be followed to facilitate solubility of the PMN substance in the test media.

CFR citation: 40 CFR 721.10809.

PMN Number P–14–544

Chemical name: Heterocyclic amine potassium salt (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the generic (non-confidential) use of the substance will be as a dishing reducer. Based on ecological SAR analysis of test data on structurally similar substances, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 250 ppb of the PMN substance in surface waters for greater than 20 days per year. This 20-day criterion is derived from partial life cycle tests (daphnid chronic and fish early-life stage tests) that typically range from 21 to 28 days in duration. EPA predicts toxicity to aquatic organisms may occur if either (1) releases of the PMN substance to surface water, from uses other than as described in the PMN, exceed releases from the use described in the PMN or (2) the production volume increases beyond the confidential production volume described in the PMN. For the use and production volume described in the PMN, environmental releases did not exceed 250 ppb for more than 20 days per year. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance other than as described in the PMN, or any increase in the annual production volume could result in exposures which may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a ready biodegradability test (OECD Test Guideline 301); a fish early-life-stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); and an algal toxicity test (OCSPP Test Guideline 850.4500) would help to characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10810.

PMN Number P–14–618

Chemical name: Heterocyclic amine substituted acrylamide (generic).

CAS number: Claimed confidential.

Basis for action: The PMN states that the substance will be used as a monomer for use in the manufacture of a polymer or for export. Based on ecological SAR analysis of test data on analogous acrylamides, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 23 ppb of the PMN substance in surface waters. As described in the PMN, releases of the substance are not expected to result in surface water concentrations that exceed 23 ppb. Therefore, EPA has not determined that the proposed manufacturing, processing, or use of the substance may present an unreasonable risk. EPA has determined, however, that any use of the substance resulting in surface water concentrations exceeding 23 ppb may cause significant adverse environmental effects. Based on this information, the PMN substance meets the concern criteria at § 721.170(b)(4)(ii).

Recommended testing: EPA has determined that the results of a fish early-life stage toxicity test (OPPTS Test Guideline 850.1400); a daphnid chronic toxicity test (OPPTS Test Guideline 850.1300); an algal toxicity test (OCSPP Test Guideline 850.4500); and a ready biodegradability test (OECD Test Guideline 301) would help characterize the environmental effects of the PMN substance.

CFR citation: 40 CFR 721.10811.

V. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these SNURs, EPA concluded that for 2 of the 27 chemical substances, regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) consent orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters. The SNUR provisions for these chemical substances are consistent with the provisions of the TSCA section 5(e) consent orders. These SNURs are promulgated pursuant to § 721.160 (see Unit VI.).

In the other 25 cases, where the uses are not regulated under a TSCA section 5(e) consent order, EPA determined that one or more of the criteria of concern established at § 721.170 were met, as discussed in Unit IV.

B. Objectives

EPA is issuing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this rule:

- EPA will receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- EPA will be able to regulate prospective manufacturers or processors of a listed chemical substance before the described significant new use of that chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6, or 7.
- EPA will ensure that all manufacturers and processors of the same chemical substance that is subject to a TSCA section 5(e) consent order are subject to similar requirements.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VI. Direct Final Procedures

EPA is issuing these SNURs as a direct final rule, as described in § 721.160(c)(3) and § 721.170(d)(4). In accordance with § 721.160(c)(3)(ii) and § 721.170(d)(4)(i)(B), the effective date of this rule is April 3, 2015 without further notice, unless EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments before March 4, 2015.

If EPA receives written adverse or critical comments, or notice of intent to submit adverse or critical comments, on one or more of these SNURs before March 4, 2015, EPA will withdraw the relevant sections of this direct final rule before its effective date. EPA will then issue a proposed SNUR for the chemical substance(s) on which adverse or critical comments were received, providing a 30-day period for public comment.

This rule establishes SNURs for a number of chemical substances. Any person who submits adverse or critical

comments, or notice of intent to submit adverse or critical comments, must identify the chemical substance and the new use to which it applies. EPA will not withdraw a SNUR for a chemical substance not identified in the comment.

VII. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which an NOC has not been submitted EPA concludes that the designated significant new uses are not ongoing.

When chemical substances identified in this rule are added to the TSCA Inventory, EPA recognizes that, before the rule is effective, other persons might engage in a use that has been identified as a significant new use. However, TSCA section 5(e) consent orders have been issued for 2 of the 27 chemical substances, and the PMN submitters are prohibited by the TSCA section 5(e) consent orders from undertaking activities which would be designated as significant new uses. The identities of 22 of the 27 chemical substances subject to this rule have been claimed as confidential and EPA has received no post-PMN *bona fide* submissions (per §§ 720.25 and 721.11). Based on this, the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this rule are ongoing.

Therefore, EPA designates February 2, 2015 as the cutoff date for determining whether the new use is ongoing. Persons who begin commercial manufacture or processing of the chemical substances for a significant new use identified as of that date would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until the notice review period, including any extensions, expires. If such a person met the conditions of advance compliance under § 721.45(h), the person would be considered exempt from the requirements of the SNUR. Consult the **Federal Register** document of April 24, 1990 for a more detailed discussion of the cutoff date for ongoing uses.

VIII. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require developing any particular test data before submission of a SNUN. The two exceptions are:

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).

2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a TSCA section 4 test rule or a TSCA section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. In cases where EPA issued a TSCA section 5(e) consent order that requires or recommends certain testing, Unit IV. lists those tests. Unit IV. also lists recommended testing for non-5(e) SNURs. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.'' The Organisation for Economic Co-operation and Development (OECD) test guidelines are available from the OECD Bookshop at *http://www.oecdbookshop.org* or SourceOECD at *http://www.sourceoecd.org.*

In the TSCA section 5(e) consent orders for several of the chemical substances regulated under this rule, EPA has established production volume limits in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the chemical substances. These limits cannot be exceeded unless the PMN submitter first submits the results of toxicity tests that would permit a reasoned evaluation of the potential risks posed by these chemical substances. Under recent TSCA section 5(e) consent orders, each PMN submitter is required to submit each study before reaching the specified production limit. Listings of the tests specified in the TSCA section 5(e) consent orders are included in Unit IV. The SNURs contain the same production volume limits as the TSCA section 5(e) consent orders. Exceeding these production limits is defined as a significant new use.

The recommended tests specified in Unit IV. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior PMN or SNUN submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Potential benefits of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1).

Under these procedures a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. SNUN Submissions

According to § 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2014–0714.

XII. Statutory and Executive Order Reviews

A. Executive Order 12866

This action establishes SNURs for several new chemical substances that were the subject of PMNs, or TSCA section 5(e) consent orders. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993).

B. Paperwork Reduction Act (PRA)

According to PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this action. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

On February 18, 2012, EPA certified pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUR submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this action.

This action is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit XI. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8,300.

Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999).

F. Executive Order 13175

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action.

G. Executive Order 13045

This action is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211

This action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), does not apply to this action.

J. Executive Order 12898

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

XIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: January 21, 2015.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add the following sections in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR Citation	OMB Control No.
* * *	* *
Significant New Uses of Chemical Substances	
* * *	* *
721.10793	2070–0012
721.10794	2070–0012
721.10795	2070–0012
721.10796	2070–0012
721.10797	2070–0012
721.10798	2070–0012
721.10799	2070–0012
721.10800	2070–0012
721.10801	2070–0012
721.10802	2070–0012
721.10803	2070–0012
721.10804	2070–0012
721.10805	2070–0012
721.10806	2070–0012
721.10807	2070–0012
721.10808	2070–0012
721.10809	2070–0012
721.10810	2070–0012
721.10811	2070–0012
* * *	* *

* * * * *

PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 721.10793 to subpart E to read as follows:

§ 721.10793 Phosphoric acid, iron (2+) lithium salt (1:1:1).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phosphoric acid, iron (2+) lithium salt (1:1:1) (PMN P–12–17; CAS No. 15365–14–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The SNUR does not apply to the PMN substance when it is manufactured, pursuant to any of the exemptions in 40 CFR 720.30(h) with no commercial purpose separate from the substance, mixture, or article of which it is a part.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63 (a)(3), (a)(4), (a)(6)(ii), (a)(6)(v), (a)(6)(vi), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63 (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. The following National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an Assigned Protection Factor (APF) of at least 10 meet the requirements of § 721.63(a)(4):

(A) NIOSH-certified power air-purifying respirator with a hood or helmet and with appropriate gas/vapor (acid gas, organic vapor, or substance specific) cartridges in combination with HEPA filters.

(B) NIOSH-certified continuous flow supplied-air respirator equipped with a loose fitting face piece, hood, or helmet.

(C) NIOSH-certified negative pressure (demand) supplied-air respirator with a full face piece.

(*1*) As an alternative to the respiratory requirements listed here, a manufacturer or processor may choose to follow the New Chemical Exposure Limit (NCEL) provisions listed in the TSCA section 5(e) consent order for this substance. The NCEL is 2.4 mg/m^3 as an 8-hour time weighted average verified by actual monitoring data.

(*2*) [Reserved]

(ii) *Hazard communication program.* Requirements as specified in § 721.72.

(A) If as a result of the test data required under the TSCA section 5(e) consent order for this substance, the employer becomes aware that this substance may present a risk of injury to human health or the environment, the employer must incorporate this new information, and any information on

methods for protecting against such risk, into a MSDS as described in § 721.72(c) within 90 days from the time the employer becomes aware of the new information. If this substance is not being manufactured, processed, or used in the employer's workplace, the employer must add the new information to a MSDS before the substance is reintroduced into the workplace.

(B) The employer must ensure that persons who will receive the PMN substance from the employer, or who have received the PMN substance from the employer within 5 years from the date the employer becomes aware of the new information described in paragraph (a)(2)(i)(A) of this section, are provided an MSDS containing the information required under paragraph (a)(2)(i)(A) of this section within 90 days from the time the employer becomes aware of the new information.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (k) and (q).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a) through (f) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 5. Add § 721.10794 to subpart E to read as follows:

§ 721.10794 Alkenyl succinate, amine salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as alkenyl succinate, amine salts (PMNs P–13–212 and P–13–213) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80. The significant new use is any use other than as a metalworking fluid additive.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 6. Add § 721.10795 to subpart E to read as follows:

§ 721.10705 Amine salt of vegetable oil, polymer with cycloaliphatic glycol, hydroxy substituted carboxylic acid, aliphatic diisocyanate and tetra hydroxy alkane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as amine salt of vegetable oil, polymer with cycloaliphatic glycol, hydroxy substituted carboxylic acid, aliphatic diisocyanate and tetra hydroxy alkane (PMN P–13–559) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80. The significant new use is any use other than as a wood sealer or concrete sealer.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 7. Add § 721.10796 to subpart E to read as follows:

§ 721.10796 Polymer of terephthalic acid and ethyl benzene with multi-walled carbon nanotube (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polymer of terephthalic acid and ethyl benzene with multi-walled carbon nanotube (PMN P–13–573) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The SNUR does not apply to the PMN substance when it is manufactured, pursuant to any of the exemptions in 40 CFR 720.30(h) with no commercial purpose separate from the substance, mixture, or article of which it is a part.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63 (a)(1), (a)(2)(i), (a)(2)(ii), (a)(3), (a)(4), (a)(6)(particulate), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63 (a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. A National Institute for Occupational Safety and Health (NIOSH)-certified respirators with an N–100, P–100, or R–100 cartridge meet the requirements of § 721.63(a)(4).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (k)(a significant new use is any processing or use other than described in the consent order) and (q).

(iii) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a) through (e), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

■ 8. Add § 721.10797 to subpart E to read as follows:

§ 721.10797 Polycarbamoylsulfonic acid sodium salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polycarbamoylsulfonic acid sodium salt (PMN P–13–674) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=11).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 9. Add § 721.10798 to subpart E to read as follows:

§ 721.10798 Phosphonic acid chloride, diester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as phosphonic acid chloride, diester (PMN P–13–864) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=5).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 10. Add § 721.10799 to subpart E to read as follows:

§ 721.10799 Substituted dimethyl phenols (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as substituted dimethyl phenols (PMNs P–13–874, P–13–875, P–13–876, and P–13–877) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=10 in aggregate for PMN substances P–13–874 and P–13–875, and N=5 in aggregate for the PMN substances P–13–876 and P–13–877).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 11. Add § 721.10800 to subpart E to read as follows:

§ 721.10800 2-Propenoic acid, 4-phenoxybutyl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 4-phenoxybutyl ester (PMN P–13–931; CAS No. 103969–85–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 12. Add § 721.10801 to subpart E to read as follows:

§ 721.10801 Organic phosphonate salt (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as organic phosphonate salt (PMN P–13–936) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=130).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 13. Add § 721.10802 to subpart E to read as follows:

§ 721.10802 Quaternized protein/silicone copolymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as quaternized protein/silicone copolymer (PMN P–14–39) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=31).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 14. Add § 721.10803 to subpart E to read as follows:

§ 721.10803 1,5-Pentanediamine.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,5-pentanediamine (PMN P-14-70; CAS No. 462–94–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=300).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 15. Add § 721.10804 to subpart E to read as follows:

§ 721.10804 Cashew-nutshell-liquid, polymer with formaldehyde, reaction products with diethanolamine and diisopropanol amine.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as cashew-nutshell-liquid, polymer with

formaldehyde, reaction products with diethanolamine and diisopropanol amine (PMN P–14–110; CAS No. 1462343–28–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 16. Add § 721.10805 to subpart E to read as follows:

§ 721.10805 Fatty acid imidazolines (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as fatty acid imidazolines. (PMNs P–14–202, P–14–203, P–14–204, P–14–205, and P–14–206) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (where N=1 in aggregate for PMNs P–14–203 and P–14–204; N=1 in aggregate for PMNs P–14–204, P–14–205, P–14–206).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 17. Add § 721.10806 to subpart E to read as follows:

§ 721.10806 Trimellitic anhydride, polymer with alkanolamine and tetrahydrophthalic anhydride (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as trimellitic anhydride, polymer with alkanolamine and tetrahydrophthalic anhydride (PMN P–14–341) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial commercial, and consumer activities.* Requirements as specified in § 721.80. A significant new use is any use of the PMN substance other than as a binder for gluing the individual mineral fibers together to form a firm product, used industrially in a closed system.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 18. Add § 721.10807 to subpart E to read as follows:

§ 721.10807 Aliphatic ether ethyl alcohol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aliphatic ether ethyl alcohol (PMN P–14–417) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80. A significant new use is any use other than the confidential use as stated in the PMN.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 19. Add § 721.10808 to subpart E to read as follows:

§ 721.10808 Bisxylenol diglycidyl ether polymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as bisxylenol diglycidyl ether polymer (PMN P–14–513) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 20. Add § 721.10809 to subpart E to read as follows:

§ 721.10809 Cyclotetrasiloxane, 2,4,6,8-tetrakis[3-[2-(2-methoxyethoxy)ethoxy]propyl]-2,4,6,8-tetramethyl-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as cyclotetrasiloxane, 2,4,6,8-tetrakis[3-[2-(2-methoxyethoxy)ethoxy]propyl]-2,4,6,8-tetramethyl- (PMN P–14–518; CAS No. 17232–95–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (N=8).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 21. Add § 721.10810 to subpart E to read as follows:

§ 721.10810 Heterocyclic amine potassium salt (generic).

(a) Chemical substance and significant new uses subject to reporting. (1) The

chemical substance identified generically as heterocyclic amine potassium salt (PMN P–14–544) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (j)(a significant new use is any use other than the confidential use stated in the PMN) and (s).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

■ 22. Add § 721.10811 to subpart E to read as follows:

§ 721.10811 Heterocyclic amine substituted acrylamide (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heterocyclic amine substituted acrylamide (PMN P–14–618) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=23).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2015–01721 Filed 1–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2008–0636; FRL–9922–25–Region 6]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Revisions to Emissions Inventory Requirements, and General Provisions

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Albuquerque/Bernalillo County, New Mexico State Implementation Plan (SIP). These revisions add definitions and clarifying changes to the general provisions and add a new emissions inventory regulation that establishes reporting requirements for stationary sources in Albuquerque/Bernalillo County. The EPA is approving these revisions pursuant to section 110 of the Clean Air Act (CAA).

DATES: This rule will be effective on April 3, 2015 without further notice unless EPA receives relevant adverse comments by March 4, 2015. If EPA receives such comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2008–0636, by one of the following methods:

- *www.regulations.gov.* Follow the online instructions.
- *Email:* Mr. Guy Donaldson at *donaldson.guy@epa.gov.* Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Mail or Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2008–0636. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665–7253.

FOR FURTHER INFORMATION CONTACT: Mr. John Walser (6PD–L), Air Planning Section, telephone (214) 665–7128, email: *walser.john@epa.gov.*

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

Table of Contents

I. Background

A. What is a SIP?

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that air quality meets the National Ambient Air Quality Standards (NAAQS) established by EPA. The NAAQS are established under section 109 of the CAA and currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. A SIP is a set of air pollution regulations, control strategies, other means or techniques, and technical analyses developed by the state, to ensure that air quality in the state meets the NAAQS. It is required by section 110 and other provisions of the CAA. A SIP protects air quality primarily by addressing air pollution at its point of origin. SIPs can be extensive, containing state regulations or other enforceable documents, and supporting information such as emissions inventories, monitoring networks, and modeling demonstrations. Each state must submit any SIP revision to EPA for approval and incorporation into the federally-enforceable SIP.

The New Mexico SIP includes a variety of control strategies, including the regulations that outline general provisions applicable to Albuquerque/Bernalillo County Air Quality Control Board (AQCB) regulations and emissions inventory requirements.

B. What are Emissions Inventories?

Emissions inventories are surveys of actual and/or allowable emissions of air pollutants in an area. They are critical for the efforts of state, local, and federal agencies to attain and maintain the NAAQS that EPA has established for criteria pollutants such as ozone, particulate matter, and carbon monoxide. EPA issued the consolidated emissions reporting rule on June 10, 2002 (67 FR 39602). The rule can be found at 40 CFR part 51 Subpart A—Air Emissions Reporting Requirements. The rule consolidated the various emissions reporting requirements that already existed into one place in the CFR, established new reporting requirements related to particulate matter less than or equal to 2.5 microns ($PM_{2.5}$) and regional haze, and established new requirements for the statewide reporting of area source and mobile source emissions. In 2008 EPA modified its requirements for collecting and reporting air emissions data by publishing the Air Emission Reporting Requirements in the **Federal Register** on December 17, 2008 (73 FR 76539). The requirements (1) provide options to the state and local air pollution control agencies responsible for reporting data, (2) shorten the timeline for reporting data, (3) eliminate the emissions reporting requirement for biogenic emissions, and (4) require state and local agencies to adopt the definition of a ''point source'' as specified under title V of the Clean Air Act.

II. Overview of the State Submittals

The revisions we are approving address Title 20, Chapter 11, Part 2 General Provisions of the New Mexico Administrative Code (20.11.1 NMAC General Provisions) and Title 20, Chapter 11, Part 47 Emissions Inventory Requirements of the New Mexico Administrative Code (20.11.47 NMAC Emissions Inventory Requirements). These revisions apply to sources in Bernalillo County, excluding sources in Indian lands over which the AQCB lacks jurisdiction. We have prepared a Technical Support Document (TSD) for this action which details our evaluation. Our TSD may be accessed on-line at *http://www.regulations.gov,* Docket No. EPA–R06–OAR–2008–0636.

A. The May 6, 2008 Submittal

On May 6, 2008, New Mexico submitted a revision to the Albuquerque/Bernalillo County SIP. The revision established a new regulation, 20.11.47 NMAC, Emissions Inventory Requirements. The AQCB approved the new regulation on March 12, 2008. The new regulation adds various sections, including a section on definitions (20.11.46.7 NMAC), emissions inventory and reporting requirements (20.11.47.14 NMAC) and greenhouse gas emissions inventory requirements (20.11.47.15 NMAC).

B. The November 6, 2009 Submittals

On November 6, 2009, New Mexico submitted a revision to the Albuquerque/Bernalillo County SIP. The AQCB adopted this revision on October 14, 2009. The proposed revision amends regulation 20.11.47 NMAC, Emissions Inventory Requirements. The submittal revises section (20.11.47.14 NMAC) by adding subsection B(2), which further clarifies emission reporting requirements. Additional amendments include renumbering of the sections to account for the new subsection B(2), and minor amendments to 20.11.47.14 NMAC, subsections C(5)(f) and (D)(2), and 20.11.47.15 NMAC, subsection (C) for further clarification.

Also on November 6, 2009, New Mexico submitted a revision to the Albuquerque/Bernalillo County SIP amending Title 20, Chapter 11, Part 1, General Provisions.[1] The proposed revision amends regulation 20.11.1 NMAC, General Provisions, which applies to sources in Bernalillo county, excluding sources in Indian lands over which the AQCB lacks jurisdiction. The submittal amends sections 1, 2, 3, 5, 6, 7, 9, 10, 11 and 14 of 20.11.1 NMAC to revise and update some definitions, including the definition of volatile organic compounds (VOCs), to be consistent with the federal definition found in 40 CFR part 51, subpart F—Procedural Requirements and 40 CFR 51.100(s). Additional detail is presented in our TSD for this action.

C. The December 15, 2010 Submittal

On December 15, 2010, New Mexico submitted a revision to the Albuquerque/Bernalillo County SIP amending Title 20, Chapter 11, Part 1, General Provisions. The AQCB approved the revision on December 8, 2010. The proposed revision amends regulation 20.11.1 NMAC, General Provisions.[2] The submittal amends section 20.11.1.7 NMAC adding a definition of greenhouse gases, modifying the definition of air contaminant, and renumbering the definitions accordingly.[3]

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[1] The previous revision to Title 20, Chapter 11, Part 1, General Provisions, was submitted to us for approval by the Governor of New Mexico, in a letter dated September 7, 2004, on behalf of the Albuquerque/Bernalillo County, Environmental—Health Department. The proposed Title 20, Chapter 11, Part 1, General Provisions, contained three sections titled ''Resolution,'' ''Definitions,'' and Interpretation.'' The EPA initially approved Regulation I (Resolution) of the Albuquerque/Bernalillo County, New Mexico on 04/10/1980 (45 FR 24468). See 40 CFR 52.1620(c)(11). The EPA initially approved Regulation 2 (Definitions) on 04/10/1980 (45 FR 24468). Further revisions to Regulation 2 were later approved by EPA on 12/21/93 (54 FR 67330). See 40 CFR 52.1620(c)(53). The EPA initially approved Regulation 26 (Interpretation) on 02/23/1993 (58 FR 10972). See 40 CFR 52.1620(c)(49). The proposed revisions to ''Resolution,'' ''Definitions,'' and ''Interpretation'' reflect the new format and renumbering of the NMAC. The proposed revisions also reflect renaming of ''Regulation'' to ''Part.'' These changes were administrative in nature, and did not change the text of the SIP-approved rules. We published our approval of the recodification and renumbering of Chapter 11 on December 30, 2004 (69 FR 78312).

[2] The submittal also included revisions that amended 20.11.61 NMAC Prevention of Significant Deterioration and 20.11.42 NMAC Operating Permits. EPA approved the PSD SIP revision portion of the submittal effective January 30, 2012. (See 76 FR 81836).

[3] 20.11.42 NMAC, *Operating Permits,* encompasses the Title V operating permit program for facilities within Bernalillo County. The Title V program is a delegated program, approved in the **Federal Register**, and does not reside in the SIP. The Title V program was last approved by EPA on 11/26/96, effective 1/27/97 (see 61 FR 60032–60034). A minor revision to correct the definition of ''Major Source'', was approved by EPA on 9/8/04 (see 69 FR 54244–54247), effective 11/8/04. Proposed revisions to the Title V program in the

D. The October 18, 2012 Submittal

On October 18, 2009, New Mexico submitted a revision to the Albuquerque/Bernalillo County SIP. The proposed revision amends regulation 20.11.47 NMAC, Emissions Inventory Requirements. The AQCB adopted the revision on October 10, 2012. The submittal revises sections 6, 7, 14 and 15 of 20.11.47 NMAC further clarifying various definitions, including the definition of regulated air contaminant, deletes the greenhouse gas emissions inventory requirements from section 15, and reserves the section for future revisions (20.11.47.15 NMAC). Therefore, the GHG emission inventory requirements that were part of the May 6, 2008 submittal discussed in Section II(A) above are no longer in front of us for action.

III. EPA's Evaluation of the Submittals

The revisions to be approved address Title 20, Chapter 11, Sections 1 and 47 of the NMAC. We have prepared a TSD for this proposal which details our evaluation. Our TSD may be accessed on-line at *http://www.regulations.gov,* Docket No. EPA–R06–OAR–2008–0696.

Our primary consideration for determining the approvability of the New Mexico submittals is whether these proposed actions comply with section 110(l) of the Act and 40 CFR part 51, subpart A—Air Emissions Reporting Requirements. Section 110(l) of the Act provides that a SIP revision must be adopted by a State after reasonable notice and public hearing. Additionally, CAA § 110(l) states that the EPA cannot approve a SIP revision if that revision would interfere with any applicable requirement regarding attainment, reasonable further progress (RFP) or any requirement established in the CAA. Additionally, approvability of these proposed actions are also based upon EPA's requirements for emissions inventories, and collecting and reporting air emissions data found in 40 CFR, part 51, Subpart A—Air Emission Reporting Requirements.

Our evaluation of the submittals found that the SIP revisions were adopted by the State after reasonable notice, a public comment period, a corresponding public hearing, and that approval of the revisions would not interfere with any CAA requirement and are approvable.

A. The May 6, 2008 Submittal

The AQCB adopted a new regulation 20.11.47 NMAC Emissions Inventory Requirements on March 12, 2008. The submittal dated May 6, 2008 revises the New Mexico SIP to include this new regulation, which applies to Albuquerque/Bernalillo County.

The regulation include sections that define the scope, duration, effective date and objective of the regulation, which is to establish requirements both for submitting inventories of air contaminants to ensure that the regulations and standards under the Air Quality Control Act and the CAA will not be violated, and to require submission of data to quantify greenhouse gas emissions in Albuquerque/Bernalillo County. Additionally, the new regulation includes a section of definitions. Definitions in the submittal include definitions for actual emissions, commencement, modification, potential to emit, shutdown, stationary source, and western backstop sulfur dioxide trading program. These definitions have been SIP-approved in previous EPA actions and are consistent with the CAA. For example the term ''western backstop sulfur dioxide trading programs'' (20.11.46.7(NN) NMAC) was defined and approved in a previous action on November 29, 2012 (see 77 FR 71119). These 20.11.47 NMAC revisions are mostly ministerial in nature and/or add clarification.

Additionally, the new subsection 20.11.47.14(C)—Content of Emissions Reports NMAC, outlines the information required for emission reports, and states that emission report contents shall include all information required by 40 CFR part 51, subpart A—Emissions Inventory Reporting Requirements. More information on the details of the new regulation is found in the TSD, which is provided in the docket for this rulemaking.

This submittal was adopted consistent with the public notice SIP requirements of CAA section 110(l). We find that these revisions are approvable because they add specificity to the program. Further, these revisions do not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement, are consistent with EPA's rules and requirements in 40 CFR, part 51, Subpart A, and do not result in emissions increases. The 2012 submittal removed from EPA consideration 20.11.47.15 NMAC; Albuquerque/Bernalillo County already reports greenhouse gas emissions pursuant to 40 CFR part 98, Mandatory Greenhouse Gas Reporting. There is no requirement for reporting of non-NAAQS pollutants to be included in the SIP. There is no federal requirement that greenhouse gas emissions inventory requirements be part of the New Mexico SIP.

B. The November 6, 2009 Submittals

The November 6, 2009 submittal revises section 20.11.47.14 NMAC by adding subsection B(2) which further clarifies emission reporting requirements and indicates that a source is not required to submit an emissions report more frequently than annually. Additional amendments include renumbering of the section to account for the new subsection B(2) and minor amendments (20.11.47.14 NMAC, subsections C(5)(f) and (D)(2)), and 20.11.47.15 NMAC, subsection (C) stating that estimates of greenhouse emission need to be in pounds per year for further clarification. EPA is approving these revisions as they are non-substantial in nature. As previously noted, the 20.11.47.15 NMAC is no longer before EPA for SIP action.

Also on November 6, 2009, the New Mexico submittal revises 20.11.1 NMAC General Provisions. The submittal amends sections 1, 2, 3, 5, 6, 7, 9, 10, and 11 of 20.11.1 NMAC to revise and update definitions (section 20.1.7 NMAC), including the definition of volatile organic compounds (VOCs), to be consistent with the federal definition found in 40 CFR part 51, subpart F—Procedural Requirements and 40 CFR 51.100(s). Section 20.11.1.14 NMAC Interpretation is removed, because it was included in the rule in error when the rule was last amended by the AQCB in 2004, is duplicative and resides in the rule that addresses ambient air quality standards (20.11.8.14 NMAC Ambient Air Quality Standards, Interpretation). EPA is approving these revisions since they are consistent with federal requirements and/or non-substantial in nature. Additional information regarding these revisions is available in the TSD, which is provided in the docket for this rulemaking.

C. The December 15, 2010 Submittal

On December 15, 2010 AQCB adopted revisions to 20.11.1 NMAC, General Provisions, and 20.11.61 NMAC, Prevention of Significant Deterioration. EPA took action on the revisions to 20.11.61 NMAC, Prevention of Significant Deterioration in a previous rulemaking, but decided not to act on 20.11.1 NMAC at that time. In today's action, EPA is taking action on the revisions to 20.11.1 NMAC, General Provisions from the December 15, 2010 submittal. The AQCB adopted revisions

form of amendments to 20.11.42 NMAC, were submitted to EPA on 7/22/09, and are pending approval under Title V of the CAA. Therefore, since revisions to Operating Permits are not part of the SIP, EPA is not taking action on that portion of the submittal. Today's action is only addressing the revision to 20.11.1 General Provisions.

to 20.11.1 NMAC, Section 7, Definitions. The revisions update Section 7 by adding a definition for Greenhouse gases or ''GHGs'' in 20.11.1.7(CC). The definition is consistent with the federal definition of GHGs. Additionally, the revisions include other non-substantive changes such as renumbering the definitions for clarity. Further, these revisions do not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement and are consistent with section 110 of the CAA. EPA is approving these revisions to 20.11.1 NMAC, General Provisions.

D. The October 18, 2012 Submittal

The October 18, 2012 submittal revises the SIP for Albuquerque/Bernalillo County. The submittal revises sections 6, 7, 14 and 15 of 20.11.47 NMAC further clarifying various definitions including the definition of regulated air contaminant, deletes the greenhouse gas emissions inventory requirements from section 15, and reserves the section for future revisions (20.11.47.15 NMAC). The deletion of section 15 is not a relaxation of the SIP, since there is a no requirement for non-NAAQS pollutants (*i.e.,* GHGs) to have SIP-approved reporting requirements. Albuquerque/Bernalillo County continues to report estimates of NAAQS-related emissions pursuant to EPA's requirements for emissions inventories found in 40 CFR, part 51, Subpart A and greenhouse gases pursuant to 40 CFR, part 98 ''Mandatory Greenhouse Gas Reporting'' (see 74 FR 56260, effective December 29, 2009).

Additionally, revisions to 20.11.47 NMAC also include deletions/or updates of definitions of pollutants associated with greenhouse gases such as perfluorocarbons, sulfur hexafluoride, the climate registry, nitrous oxide, and other definitions, such as regulated pollutant (20.11.47.7(W) NMAC), and renumbering for clarification.

This submittal was adopted consistent with the public notice SIP requirements of CAA section 110(l),[4] and the revisions in this submittal do not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement. We find that these revisions are approvable, because they either clarify the emissions inventory requirements and/or are non-substantive in nature.

[4] New Mexico Register, Volume XXIII, Number 20, October 30, 2012.

IV. Final Action

Pursuant to section 110 of the Act, EPA is approving through a direct final action, five revisions to the New Mexico SIP that were submitted on May 6, 2008, November 6, 2009,[5] December 15, 2010 and October 18, 2012. We evaluated the state's submittals and determined that they meet the applicable requirements of the CAA section 110 and applicable EPA guidance. In accordance with CAA section 110(l), these revisions will not interfere with attainment of the NAAQS, reasonable further progress, or any other applicable requirement of the CAA.

EPA is publishing this rule without prior proposal because we view these as non-controversial amendments and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on April 3, 2015 without further notice unless we receive relevant adverse comments by March 4, 2015. If we receive relevant adverse comments, we will publish a timely withdrawal of this direct final rulemaking in the **Federal Register** informing the public that the direct final rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. 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.

V. 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 CAA. Accordingly, this action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

[5] As discussed in this notice, there are two SIP submittals that were submitted on the same date, November 6, 2009—one revising 20.11.1 NMAC and one revising 20.11.47 NMAC.

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in

the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: January 15, 2015.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart GG—New Mexico

■ 2. In § 52.1620, paragraph (c), the second table titled ''EPA Approved Albuquerque/Bernalillo County, NM Regulations'' is amended by revising the entry for Part 1 (20.11.1 NMAC) and adding in sequential order an entry for Part 47 (20.11.47 NMAC).

The amendments read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
New Mexico Administrative Code (NMAC) Title 20—Environmental Protection Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board				
Part 1 (20.11.1 NMAC)	General Provisions	12/15/2010	2/2/2015 [Insert **Federal Register** citation].	
* *	* *	*	* *	*
Part 47 (20.11.47 NMAC)	Emissions Inventory Requirements.	10/18/2012	2/2/2015 [Insert **Federal Register** citation].	
* *	* *	*	* *	*

* * * * *

[FR Doc. 2015–01792 Filed 1–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, and 63

[EPA–R06–OAR–2007–0488; FRL–9921–77–Region 6]

New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule; delegation of authority.

SUMMARY: The New Mexico Environment Department (NMED) has submitted updated regulations for receiving delegation of the Environmental Protection Agency (EPA) authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources). The delegation of authority under this action does not apply to sources located in Bernalillo County, New Mexico, or sources located in Indian Country. EPA is providing notice that it has approved delegation of certain NSPS to NMED, and taking direct final action to approve the delegation of certain NESHAPs to NMED.

DATES: This rule is effective on April 3, 2015 without further notice, unless EPA receives relevant adverse comment by March 4, 2015. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the updated NESHAPs delegation will not take effect; however, the NSPS delegation will not be affected by such action.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2007–0488, by one of the following methods:

- *www.regulations.gov.* Follow the online instructions.
- *Email:* Mr. Rick Barrett at *barrett.richard@epa.gov.* Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Mail or delivery:* Mr. Rick Barrett, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket No. EPA–R06–OAR–2007–0488. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you

provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. 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 and any form of encryption and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment with the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665–7253.

FOR FURTHER INFORMATION CONTACT: Rick Barrett or Aimee Wilson, U.S. EPA, Region 6, Multimedia Planning and Permitting Division (6PD), 1445 Ross Avenue, Dallas, TX 75202–2733, telephone (214) 665–7227 or (214) 665–7596; fax number (214) 665–7263; or electronic mail at *barrett.richard@epa.gov or wilson.aimee@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refers to EPA.

Table of Contents

I. What does this action do?

EPA is providing notice that it is delegating authority for implementation and enforcement of certain NSPS to NMED. EPA is also taking direct final action to approve the delegation of certain NESHAPs to NMED. With this delegation, NMED has the primary responsibility to implement and enforce the delegated standards.

II. What is the authority for delegation?

Section 111(c)(1) of the Clean Air Act (CAA) authorizes EPA to delegate authority to any state agency which submits adequate regulatory procedures for implementation and enforcement of the NSPS program. The NSPS standards are codified at 40 CFR part 60.

Section 112(l) of the CAA and 40 CFR part 63, subpart E, authorizes EPA to delegate authority to any state or local agency which submits an adequate regulatory program for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR parts 61 and 63.

III. What criteria must New Mexico's programs meet to be approved?

In order to receive delegation of NSPS, a state must develop and submit to the EPA a procedure for implementing and enforcing the NSPS in the state, and their regulations and resources must be adequate for the implementation and enforcement of the NSPS. EPA initially approved New Mexico's program for the delegation of NSPS on June 6, 1986 (51 FR 20648). EPA reviewed the laws of the State and the rules and regulations of the New Mexico Environmental Improvement Division (now the NMED) and determined the State's procedures, regulations and resources adequate for the implementation and enforcement of the Federal standards. The NSPS delegation was most recently updated on December 11, 2003 (68 FR 69036). This action notifies the public that EPA is updating NMED's delegation to implement and enforce certain additional NSPS.

As to the NESHAP standards in 40 CFR parts 61 and 63, section 112(l)(5) of the CAA enables EPA to approve state air toxics programs or rules to operate in place of the Federal air toxics program or rules. 40 CFR part 63, subpart E (subpart E) governs EPA's approval of State programs or rules under section 112(l).

EPA will approve the State's submittal of a program for implementation and enforcement of the NESHAPs if we find that:

(1) The State program is ''no less stringent'' than the corresponding Federal program or rule;

(2) The State has adequate authority and resources to implement the program;

(3) The schedule for implementation and compliance is sufficiently expeditious; and

(4) The program otherwise complies with Federal guidance.

In order to obtain approval of its program to implement and enforce Federal section 112 rules as promulgated without changes (straight delegation), a State must demonstrate that it meets the approval criteria of 40 CFR 63.91(d). 40 CFR 63.91(d)(3) provides that interim or final Title V program approval will satisfy the criteria of 40 CFR 63.91(d) for part 70 sources (sources required to obtain operating permits pursuant to Title V of the Clean Air Act).

IV. How did NMED meet the NSPS and NESHAPs program approval criteria?

As to the NSPS standards in 40 CFR part 60, NMED adopted the Federal standards via incorporation by reference. The NMED regulations are, therefore, at least as stringent as EPA's rules. See 40 CFR 60.10(a). Also, in the EPA initial approval of NSPS delegation, we determined that the State developed procedures for implementing and enforcing the NSPS in the State, and that the State's regulations and resources are adequate for the implementation and enforcement of the Federal standards. See 51 FR 20648 (June 6, 1986).

As to the NESHAP standards in 40 CFR parts 61 and 63, as part of its Title V submission NMED stated that it intended to use the mechanism of incorporation by reference to adopt unchanged Federal section 112 standards into its regulations. This commitment applied to both existing and future standards as they applied to part 70 sources. EPA's final interim approval of New Mexico's Title V operating permits program delegated the authority to implement certain NESHAPs, effective December 19, 1994 (59 FR 59656). On November 26, 1996, EPA promulgated final full approval of the State's operating permits program, effective January 27, 1997 (61 FR 60032). These interim and final title V program approvals satisfy the upfront approval criteria of 40 CFR 63.91(d). Under 40 CFR 63.91(d)(2), once a state has satisfied the up-front approval

criteria, it needs only to reference the previous demonstration and reaffirm that it still meets the criteria for any subsequent submittals for delegation of the section 112 standards. NMED has affirmed that it still meets the up-front approval criteria.

V. What is being delegated?

By letter dated May 2, 2007, EPA received a request from New Mexico to update NMED's NSPS delegation and NESHAPs delegation. With certain exceptions noted in section VI below, New Mexico's request included NSPS in 40 CFR part 60, as amended between September 2, 2002 and November 30, 2006; NESHAPs in 40 CFR part 61, as amended between September 2, 2001 and November 30, 2006; and NESHAPs in 40 CFR part 63, as amended between September 2, 2002 and November 30, 2006.

By letter dated August 27, 2009, EPA received a second request from New Mexico to update NMED's NSPS delegation and NESHAPs delegation. With certain exceptions noted in section VI below, New Mexico's request included NSPS in 40 CFR part 60, and NESHAPs in 40 CFR parts 61 and 63, as amended between December 1, 2006 and January 31, 2009.

By letter dated August 31, 2011, EPA received a third request from New Mexico to update NMED's NSPS delegation and NESHAPs delegation. With certain exceptions noted in section VI below, New Mexico's request included NSPS in 40 CFR part 60, and NESHAPs in 40 CFR parts 61 and 63, as amended between February 1, 2009 and December 31, 2010.

By letter dated December 16, 2013, EPA received a fourth request from New Mexico to update NMED's NSPS delegation and NESHAPs delegation. With certain exceptions noted in section VI below, New Mexico's request included NSPS in 40 CFR part 60, as amended between January 1, 2011, and September 23, 2013; and NESHAPs in 40 CFR part 63, as amended between January 1, 2011 and August 29, 2013.

VI. What is not being delegated?

The following part 60, 61 and 63 authorities listed below are not delegated. All of the inquiries and requests concerning implementation and enforcement of the excluded standards in the State of New Mexico should be directed to the EPA Region 6 Office.

- 40 CFR part 60, subpart AAA (Standards of Performance for New Residential Wood Heaters);
- 40 CFR part 60, subpart HHHH (Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units);
- 40 CFR part 61, subpart B (National Emission Standards for Radon Emissions from Underground Uranium Mines);
- 40 CFR part 61, subpart H (National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities);
- 40 CFR part 61, subpart I (National Emission Standards for Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H);
- 40 CFR part 61, subpart K (National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants);
- 40 CFR part 61, subpart Q (National Emission Standards for Radon Emissions from Department of Energy facilities);
- 40 CFR part 61, subpart R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks);
- 40 CFR part 61, subpart T (National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings); and
- 40 CFR part 61, subpart W (National Emission Standards for Radon Emissions from Operating Mill Tailings).

In addition, EPA cannot delegate to a State any of the Category II Subpart A authorities set forth in 40 CFR 63.91(g)(2). These include the following provisions: § 63.6(g), Approval of Alternative Non-Opacity Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; and § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting. Also, some Part 63 standards have certain provisions that cannot be delegated to the States. Therefore, any Part 63 standard that EPA is delegating to NMED that provides that certain authorities cannot be delegated are retained by EPA and not delegated. Furthermore, no authorities are delegated that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112. Finally, section 112(r), the accidental release program authority, is not being delegated by this approval.

In addition, this delegation to NMED to implement and enforce certain NSPS and NESHAPs does not extend to sources or activities located in Indian country, as defined in 18 U.S.C. 1151. Under this definition, EPA treats as reservations, trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation. Consistent with previous federal program approvals or delegations, EPA will continue to implement the NSPS and NESHAPs in Indian country because NMED has not submitted information to demonstrate authority over sources and activities located within the exterior boundaries of Indian reservations and other areas in Indian country.

VII. How will applicability determinations be made?

In approving the NSPS delegation, NMED will obtain concurrence from EPA on any matter involving the interpretation of section 111 of the CAA or 40 CFR part 60 to the extent that application, implementation, administration, or enforcement of these provisions have not been covered by prior EPA determinations or guidance. See 51 FR 20649 (June 6, 1986).

In approving the NESHAPs delegation, NMED will obtain concurrence from EPA on any matter involving the interpretation of section 112 of the CAA or 40 CFR parts 61 and 63 to the extent that application, implementation, administration, or enforcement of these provisions have not been covered by prior EPA determinations or guidance.

VIII. What authority does EPA have?

We retain the right, as provided by CAA section 111(c)(2), to enforce any applicable emission standard or requirement under section 111.

We retain the right, as provided by CAA section 112(l)(7), to enforce any applicable emission standard or requirement under section 112. EPA also has the authority to make certain decisions under the General Provisions (subpart A) of part 63. We are granting NMED some of these authorities, and retaining others, as explained in sections V and VI above. In addition, EPA may review and disapprove State determinations and subsequently require corrections. (*See* 40 CFR 63.91(g) and 65 FR 55810, 55823, September 14, 2000, as amended at 70 FR 59887, October 13, 2005; 72 FR 27443, May 16, 2007.)

Furthermore, we retain any authority in an individual emission standard that may not be delegated according to provisions of the standard. Also, listed in the footnotes of the part 63 delegation table at the end of this rule are the authorities that cannot be delegated to

any State or local agency which we therefore retain.

Finally, we retain the authorities stated in the original delegation agreement. See 51 FR 20648–20650 (June 6, 1986).

IX. What information must NMED provide to EPA?

Under 40 CFR 60.4(b), all notifications under NSPS must be sent to both EPA and to NMED. Please send notifications and reports to Chief, Air/Toxics Inspection and Coordination Branch at the EPA Region 6 office.

NMED must provide any additional compliance related information to EPA, Region 6, Office of Enforcement and Compliance Assurance, within 45 days of a request under 40 CFR 63.96(a). In receiving delegation for specific General Provisions authorities, NMED must submit to EPA Region 6, on a semi-annual basis, copies of determinations issued under these authorities. For 40 CFR parts 61 and 63 standards, these determinations include: Section 63.1, Applicability Determinations; Section 63.6(e), Operation and Maintenance Requirements—Responsibility for Determining Compliance; Section 63.6(f), Compliance with Non-Opacity Standards—Responsibility for Determining Compliance; Section 63.6(h), Compliance with Opacity and Visible Emissions Standards—Responsibility for Determining Compliance; Sections 63.7(c)(2)(i) and (d), Approval of Site-Specific Test Plans; Section 63.7(e)(2)(i), Approval of Minor Alternatives to Test Methods; Section 63.7(e)(2)(ii) and (f), Approval of Intermediate Alternatives to Test Methods; Section 63.7(e)(iii), Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors; Sections 63.7(e)(2)(iv), (h)(2), and (h)(3), Waiver of Performance Testing; Sections 63.8(c)(1) and (e)(1), Approval of Site-Specific Performance Evaluation (Monitoring) Test Plans; Section 63.8(f), Approval of Minor Alternatives to Monitoring; Section 63.8(f), Approval of Intermediate Alternatives to Monitoring; Section 63.9 and 63.10, Approval of Adjustments to Time Periods for Submitting Reports; Section 63.10(f), Approval of Minor Alternatives to Recordkeeping and Reporting; Section 63.7(a)(4), Extension of Performance Test Deadline.

X. What is EPA's oversight role?

EPA must oversee NMED's decisions to ensure the delegated authorities are being adequately implemented and enforced. We will integrate oversight of the delegated authorities into the existing mechanisms and resources for oversight currently in place. If, during oversight, we determine that NMED made decisions that decreased the stringency of the delegated standards, then NMED shall be required to take corrective actions and the source(s) affected by the decisions will be notified, as required by 40 CFR 63.91(g)(1)(ii). We will initiate withdrawal of the program or rule if the corrective actions taken are insufficient. See 51 FR 20648 (June 6, 1986).

XI. Should sources submit notices to EPA or NMED?

All of the information required pursuant to the Federal NSPS and NESHAPs (40 CFR parts 60, 61 and 63) should be submitted by sources located outside the boundaries of Bernalillo County and areas outside of Indian country, directly to the NMED at the following address: New Mexico Environment Department, P.O. Box 5469, Santa Fe, New Mexico 87502–5469. The NMED is the primary point of contact with respect to delegated NSPS and NESHAPs. Sources do not need to send a copy to EPA. EPA Region 6 waives the requirement that notifications and reports for delegated standards be submitted to EPA in addition to NMED, in accordance with 40 CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii). Also, see 51 FR 20648 (June 6, 1986). For those standards that are not delegated, sources must continue to submit all appropriate information to EPA.

XII. How will unchanged authorities be delegated to NMED in the future?

In the future, NMED will only need to send a letter of request to update their delegation to EPA, Region 6, for those NSPS which they have adopted by reference. EPA will amend the relevant portions of the Code of Federal Regulations showing which NSPS standards have been delegated to NMED. Also, in the future, NMED will only need to send a letter of request for approval to EPA, Region 6, for those NESHAPs regulations that NMED has adopted by reference. The letter must reference the previous up-front approval demonstration and reaffirm that it still meets the up-front approval criteria. We will respond in writing to the request stating that the request for delegation is either granted or denied. A **Federal Register** action will be published to inform the public and affected sources of the delegation, indicate where source notifications and reports should be sent, and to amend the relevant portions of the Code of Federal Regulations showing which NESHAP standards have been delegated to NMED.

XIII. Final Action

The public was provided the opportunity to comment on the proposed approval of the program and mechanism for delegation of section 112 standards, as they apply to part 70 sources, May 19, 1994, for the proposed interim approval of NMED's Title V operating permits program; and on November 26, 1996, for the proposed final approval of NMED's Title V operating permits program. In EPA's final full approval of New Mexico's Operating Permits Program on November 26, 1996, the EPA discussed the public comments on the proposed final delegation of the Title V operating permits program. In today's action, the public is given the opportunity to comment on the approval of NMED's request for delegation of authority to implement and enforce certain section 112 standards for all sources (both part 70 and non-part 70 sources) which have been adopted by reference into New Mexico's state regulations. However, the Agency views the approval of these requests as a noncontroversial action and anticipates no adverse comments. Therefore, EPA is publishing this rule without prior proposal. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the program and NESHAPs delegation of authority described in this action if adverse comments are received. This action will be effective April 3, 2015 without further notice unless the Agency receives relevant adverse comments by March 4, 2015.

If EPA receives relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public the rule will not take effect with respect to the updated NESHAPs delegation. We will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive relevant 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 a relevant adverse comment.

XIV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the

Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

The delegation is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the delegation is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law. This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state request to receive delegation of certain Federal standards, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing delegation submissions, EPA's role is to approve submissions, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a delegation submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA to use VCS in place of a delegation submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. 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 April 3, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects

40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 61

Environmental protection, Administrative practice and procedure, Air pollution control, Arsenic, Benzene, Beryllium, Hazardous substances, Mercury, Intergovernmental relations, Reporting and recordkeeping requirements, Vinyl chloride.

40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 19, 2014.

Ron Curry,

Regional Administrator, Region 6.

For the reasons stated in the preamble, 40 CFR parts 60, 61, and 63 are amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

■ 2. Section 60.4 is amended by revising paragraph (b)(GG) introductory text, and revising paragraph (e)(1) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(GG) State of New Mexico: New Mexico Environment Department, P.O. Box 5469, Santa Fe, New Mexico 87502–5469. Note: For a list of delegated standards for New Mexico (excluding Bernalillo County and Indian country), see paragraph (e)(1) of this section.

* * * * *

(e) * * *

(1) *New Mexico.* The New Mexico Environment Department has been delegated all part 60 standards promulgated by EPA, except subpart AAA—Standards of Performance for New Residential Wood Heaters; and subpart HHHH—Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units, as amended in the **Federal Register** through September 23, 2013.

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

■ 3. The authority citation for part 61 continues to read as follows:

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

Subpart A—General Provisions

■ 4. Section 61.04 is amended by revising paragraphs (b)(GG) introductory text and (c)(6)(iii) to read as follows:

§ 61.04 Address.

(b) * * *

(GG) *State of New Mexico:* New Mexico Environment Department, P.O. Box 5469, Santa Fe, New Mexico

87502–5469. For a list of delegated standards for New Mexico (excluding Bernalillo County and Indian country), see paragraph (c)(6) of this section.

* * * * *

(c) * * *

(6) * * *

(iii) *New Mexico.* The New Mexico Environment Department (NMED) has been delegated the following part 61 standards promulgated by EPA, as amended in the **Federal Register** through December 31, 2010. The (X) symbol is used to indicate each subpart that has been delegated.

DELEGATION STATUS FOR NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (PART 61 STANDARDS) FOR NEW MEXICO

[Excluding Bernalillo County and Indian Country]

Subpart	Source category	NMED [1]
A	General Provisions	X
B	Radon Emissions From Underground Uranium Mines	
C	Beryllium	X
D	Beryllium Rocket Motor Firing	X
E	Mercury	X
F	Vinyl Chloride	X
G	(Reserved)	
H	Emissions of Radionuclides Other Than Radon From Department of Energy Facilities	
I	Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.	
J	Equipment Leaks (Fugitive Emission Sources) of Benzene	X
K	Radionuclide Emissions From Elemental Phosphorus Plants	
L	Benzene Emissions From Coke By-Product Recovery Plants	X
M	Asbestos	X
N	Inorganic Arsenic Emissions From Glass Manufacturing Plants	X
O	Inorganic Arsenic Emissions From Primary Copper Smelters	X
P	Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities	X
Q	Radon Emissions From Department of Energy Facilities	
R	Radon Emissions From Phosphogypsum Stacks	
S	(Reserved)	
T	Radon Emissions From the Disposal of Uranium Mill Tailings	
U	(Reserved)	
V	Equipment Leaks (Fugitives Emission Sources)	X
W	Radon Emissions From Operating Mill Tailings	
X	(Reserved)	
Y	Benzene Emissions From Benzene Storage Vessels	X
Z–AA	(Reserved)	
BB	Benzene Emissions From Benzene Transfer Operations	X
CC–EE	(Reserved)	
FF	Benzene Waste Operations	X

[1] Program delegated to New Mexico Environment Department (NMED).

* * * * *

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 5. The authority citation for part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 6. Section 63.99 is amended by revising paragraph (a)(32)(i) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(32) * * *

(i) The following table lists the specific part 63 standards that have been delegated unchanged to the New Mexico Environment Department for all sources. The ''X'' symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law, regulations, policy, guidance, and determinations. Some authorities cannot be delegated and are retained by EPA. These include certain General Provisions authorities and specific parts of some standards. Any amendments made to these rules after August 29, 2013, are not delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF NEW MEXICO

[Excluding Indian Country]

Subpart	Source category	NMED [1 2]	ABCAQCB [1 3]
A	General Provisions	X	X
D	Early Reductions	X	X
F	Hazardous Organic NESHAP (HON)—Synthetic Organic Chemical Manufacturing Industry (SOCMI).	X	X
G	HON—SOCMI Process Vents, Storage Vessels, Transfer Operations and Wastewater.	X	X
H	HON—Equipment Leaks	X	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF NEW MEXICO—Continued

[Excluding Indian Country]

Subpart	Source category	NMED [1 2]	ABCAQCB [1 3]
I	HON—Certain Processes Negotiated Equipment Leak Regulation	X	X
J	Polyvinyl Chloride and Copolymers Production	([4])	([4])
K	(Reserved)		
L	Coke Oven Batteries	X	X
M	Perchloroethylene Dry Cleaning	X	X
N	Chromium Electroplating and Chromium Anodizing Tanks	X	X
O	Ethylene Oxide Sterilizers	X	X
P	(Reserved)		
Q	Industrial Process Cooling Towers	X	X
R	Gasoline Distribution	X	X
S	Pulp and Paper Industry	X	X
T	Halogenated Solvent Cleaning	X	X
U	Group I Polymers and Resins	X	X
V	(Reserved)		
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X	X
X	Secondary Lead Smelting	X	X
Y	Marine Tank Vessel Loading	X	X
Z	(Reserved)		
AA	Phosphoric Acid Manufacturing Plants	X	X
BB	Phosphate Fertilizers Production Plants	X	X
CC	Petroleum Refineries	X	X
DD	Off-Site Waste and Recovery Operations	X	X
EE	Magnetic Tape Manufacturing	X	X
FF	(Reserved)		
GG	Aerospace Manufacturing and Rework Facilities	X	X
HH	Oil and Natural Gas Production Facilities	X	X
II	Shipbuilding and Ship Repair Facilities	X	X
JJ	Wood Furniture Manufacturing Operations	X	X
KK	Printing and Publishing Industry	X	X
LL	Primary Aluminum Reduction Plants	X	X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfide, and Stand-Alone Semichemical Pulp Mills.	X	X
NN	(Reserved)		
OO	Tanks-Level 1	X	X
PP	Containers	X	X
QQ	Surface Impoundments	X	X
RR	Individual Drain Systems	X	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.	X	X
TT	Equipment Leaks—Control Level 1	X	X
UU	Equipment Leaks—Control Level 2 Standards	X	X
VV	Oil-Water Separators and Organic-Water Separators	X	X
WW	Storage Vessels (Tanks)—Control Level 2	X	X
XX	Ethylene Manufacturing Process Units Heat Exchange Systems and Waste Operations.	X	
YY	Generic Maximum Achievable Control Technology Standards	X	X
ZZ–BBB	(Reserved)		
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration	X	X
DDD	Mineral Wool Production	X	X
EEE	Hazardous Waste Combustors	X	X
FFF	(Reserved)		
GGG	Pharmaceuticals Production	X	X
HHH	Natural Gas Transmission and Storage Facilities	X	X
III	Flexible Polyurethane Foam Production	X	X
JJJ	Group IV Polymers and Resins	X	X
KKK	(Reserved)		
LLL	Portland Cement Manufacturing	X	X
MMM	Pesticide Active Ingredient Production	X	X
NNN	Wool Fiberglass Manufacturing	X	X
OOO	Amino/Phenolic Resins	X	X
PPP	Polyether Polyols Production	X	X
QQQ	Primary Copper Smelting	X	X
RRR	Secondary Aluminum Production	X	X
SSS	(Reserved)		
TTT	Primary Lead Smelting	X	X
UUU	Petroleum Refineries—Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Plants.	X	X
VVV	Publicly Owned Treatment Works (POTW)	X	X
WWW	(Reserved)		
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	X	X
AAAA	Municipal Solid Waste Landfills	X	X

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF NEW MEXICO—Continued

[Excluding Indian Country]

Subpart	Source category	NMED [1 2]	ABCAQCB [1 3]
CCCC	Nutritional Yeast Manufacturing	X	X
DDDD	Plywood and Composite Wood Products	[5] X	
EEEE	Organic Liquids Distribution	X	X
FFFF	Misc. Organic Chemical Production and Processes (MON)	X	
GGGG	Solvent Extraction for Vegetable Oil Production	X	X
HHHH	Wet Formed Fiberglass Mat Production	X	X
IIII	Auto & Light Duty Truck (Surface Coating)	X	
JJJJ	Paper and other Web (Surface Coating)	X	X
KKKK	Metal Can (Surface Coating)	X	X
MMMM	Misc. Metal Parts and Products (Surface Coating)	X	
NNNN	Surface Coating of Large Appliances	X	X
OOOO	Fabric Printing Coating and Dyeing	X	X
PPPP	Plastic Parts (Surface Coating)	X	X
QQQQ	Surface Coating of Wood Building Products	X	X
RRRR	Surface Coating of Metal Furniture	X	X
SSSS	Surface Coating for Metal Coil	X	X
TTTT	Leather Finishing Operations	X	X
UUUU	Cellulose Production Manufacture	X	X
VVVV	Boat Manufacturing	X	X
WWWW	Reinforced Plastic Composites Production	X	X
XXXX	Rubber Tire Manufacturing	X	X
YYYY	Combustion Turbines	X	X
ZZZZ	Reciprocating Internal Combustion Engines (RICE)	X	
AAAAA	Lime Manufacturing Plants	X	X
BBBBB	Semiconductor Manufacturing	X	X
CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks	X	X
DDDDD	Industrial/Commercial/Institutional Boilers and Process Heaters	[6] X	
EEEEE	Iron Foundries	X	X
FFFFF	Integrated Iron and Steel	X	X
GGGGG	Site Remediation	X	X
HHHHH	Miscellaneous Coating Manufacturing	X	X
IIIII	Mercury Cell Chlor-Alkali Plants	X	X
JJJJJ	Brick and Structural Clay Products Manufacturing	([7])	X
KKKKK	Clay Ceramics Manufacturing	([7])	X
LLLLL	Asphalt Roofing and Processing	X	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X	X
NNNNN	Hydrochloric Acid Production, Fumed Silica Production	X	X
OOOOO	(Reserved)		
PPPPP	Engine Test Facilities	X	X
QQQQQ	Friction Products Manufacturing	X	X
RRRRR	Taconite Iron Ore Processing	X	X
SSSSS	Refractory Products Manufacture	X	X
TTTTT	Primary Magnesium Refining	X	X
UUUUU	Coal and Oil-Fired Electric Utility Steam Generating Units	[8] X	
VVVVV	(Reserved)		
WWWWW	Hospital Ethylene Oxide Sterilizers	X	
XXXXX	(Reserved)		
YYYYY	Electric Arc Furnace Steelmaking Area Sources	X	
ZZZZZ	Iron and Steel Foundries Area Sources	X	
AAAAAA	(Reserved)		
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	X	
CCCCCC	Gasoline Dispensing Facilities	X	
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	X	
EEEEEE	Primary Copper Smelting Area Sources	X	
FFFFFF	Secondary Copper Smelting Area Sources	X	
GGGGGG	Primary Nonferrous Metals Area Source: Zinc, Cadmium, and Beryllium	X	
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	X	
IIIIII	(Reserved)		
JJJJJJ	Industrial, Commercial, and Institutional Boilers Area Sources	X	
KKKKKK	(Reserved)		
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	X	
MMMMMM	Carbon Black Production Area Sources	X	
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X	
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	X	
PPPPPP	Lead Acid Battery Manufacturing Area Sources	X	
QQQQQQ	Wood Preserving Area Sources	X	
RRRRRR	Clay Ceramics Manufacturing Area Sources	X	
SSSSSS	Glass Manufacturing Area Sources	X	
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	X	
UUUUUU	(Reserved)		
VVVVVV	Chemical Manufacturing Area Sources	X	

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF NEW MEXICO—Continued

[Excluding Indian Country]

Subpart	Source category	NMED [1] [2]	ABCAQCB [1] [3]
WWWWWW	Plating and Polishing Operations Area Sources	X	
XXXXXX	Metal Fabrication and Finishing Area Sources	X	
YYYYYY	Ferroalloys Production Facilities Area Sources	X	
ZZZZZZ	Aluminum, Copper, and Other Nonferrous Foundries Area Sources	X	
AAAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources	X	
BBBBBBB	Chemical Preparation Industry Area Sources	X	
CCCCCCC	Paints and Allied Products Manufacturing Area Sources	X	
DDDDDDD	Prepared Feeds Areas Sources	X	
EEEEEEE	Gold Mine Ore Processing and Production Area Sources	X	
FFFFFFF—GGGGGGG	(Reserved)		
HHHHHHH	Polyvinyl Chloride and Copolymers Production Major Sources	X	

[1] Authorities which may not be delegated include: § 63.6(g), Approval of Alternative Non-Opacity Emission Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (*e.g.,* under ''Delegation of Authority'') that cannot be delegated.

[2] Program delegated to New Mexico Environment Department (NMED) for standards promulgated by EPA, as amended in the **Federal Register** through August 29, 2013.

[3] Program delegated to Albuquerque-Bernalillo County Air Quality Control Board (ABCAQCB) for standards promulgated by EPA, as amended in the **Federal Register** through July 1, 2004.

[4] The NMED was previously delegated this subpart on February 9, 2004 (68 FR 69036). The ABCAQCB has adopted the subpart unchanged and applied for delegation of the standard. The subpart was vacated and remanded to EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Mossville Environmental Action Network* v. *EPA,* 370 F. 3d 1232 (D.C. Cir. 2004). Because of the DC Court's holding this subpart is not delegated to NMED or ABCAQCB at this time.

[5] This subpart was issued a partial vacatur on October 29, 2007 (72 FR 61060) by the United States Court of Appeals for the District of Columbia Circuit.

[6] Final rule. See 78 FR 7138 (January 31, 2013).

[7] This subpart was vacated and remanded to EPA by the United States Court of Appeals for the District of Columbia Circuit on March 13, 2007. See, *Sierra Club* v. *EPA,* 479 F. 3d 875 (D.C. Cir. 2007). Because of the DC Court's holding this subpart is not delegated to NMED at this time.

[8] Initial Final Rule on February 16, 2012 (77 FR 9304). Final on reconsideration of certain new source issues on April 24, 2013 (78 FR 24073). Portions of this subpart are in proposed reconsideration pending final action on June 25, 2013 (78 FR 38001, 2013).

* * * * *

[FR Doc. 2015–01190 Filed 1–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R10–OAR–2013–0567; FRL–9922–34–Region 34]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Idaho and Oregon: Negative Declarations

AGENCY: Environmental Protection Agency.

ACTION: Final rule; notice of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public that it has received negative declarations from the States of Idaho and Oregon for existing sewage sludge incinerator (SSI) units and from the State of Idaho for existing commercial and industrial solid waste incinerators (CISWI) units. A negative declaration is a certification from a state under the Clean Air Act (CAA) that it has no subject incinerator units under its jurisdiction.

The EPA is also amending the Code of Federal Regulations (CFR) to update the states and source categories for which the EPA has received negative declarations. This is a non-regulatory action.

DATES: This action is effective March 4, 2015.

ADDRESSES: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101.

FOR FURTHER INFORMATION CONTACT: Heather Valdez at (206) 553–6220, *valdez.heather@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background

Sections 111(d) and 129 of the CAA require submittal of plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same source category and the EPA has established emission guidelines for such existing sources. When designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant. Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants from designated facilities

under sections 111(d) and 129 of the CAA. Also, Subpart A of 40 CFR part 62 provides the procedural framework for the submission of these plans.

If a state fails to submit a satisfactory plan, the CAA provides the EPA the authority to prescribe a plan for regulating the designated pollutants at the designated facilities. The EPA-prescribed plan, also known as a Federal plan, is often delegated to states with designated facilities but no EPA-approved state-specific plan. If no such designated facilities exist within a state's jurisdiction, a state may submit to the EPA a letter of certification to that effect (referred to as a negative declaration) in lieu of a state plan to satisfy the state's obligation. 40 CFR 60.23(b) and 62.06. A negative declaration exempts the state from the requirement to submit a CAA section 111(d)/section 129 plan for that designated pollutant and source category. 40 CFR 60.23(b).

II. Sewage Sludge Incinerators

On March 21, 2011 (76 FR 15372), the EPA promulgated new source performance standards for new SSI units, 40 CFR part 60, subpart LLLL, and emission guidelines for existing SSI units, 40 CFR part 60, subpart MMMM. SSI units are located at wastewater treatment facilities and are designed to combust domestic sewage sludge for the purpose of reducing its volume. 40 CFR 60.5065 and 60.5250. Subpart MMMM requires that state plans address those existing SSI units that commenced construction on or before October 14, 2010, or for which modification was commenced on or before September 21, 2011, with limited exceptions as provided in paragraph 40 CFR 60.5065. 40 CFR 60.5060.

As discussed above, however, if there are no designated facilities in the state, the state may submit a negative declaration in lieu of a state plan. The EPA will provide public notice of receipt of a state's negative declaration with respect to SSI. 40 CFR 60.5030. If any subsequently identified SSI unit for which construction commenced on or before October 14, 2010, is found in a state that had submitted a negative declaration, the Federal plan implementing the emission guidelines for subpart MMMM would automatically apply to that SSI unit until a state plan is approved. 40 CFR 60.5030.

A. Idaho

On March 11, 2013, the Idaho Department of Environmental Quality (IDEQ) submitted a negative declaration certifying that there are no SSI units subject to the requirements of sections 111(d) and 129 of the CAA operating in the State of Idaho. As provided in 40 CFR 60.5030, the EPA is providing public notice of the IDEQ's negative declaration with respect to SSI. If, at a later date, an existing SSI unit subject to the applicability provisions of subpart MMMM is found in Idaho, the Federal plan implementing the emission guidelines for subpart MMMM would automatically apply to that SSI unit until a state plan for Idaho is approved.[1]

B. Oregon

On July 2, 2014, the Oregon Department of Environmental Quality (ODEQ) submitted a negative declaration certifying that there are no SSI units subject to the requirements of sections 111(d) and 129 of the CAA operating in the State of Oregon, including the jurisdiction of the Lane Regional Air Protection Agency. As provided in 40 CFR 60.5030, the EPA is providing public notice of the ODEQ's negative declaration with respect to SSI. If, at a later date, an existing SSI unit subject to the applicability provisions of subpart MMMM is found in Oregon, the Federal plan implementing the emission guidelines for subpart MMMM would automatically apply to that SSI unit until a state plan for Oregon is approved.[2]

III. Commercial and Industrial Solid Waste Incinerators

On December 1, 2000 (60 FR 75338), the EPA promulgated new source performance standards for new CISWI units, 40 CFR part 60, subpart CCCC, and emission guidelines for existing CISWI units, 40 CFR part 60, subpart DDDD. After a series of legal challenges, amendments, and reconsiderations, the EPA promulgated the Reconsideration and Final Amendments for CISWI units on February 7, 2013 (78 FR 9112).

A CISWI unit is any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding six months, any solid waste, as that term is defined in 40 CFR part 241, Solid Wastes Used As Fuels Or Ingredients In Combustion Units. 40 CFR 60.2875. A state plan must address all existing CISWI units that commenced construction on or before June 4, 2010, or for which modification or reconstruction was commenced on or before August 7, 2013, with limited exceptions as provided in paragraph 40 CFR 60.2555. 40 CFR 60.2550.

As discussed above, however, if there are no designated facilities in the state, the state may submit a negative declaration in lieu of a state plan. The EPA will provide public notice of receipt of a state's negative declaration with respect to CISWI. 40 CFR 60.2530. If any subsequently identified existing CISWI unit is found in a state that had submitted a negative declaration, the Federal plan implementing the emission guidelines for subpart DDDD would automatically apply to that CISWI unit until a state plan is approved. 40 CFR 60.2530.

A. Idaho

On April 14, 2014, the Idaho DEQ submitted a negative declaration certifying that there are no CISWI units subject to the requirements of sections 111(d) and 129 of the CAA operating in the State of Idaho. As provided in 40 CFR 60.2530, the EPA is providing public notice of Idaho's negative declaration with respect to CISWI. If, at a later date, an existing CISWI unit subject to the applicability provisions of subpart DDDD is found in Idaho, the Federal plan implementing the emission guidelines for subpart DDDD will automatically apply to that CISWI unit until a state plan for Idaho is approved.[3]

IV. Final Action

The States of Idaho and Oregon have determined there are no SSI units subject to the applicability provisions of the SSI emission guidelines at 40 CFR part 60, subpart MMMM, within their respective jurisdictions and have submitted negative declarations to that effect. Idaho has also determined that there are no CISWI units subject to the applicability provisions of 40 CFR part 60, subpart DDDD within the State's jurisdiction and has submitted a negative declaration to that effect. The EPA is providing notice of receipt of these negative declarations. The EPA is also amending 40 CFR part 62, subpart N, to reflect receipt of the negative declaration letters from the IDEQ for the SSI and CISWI emission guidelines and

[1] The EPA does not consider the IDEQ's negative declaration to extend to areas on any Indian reservation land or to any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction in Idaho. SSI units in such areas, if any, are subject to the Federal plan implementing the emission guidelines for subpart MMMM.

[2] The EPA does not consider the ODEQ's negative declaration to extend to areas on any Indian reservation land or to any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction in Oregon. SSI units in such areas, if any, are subject to the Federal plan implementing the emission guidelines for subpart MMMM.

[3] The EPA does not consider IDEQ's negative declaration to extend to areas on any Indian reservation land or to any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction in Idaho. CISWI units in such areas, if any, are subject to the Federal plan implementing the emission guidelines for subpart DDDD.

40 CFR part 62, subpart MM, to reflect the receipt of the negative declaration letter from the ODEQ for the SSI emission guidelines. This is a non-regulatory action.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator's receipt of a negative declaration under 42 U.S.C. 7411 and 7529 does not impose any legal requirements. For that reason, this action:

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

These negative declarations are not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the negative declarations do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will they 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 13, 2014.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart N—IDAHO

■ 2. Subpart N is amended by adding an undesignated center heading and § 62.3140 to read as follows:

Emissions From Existing Sewage Sludge Incineration Units

§ 62.3140 Identification of plan—negative declaration.

Letter from the Idaho Department of Environmental Quality, submitted on March 11, 2013, certifying that there are no existing sewage sludge incineration units subject to 40 CFR part 60, subpart MMMM operating within its jurisdiction.

■ 3. Subpart N is amended by adding an undesignated center heading and § 62.3150 to read as follows:

Emissions From Existing Commercial Industrial Solid Waste Incinerators

§ 62.3150 Identification of plan—negative declaration.

Letter from the Idaho Department of Environmental Quality, submitted on April 14, 2014, certifying that there are no existing commercial industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD operating within its jurisdiction.

Subpart MM—OREGON

■ 4. Subpart MM is amended by adding an undesignated center heading and § 62.9520 to read as follows:

Emissions From Existing Sewage Sludge Incineration Units

§ 62.9520 Identification of plan—negative declaration.

Letter from the Oregon Department of Environmental Quality, submitted on July 2, 2014, certifying that there are no existing sewage sludge incineration units subject to 40 CFR part 60, subpart MMMM within its jurisdiction or the jurisdiction of the Lane Regional Air Protection Agency.

[FR Doc. 2015–01920 Filed 1–30–15; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation (Corporation) is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines issued by the Department of Health and Human Services (HHS).

DATES: Effective February 2, 2015.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K St. NW., Washington, DC 20007; (202) 295–1563; *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act (Act), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance. Section 1007(a)(2) of the Act also provides that other specified factors shall be taken into account along with income.

Section 1611.3(c) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. 45 CFR 1611.3(c). Since 1982, HHS has been

responsible for updating and issuing the Federal Poverty Guidelines. The figures for 2015 set out below are equivalent to 125 percent (125%) of the current Federal Poverty Guidelines published by HHS on January 22, 2015 (80 FR 3236).

In addition, LSC is publishing a chart listing income levels that are two hundred percent (200%) of the Federal Poverty Guidelines. This chart is for reference purposes only as an aid to grant recipients in assessing the financial eligibility of an applicant whose income is greater than 125 percent (125%) of the applicable Federal Poverty Guidelines amount, but less than 200 percent (200%) of the applicable Federal Poverty Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with 45 CFR 1611.3, 1611.4, and 1611.5).

List of Subjects in 45 CFR Part 1611

Grant Programs—Law, Legal Services.

For reasons set forth in the preamble, the Legal Services Corporation amends 45 CFR part 1611 as follows:

PART 1611—ELIGIBILITY

■ 1. The authority citation for part 1611 continues to read as follows:

Authority: 42 U.S.C. 2996e(b)(1), 2996e(b)(3), 2996f(a)(1), 2996f(a)(2), 2996g(e); Section 509(h) of Pub. L. 104–134, 110 Stat. 1321 (1996); Pub. L. 105–119, 11 Stat. 2512 (1998).

■ 2. Revise Appendix A to part 1611 to read as follows:

Appendix A to Part 1611—Income Level for Individuals Eligible for Assistance

LEGAL SERVICES CORPORATION 2015 INCOME GUIDELINES *

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	$14,713	$18,400	$16,938
2	19,913	24,900	22,913
3	25,113	31,400	28,888
4	30,313	37,900	34,863
5	35,513	44,400	40,838
6	40,713	50,900	46,813
7	45,913	57,400	52,788
8	51,113	63,900	58,763
For each additional member of the household in excess of 8, add:	5,200	6,500	5,975

* The figures in this table represent 125% of the poverty guidelines by household size as determined by HHS.

REFERENCE CHART—200% OF FEDERAL POVERTY GUIDELINES

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	$23,540	$29,440	$27,100
2	31,860	39,840	36,660
3	40,180	50,240	46,220
4	48,500	60,640	55,780
5	56,820	71,040	65,340
6	65,140	81,440	74,900
7	73,460	91,840	84,460
8	81,780	102,240	94,020
For each additional member of the household in excess of 8, add:	8,320	10,400	9,560

Dated: January 27, 2015.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2015–01892 Filed 1–30–15; 8:45 am]

BILLING CODE 7050–01–P

Proposed Rules

Federal Register
Vol. 80, No. 21
Monday, February 2, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN15

Prevailing Rate Systems; Redefinition of the Jacksonville, FL; Savannah, GA; Hagerstown-Martinsburg-Chambersburg, MD; Richmond, VA; and Roanoke, VA, Appropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule that would redefine the geographic boundaries of the Jacksonville, FL; Savannah, GA; Hagerstown-Martinsburg-Chambersburg, MD; Richmond, VA; and Roanoke, VA, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Brantley, Glynn, and Pierce Counties, GA, from the Jacksonville wage area to the Savannah wage area; Greene County, VA, from the Hagerstown-Martinsburg-Chambersburg wage area to the Richmond wage area; and Nelson County, VA, from the Roanoke wage area to the Richmond wage area. These changes are based on recent consensus recommendations of the Federal Prevailing Rate Advisory Committee (FPRAC) to best match the counties proposed for redefinition to a nearby FWS survey area.

DATES: We must receive comments on or before March 4, 2015.

ADDRESSES: You may submit comments, identified by ''RIN 3206–AN15,'' using any of the following methods:

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

Mail: Brenda L. Roberts, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200.

Email: pay-leave-policy@opm.gov.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606–2838; email *pay-leave-policy@opm.gov;* or FAX: (202) 606–4264.

SUPPLEMENTARY INFORMATION: OPM is issuing a proposed rule that would redefine the geographic boundaries of the Jacksonville, FL; Savannah, GA; Hagerstown-Martinsburg-Chambersburg, MD; Richmond, VA; and Roanoke, VA, appropriated fund FWS wage areas. The proposed rule would redefine Brantley and Glynn Counties, GA, from the Jacksonville wage area to the Savannah wage area; Greene County, VA, from the Hagerstown-Martinsburg-Chambersburg wage area to the Richmond wage area; and Nelson County, VA, from the Roanoke wage area to the Richmond wage area.

OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

In addition, OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances.

OPM recently completed reviews of the definitions of the Brunswick, GA and Charlottesville, VA MSAs and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below. FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended these changes by consensus. These changes would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

Brunswick, GA Metropolitan Statistical Area

Brantley, Glynn, and McIntosh Counties, GA, comprise the Brunswick, GA MSA. The Brunswick MSA is currently split between the Jacksonville, FL, and Savannah, GA, wage areas. Brantley and Glynn Counties are part of the area of application of the Jacksonville wage area and McIntosh County is part of the area of application of the Savannah wage area.

Based on an analysis of the regulatory criteria for Glynn County, the core county in the Brunswick MSA, we recommend that the entire Brunswick MSA be defined to the Savannah area of application. When measuring to cities, the distance criterion does not favor one wage area more than another. When measuring to host installations, the distance criterion favors the Savannah wage area more than the Jacksonville wage area. The commuting patterns criterion does not favor one wage area more than another. Glynn County does not resemble one survey area more than another survey area in terms of the overall population, employment, and the kinds and sizes of private industrial establishments criteria.

Based on this analysis, we find that Glynn County would be more appropriately defined to the Savannah wage area. Since there appear to be no unusual circumstances that would permit splitting the Brunswick MSA, OPM proposes to redefine Brantley and Glynn Counties to the Savannah wage area so that the entire Brunswick MSA is in one wage area. The remaining county in the Brunswick MSA, McIntosh County, is already defined to the Savannah wage area. There are currently no FWS employees working in Brantley County. There are currently 45 FWS employees working in Glynn County.

Because Pierce County, GA, borders Brantley County to the northwest and is located in-between the Brunswick MSA and the Albany, GA, and Savannah wage areas, Pierce County would also be redefined from the Jacksonville wage area to the Savannah wage area. When measuring to cities, the distance criterion does not favor one wage area more than another. When measuring to host installations, the distance criterion favors the Savannah wage area more than the Albany wage area. The commuting patterns criterion does not favor one wage area more than another. Pierce County does not favor one survey area more than another survey area in terms of the overall population and employment and the kinds and sizes of private industrial establishments criteria.

Based on this analysis, we find that Pierce County would be more appropriately defined to the Savannah wage area. There are currently no FWS employees working in Pierce County.

Charlottesville, VA Metropolitan Statistical Area

Charlottesville City, VA, and Albemarle, Buckingham, Fluvanna, Greene, and Nelson Counties, VA, comprise the Charlottesville, VA MSA. The Charlottesville MSA is split between the Hagerstown-Martinsburg-Chambersburg, MD, Richmond, VA, and Roanoke, VA, wage areas. Greene County is part of the area of application of the Hagerstown-Martinsburg-Chambersburg wage area. Charlottesville City and Albemarle, Buckingham, and Fluvanna Counties are part of the area of application of the Richmond wage area. Nelson County is part of the area of application of the Roanoke wage area.

Based on an analysis of the regulatory criteria for Greene County, the core county in the Charlottesville MSA, the entire Charlottesville MSA would be defined to the Richmond wage area. The distance criterion favors the Richmond wage area. The commuting patterns criterion slightly favors the Richmond wage area. The overall population and employment and the kinds and sizes of private industrial establishments criteria do not favor one wage area more than another.

Based on this analysis, we find that Greene County would be more appropriately defined to the Richmond wage area. Since there appear to be no unusual circumstances that would permit splitting the Charlottesville MSA, OPM proposes to redefine Greene and Nelson Counties to the Richmond wage area so that the entire Charlottesville MSA is in one wage area. The remaining city and counties in the Charlottesville MSA, Charlottesville City and Albemarle, Buckingham, and Fluvanna Counties, are already defined to the Richmond wage area. There are currently three FWS employees working in Greene County. There are currently no FWS employees working in Nelson County.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, the U.S. Office of Personnel Management is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

■ 2. Appendix C to subpart B is amended by revising the wage area listings for the Jacksonville, FL; Savannah, GA; Hagerstown-Martinsburg-Chambersburg, MD; Richmond, VA; and Roanoke, VA, wage areas to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

FLORIDA

* * * * *

Jacksonville

Survey Area

Florida:
- Alachua
- Baker
- Clay
- Duval
- Nassau
- St. Johns

Area of Application. Survey area plus:

Florida:
- Bradford
- Citrus
- Columbia
- Dixie
- Flagler
- Gilchrist
- Hamilton
- Lafayette
- Lake
- Levy
- Madison
- Marion
- Orange
- Osceola
- Putnam
- Seminole
- Sumter
- Suwannee
- Taylor
- Union
- Volusia

Georgia:
- Camden
- Charlton

* * * * *

GEORGIA

* * * * *

Savannah

Survey Area

Georgia:
- Bryan
- Chatham
- Effingham
- Liberty

Area of Application. Survey area plus:

Georgia:
- Appling
- Bacon
- Brantley
- Bulloch
- Candler
- Evans
- Glynn
- Jeff Davis
- Long
- McIntosh
- Pierce
- Screven
- Tattnall
- Toombs
- Wayne

South Carolina:
- Beaufort (the portion south of Broad River)
- Hampton
- Jasper

* * * * *

MARYLAND

* * * * *

Hagerstown-Martinsburg-Chambersburg

Survey Area

Maryland:
- Washington

Pennsylvania:
- Franklin

West Virginia:
- Berkeley

Area of Application. Survey area plus:

Maryland:
- Allegany
- Garrett

Pennsylvania:
- Fulton

Virginia (cities):
- Harrisonburg
- Winchester

Virginia (counties):
- Frederick
- Madison
- Page
- Rockingham
- Shenandoah

West Virginia:
- Hampshire
- Hardy
- Mineral
- Morgan

* * * * *

VIRGINIA

* * * * *

Richmond

Survey Area

Virginia (cities):
- Colonial Heights

Hopewell
Petersburg
Richmond
Virginia (counties):
Charles City
Chesterfield
Dinwiddie
Goochland
Hanover
Henrico
New Kent
Powhatan
Prince George

Area of Application. Survey area plus:

Virginia (cities):
Charlottesville
Emporia
Virginia (counties):
Albemarle
Amelia
Brunswick
Buckingham
Caroline
Charlotte
Cumberland
Essex
Fluvanna
Greene
Greensville
King and Queen
King William
Lancaster
Louisa
Lunenburg
Mecklenburg
Middlesex
Nelson
Northumberland
Nottoway
Orange
Prince Edward
Richmond
Sussex
Westmoreland

Roanoke

Survey Area

Virginia (cities):
Radford
Roanoke
Salem
Virginia (counties):
Botetourt
Craig
Montgomery
Roanoke

Area of Application. Survey area plus:

Virginia (cities):
Bedford
Buena Vista
Clifton Forge
Covington
Danville
Galax
Lexington
Lynchburg
Martinsville
South Boston
Staunton
Waynesboro
Virginia (counties):
Alleghany
Amherst
Appomattox
Augusta
Bath
Bedford
Bland
Campbell
Carroll
Floyd
Franklin
Giles
Halifax
Henry
Highland
Patrick
Pittsylvania
Pulaski
Rockbridge
Wythe

* * * * *

[FR Doc. 2015–01937 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0940; Directorate Identifier 2014–NE–15–AD]

RIN 2120–AA64

Airworthiness Directives; Lycoming Engines Reciprocating Engines (Type Certificate Previously Held by Textron Lycoming Division, AVCO Corporation)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Lycoming TIO–540–AJ1A reciprocating engines. This proposed AD was prompted by several reports of cracked engine exhaust pipes. This proposed AD would require inspection of the engine exhaust pipes for cracks and replacement of the turbocharger mounting bracket. We are proposing this AD to prevent failure of the exhaust system due to cracking, which could lead to uncontrolled engine fire, harmful exhaust gases entering the cabin resulting in crew incapacitation, and damage to the airplane.

DATES: We must receive comments on this proposed AD by April 3, 2015.

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

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

For service information identified in this proposed AD, contact Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701; phone: 800–258–3279; fax: 570–327–7101; Internet: *www.lycoming.com/Lycoming/SUPPORT/TechnicalPublications/ServiceBulletins.aspx.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0940; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Norm Perenson, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7337; fax: 516–794–5531; email: *norman.perenson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0940; Directorate Identifier 2014–NE–15–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

substantive verbal contact we receive about this NPRM.

Discussion

We issued Special Airworthiness Information Bulletin (SAIB) CE–04–22 on December 17, 2003. The SAIB recommended pre-flight and repetitive inspection of exhaust system components for signs of cracking. This NPRM was prompted by additional reports of exhaust pipe cracking. Probable causes of exhaust pipe cracks are questionable exhaust pipe welds or misalignment of the exhaust pipe during installation. Additionally, non-conforming turbocharger mounting brackets were found during Lycoming engine assembly trials of new engine exhaust pipes. These out-of-tolerance mounting brackets may place stresses on exhaust system components. Taken alone, or in combination, these conditions may overstress certain exhaust pipe locations and cause cracks to develop. With the presence of cracks, hot exhaust gases collect in the engine compartment and carbon monoxide gas is now able to enter the airplane cabin. The conditions identified above, if not corrected, could result in uncontrolled engine fire, harmful exhaust gases entering the cabin resulting in crew incapacitation, and damage to the airplane.

Relevant Service Information

We reviewed Lycoming Engines Mandatory Service Bulletin (MSB) No. 614A, dated October 10, 2014. The MSB describes procedures for exhaust system inspection and turbocharger mounting bracket replacement.

FAA's Determination

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

Proposed AD Requirements

This NPRM would require inspection of the exhaust system and replacement of the turbocharger mounting bracket.

Costs of Compliance

We estimate that this proposed AD would affect about 111 engines installed on airplanes of U.S. registry. We also estimate that it will take about 8 hours per engine to comply with this AD. The average labor rate is $85 per hour. Parts replacement will cost about $6,782 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $828,282. Our cost estimate is exclusive of possible warranty coverage.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Lycoming Engines (Type Certificate previously held by Textron Lycoming Division, AVCO Corporation): Docket No. FAA–2014–0940; Directorate Identifier 2014–NE–15–AD.

(a) Comments Due Date

We must receive comments by April 3, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Lycoming TIO–540–AJ1A reciprocating engines listed by engine serial number (S/N) in Figure 1 to paragraph (c) of this AD and to any TIO–540–AJ1A reciprocating engine with a replacement turbocharger mounting bracket installed that was purchased between April 5, 2012 and May 29, 2014.

FIGURE 1 TO PARAGRAPH (C)—LYCOMING ENGINE TIO–540–AJ1A AFFECTED S/NS

Engine S/N	Engine S/N	Engine S/N	Engine S/N
L–6748–61E	L–13828–61E	L–13832–61E	L–13843–61E
L–13817–61E	L–13831–61E	L–13833–61E	L–13847–61E
L–13819–61E	L–13823–61E	L–13839–61E	L–13855–61E
L–13856–61E	L–13947–61E	L–14011–61E	RL–2551–61E
L–13857–61E	L–13948–61E	L–14013–61E	RL–2848–61E
L–13866–61E	L–13949–61E	L–14014–61E	RL–3450–61E
L–13867–61E	L–13950–61E	L–14015–61E	RL–4138–61E
L–13873–61E	L–13960–61E	L–14017–61E	RL–7243–61E
L–13882–61E	L–13961–61E	L–14024–61E	RL–7512–61E
L–13883–61E	L–13962–61E	L–14025–61E	RL–8435–61E

FIGURE 1 TO PARAGRAPH (C)—LYCOMING ENGINE TIO–540–AJ1A AFFECTED S/NS—Continued

Engine S/N	Engine S/N	Engine S/N	Engine S/N
L–13884–61E	L–13967–61E	L–14026–61E	RL–8767–61E
L–13885–61E	L–13973–61E	L–14028–61E	RL–8914–61E
L–13886–61E	L–13975–61E	L–14034–61E	RL–8979–61E
L–13895–61E	L–13976–61E	L–14054–61E	RL–9399–61E
L–13896–61E	L–13979–61E	L–14055–61E	RL–9466–61E
L–13898–61E	L–13981–61E	L–14056–61E	RL–9618–61E
L–13900–61E	L–13983–61E	L–14057–61E	RL–9663–61E
L–13902–61E	L–13984–61E	L–14062–61E	RL–10098–61E
L–13907–61E	L–13993–61E	L–14063–61E	RL–10194–61E
L–13913–61E	L–13996–61E	L–14066–61E	RL–10249–61E
L–13915–61E	L–13997–61E	L–14067–61E	RL–10615–61E
L–13930–61E	L–13998–61E	L–14069–61E	RL–11011–61E
L–13931–61E	L–13999–61E	L–14071–61E	RL–12121–61E
L–13934–61E	L–14000–61E	L–14076–61E	RL–12163–61E
L–13936–61E	L–14001–61E	L–14077–61E	RL–12343–61E
L–13938–61E	L–14003–61E	RL–1726–61E	RL–13352–61E
L–13939–61E	L–14004–61E	RL–1810–61E	RL–13601–61E
L–13946–61E	L–14005–61E	RL–1862–61E	

(d) Unsafe Condition

This AD was prompted by several reports of cracked engine exhaust pipes. We are issuing this AD to prevent failure of the exhaust system due to cracking, which could lead to uncontrolled engine fire, harmful exhaust gases entering the cabin resulting in crew incapacitation, and damage to the airplane.

(e) Compliance

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

(1) For affected engines with an S/N listed in Figure 1 to paragraph (c) of this AD with 400 hours or less time since new (TSN) or time since last overhaul (TSLO), and for any TIO–540–AJ1A reciprocating engine with a replacement turbocharger mounting bracket installed that was purchased between April 5, 2012 and May 29, 2014, that has accumulated 400 hours or less time-in-service (TIS), within 25 hours after the effective date of this AD, replace the turbocharger mounting bracket with a part eligible for installation, and inspect the exhaust pipes for cracks. Use Lycoming Engines Mandatory Service Bulletin (MSB) No. 614A, dated October 10, 2014, Exhaust System Disassembly and Removal, paragraphs 1 through 22 to replace the bracket, and Exhaust System Inspection, paragraphs 1 through 5 to do the inspection.

(2) For affected engines with an S/N listed in Figure 1 to paragraph (c) of this AD with more than 400 hours TSN or TSLO, and for any TIO–540–AJ1A reciprocating engine with a replacement turbocharger mounting bracket installed that was purchased between April 5, 2012 and May 29, 2014, that has accumulated more than 400 hours TIS, replace the turbocharger mounting bracket with a part eligible for installation, and inspect the exhaust pipes for cracks at the next engine overhaul, separation of the crankcase halves, or twelve years from the effective date of this AD, whichever comes first. Use Lycoming Engines MSB No. 614A, dated October 10, 2014, Exhaust System Disassembly and Removal, paragraphs 1 through 22 to replace the bracket, and Exhaust System Inspection, paragraphs 1 through 5 to do the inspection.

(f) Installation Prohibition

After the effective date of this AD, do not return to service any engine with a TIO–540–AJ1A turbocharger mounting bracket that was removed from an engine identified in Figure 1 to paragraph (c) of this AD or that was purchased between April 5, 2012 and May 29, 2014.

(g) Credit for Previous Action

(1) If, before the effective date of this AD, you replaced the turbocharger mounting bracket with one eligible for installation you may take credit for your prior corrective action. No further turbocharger mounting bracket replacement is required.

(2) If, before the effective date of this AD, you performed the crack inspection using either of the following:

(i) Lycoming Engines MSB No. 614A, dated October 10, 2014, Exhaust System Inspection, paragraphs 1 through 5, or

(ii) Cessna Service Letter No. SEL–78–01, dated May 30, 2014, you may take credit for your prior corrective action. No further inspection is required. However, you must still replace the turbocharger mounting bracket.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, New York Aircraft Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact Norm Perenson, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7337; fax: 516–794–5531; email: *norman.perenson@faa.gov.*

(2) Lycoming Engines MSB No. 614A, dated October 10, 2014, which is not incorporated by reference, can be obtained from Lycoming Engines using the contact information in paragraph (i)(3) of this AD.

(3) For service information identified in this AD, contact Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701; phone: 800–258–3279; fax: 570–327–7101; Internet: *www.lycoming.com/Lycoming/SUPPORT/TechnicalPublications/ServiceBulletins.aspx.*

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on January 21, 2015.

Colleen M. D'Alessandro,

Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–01835 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Parts 500 and 502

RIN 3084–AB33

Rules, Regulations, Statements of General Policy or Interpretation and Exemptions Under the Fair Packaging and Labeling Act

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice of proposed rulemaking; request for public comment.

SUMMARY: Based on comments received in response to its Advance Notice of Proposed Rulemaking (''ANPR''), the Commission proposes amending the rules and regulations promulgated under the Fair Packaging and Labeling Act (''Rules'') to modernize the place-of-business listing requirement;

incorporate a more comprehensive metric chart; address the use of exponents with customary inch/pound measurements; delete outdated prohibitions on retail price sales representations; and acknowledge the role of the weights-and-measures laws of individual states. The Commission seeks comment on these proposals.

DATES: Written comments must be received on or before March 30, 2015.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''FPLA Rules, 16 CFR parts 500–503, Project No. R411015'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/fplanprm* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''FPLA Rules, 16 CFR parts 500–503, Project No. R411015'' on your comment and on the envelope and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex G), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex G), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Megan E. Gray, Attorney, (202) 326–3408, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Fair Packaging and Labeling Act, 15 U.S.C. 1451 *et seq.,* was enacted in 1966 to enable consumers to obtain accurate package quantity information to facilitate value comparisons and prevent unfair or deceptive packaging and labeling of ''consumer commodities.'' [1] The Rules generally concern products consumed during household use. However, several categories of these products are exempt from FTC regulations under the FPLA.[2] Moreover, the FTC has excluded certain other items from the Rules.[3]

Section 1453 of the Act directs the Commission to issue regulations requiring that all ''consumer commodities'' be labeled to disclose: (a) The identity of the commodity (*e.g.,* detergent, sponges), which must appear on the principal display panel of the commodity in conspicuous type and position so that identity is easy to read and understand; [4] (b) the name and place of business of the product's manufacturer, packer, or distributor; [5] and (c) the net quantity of contents in terms of weight, measure, or numerical count, with such disclosure's placement and content in accordance with the Rules.[6] The Rules detail how units of weight or mass and measure must be stated, and require use of both U.S. (*e.g.,* pounds, feet, and gallons) and metric measures.[7] The Rules also require net quantity disclosures for packages containing more than one product or unit, including: (a) ''multi-unit packages''; [8] (b) ''variety packages''; [9] and (c) ''combination packages.'' [10]

In addition, the Act grants the FTC authority to issue rules to prevent consumer deception and facilitate value comparisons.[11] The FTC has used this authority to address three types of representations: ''cents-off,'' [12] ''introductory offer,'' [13] and ''economy size.'' [14]

To address these provisions as well as the rest of the Rules, the Commission, as part of its ongoing regulatory review program, published an ANPR in March 2014 seeking comment on the economic impact of, and the continuing need for, the Rules; the benefits of the Rules to consumers; and any burdens the Rules place on businesses.[15]

In response, the Commission received a number of comments. This Notice of Proposed Rulemaking (''NPRM'') summarizes those comments, explains the Commission's decision to retain the Rules, proposes several amendments, and explains why the Commission has declined to propose certain amendments advocated by some commenters. This NPRM also sets forth the Commission's proposed amendments to the Rules.

II. Summary of Comments

The Commission received 15 comments [16] in response to the ANPR from a diverse set of commenters: Individuals; [17] a consumer products manufacturer; [18] an association promoting use of the metric system; [19] professional associations representing officials, engineers, and industries affected by the Rules; [20] and a Nigerian police assistance organization.[21] The

[1] Consumer commodities are any food, device, or cosmetic, and any other article, product, or commodity that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use. 15 U.S.C. 1459(a). The Food and Drug Administration administers the FPLA with respect to food, drugs, cosmetics, and medical devices. 15 U.S.C. 1454(a); 15 U.S.C. 1456(a).

[2] 15 U.S.C. 1459(a)(1) through (5) (excluding, among other products, specified categories of meat, poultry, tobacco, insecticide, fungicide, drug, alcohol, and seed products).

[3] 16 CFR 503.2, 503.5. Many products outside the scope of the FPLA and the Rules nevertheless fall within the purview of individual state laws. 15 U.S.C. 1461. *See also* National Institute of Standards and Technology Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality (2015 ed.) (compilation of state and federal laws and regulations pertaining to product labeling and packaging).

[4] 16 CFR 500.4.

[5] 16 CFR 500.5.

[6] 16 CFR 500.6(b). The Office of Weights and Measures of the National Institute of Standards and Technology, U.S. Department of Commerce, is authorized to promote, to the greatest practical extent, uniformity in state and federal regulation of the labeling of consumer commodities. 15 U.S.C. 1458(a)(2).

[7] The FPLA was amended in 1992 to require use of metric measurements, in addition to customary inch/pound measures. Public Law 102–245 (February 14, 1992); Public Law 102–329 (August 3, 1992). In 1994, the FTC modified its regulations accordingly. 59 FR 1862 at 1872 (Jan. 12, 1994).

[8] 16 CFR 500.27.

[9] 16 CFR 500.28.

[10] 16 CFR 500.29.

[11] 15 U.S.C. 1454(c). This discretionary authority enables the FTC to address four situations: (1) Setting size standards that supplement label statements of net quantity; (2) regulating packaging that claims a product price is lower than its customary retail price; (3) requiring labels to use common names or listing ingredients in order of decreasing prominence; and (4) preventing nonfunctional slack-fill. 15 U.S.C. 1454(c).

[12] A cents-off representation is one in which ''cents-off'' or a similar term is used to indicate that the consumer commodity is being offered for sale at a price lower than the ordinary and customary retail price. 16 CFR 502.100.

[13] An introductory offer is one in which ''introductory offer'' or a similar phrase is used to indicate that the consumer commodity is being offered for sale at a price lower than the ordinary and customary retail price. 16 CFR 502.101(b)(1). The Rules prohibit introductory offers in a trade area for a duration in excess of six months. 16 CFR 502.101(b)(3).

[14] An economy size representation is one in which ''economy size'' or similar phrase is used to indicate that the consumer commodity has a retail sale price advantage due to the size of that package or the quantity of its contents. 16 CFR 502.102.

[15] 79 FR 15272 (March 19, 2014).

[16] The comments are posted at *http://www.ftc.gov/policy/public-comments/initiative-554.* The Commission has assigned each comment a number appearing after the name of the commenter and the date of submission. This notice cites comments using the last name of the individual submitter or the name of the organization, followed by the number assigned by the Commission.

[17] Schlesinger (12), Steele (11), Mechtly (9), Mechtly (10), Dunn (14), Lewis (15), Vlietstra (13), Nichols (2), Bushnell (7), Sarich (8). The two Mechtly comments are identical.

[18] Beaumont Products, Inc. (''Beaumont'') (6).

[19] U.S. Metric Association (''US Metric'') (3).

[20] Packaging and Labeling Subcommittee of the National Conference on Weights and Measures (''NCWM'') (1), Standards Coordinating Committee of the Institute of Electrical and Electronics Engineers (''IEEE'') (4).

[21] Police Assistance Committee of Nigeria (5).

comments expressed general support for the Rules but recommended that the Commission modify or clarify certain aspects of them. A number of comments raised issues associated with metric measurements and voiced support for a metric-only system.[22] One comment made semantic and punctuation points, and addressed numeric nomenclature.[23] That commenter also considered the continued utility of requiring labels to list street addresses since the advent of Internet directories.[24] Three comments addressed aspects of net quantity statements.[25] The NCWM comment suggested deletion of regulations governing quantity or value claims in certain circumstances because they are no longer used in the marketplace. That comment also recommended an expanded definition of ''consumer commodity,'' as well as expanded regulations for slack-fill. This comment additionally requested more explicit recognition of state labeling laws. Finally, two comments addressed the lack of uniformity in labeling laws, domestically and internationally (*e.g.,* language differences and different products falling under Department of Agriculture labeling requirements).[26]

III. Retention of the Rules

As part of the Commission's systematic regulatory review, the ANPR asked whether there is a continuing need for the Rules and requested comment about the Rules' benefits and costs. In response, commenters expressed wide support for the Rules; no commenter suggested they be repealed.[27] The record provides no evidence that the Rules impose excessive costs on industry, including small businesses, or that the disclosures required by the Rules are immaterial to consumers. Therefore, the Commission proposes retaining the Rules, but with certain amendments suggested by various comments.

IV. Proposed Amendments

Based on the record and the Commission's experience, the Commission proposes several amendments as explained below. The Commission also explains why it declines to propose several other amendments.

A. Modernize the Place-of-Business Listing Requirement

The Commission proposes to amend the Rules' place-of-business listing requirement. Currently, the Rules require a label to conspicuously state the name and place of business of the manufacturer, packer, or distributor and further specify that the place of business statement contain the street address, city, state, and ZIP code. The street address, however, may be omitted if it is listed in a current city or telephone directory.[28] The NCWM comment suggested that this exception be extended to Internet directories, explaining that they serve the same purpose as printed telephone directories. The Commission agrees. It, therefore, proposes to revise this exception to permit a business to omit the street address if it is listed in any readily accessible, well-known, widely published, and publicly available resource, including but not limited to a printed directory, electronic database, or Web site. The inclusion of ''any readily accessible, widely published, and publicly available resource'' in the exception is flexible and intended to encompass new technologies that meet these requirements.

B. Incorporate a More Comprehensive Metric Chart

The NCWM comment noted that Section 500.19(a) currently contains an incomplete metric conversion chart that fails to list other possible, albeit uncommon, conversion factors that a packager might use, such as weight expressed in grain, or length expressed in rods. The Commission proposes to correct this omission by deleting the current chart and incorporating by reference the complete metric conversion chart published in National Institute of Standards and Technology Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality (2015 ed., p. 95). Members of the public can access the Handbook online at NIST's Web site, NIST.gov.

C. Address the Use of Exponents With Customary Inch/Pound Measurements

NCWM noted that, in the current rule (section 500.22), exponents are not listed for customary inch/pound measurements, but are included in the metric examples listed in Section 500.23(b) (*e.g.,* cubic centimeter—cm^3). Because exponents are not listed in the customary inch/pound measurements, NCWM argued that affected businesses may think they are not permitted. It further asserted that use of exponents with both metric and customary inch/pound units is common in the marketplace. Moreover, the Office of Weights and Measures of the National Institute of Standards and Technology, U.S. Department of Commerce, which is authorized to promote uniformity in labeling regulation, has historically sanctioned exponent use with customary inch/pound units.[29] Therefore, the Commission now proposes to clarify the Rules to expressly permit exponents with customary inch/pound measurements (*e.g.,* cubic inches—in^3).

D. Delete Prohibitions on Certain Retail Price Sales Representations

The Commission proposes to eliminate sections addressing when and how a packager or labeler represents a commodity to be ''cents off,'' an ''introductory offer,'' or ''economy size.'' [30] The Commission originally promulgated these provisions to curtail certain price representations that were commonly used in a deceptive manner during the 1960s and 1970s. However, these representations are now rarely seen in the modern marketplace. Indeed, they have been absent for some time.[31] Should they re-appear, the Commission has other tools at its disposal to ensure they are not used deceptively.

E. Acknowledge the Role of Weights-and-Measures Laws of Individual States

NCWM reported that businesses look to the Rules but often neglect state regulations. Many products outside the Commission's FPLA purview fall within the purview of those laws. NCWM asserted that amending the Rules to acknowledge the state role would aid compliance efforts by alerting businesses that state laws may apply. Therefore, the Commission proposes to amend the Rules to state ''[m]any products exempted through proceedings under section 5(b) of the Act and section 500.3(e) of this chapter or excluded under part 503 of this chapter nonetheless fall within the purview of the weights-and-measures laws of individual states.''

[22] NCWM (1), IEEE (4), Nichols (2), US Metric (3), Schlesinger (12), Vlietstra (13), Mechtly (9), Steele (11).

[23] NCWM (1).

[24] NCWM (1).

[25] NCWM (1), Steele (11), Beaumont (6).

[26] NCWM (1), Steele (11).

[27] *See, e.g.,* NCWM (1), Steele (11).

[28] 16 CFR 500.5(a) through (e). The Act itself requires the label to include the place of business, but does not specify to what level of detail. 15 U.S.C. 1453(a)(1).

[29] NCWM (1).

[30] 15 U.S.C. 1454(c)(2).

[31] In 1997, the U.S. Food and Drug Administration revoked similar regulations for ''cents off'' and economy size representations, on the grounds that such representations were no longer used in the marketplace. 62 FR 39439 (July 23, 1997).

V. Other Amendments the Commission Declines To Propose

Several comments urged the Commission to revise the Rules to: (1) Prohibit certain net quantity comparisons; (2) permit metric-only labels; (3) change ''customary inch/pound'' terminology; (4) prohibit periods and plurals in customary inch/pound abbreviations; (5) expand the definition of consumer commodity and rules governing non-functional slack-fill; (6) permit icons for items sold by numeric count; and (7) harmonize labeling regulations throughout the federal government and internationally. As explained below, the Commission declines these requests either because the record is insufficient to support them or the Commission lacks the authority to adopt them.

A. Prohibit Certain Net Quantity Comparisons

The NCWM comment urged the Commission to expand section 500.6(b)'s prohibition on supplemental descriptions of net quantity statements. The section currently prohibits misleading terms used to qualify a unit of weight or mass, measure, or count, giving specific impermissible examples such as ''jumbo quart,'' ''giant liter,'' ''full gallon,'' ''when packed,'' and ''minimum.'' NCWM sought to affirmatively prohibit terms such as ''approximately'' or ''equivalent to,'' explaining that such a ban would reduce consumer confusion and provide clearer guidance to businesses.

The Rule, however, already covers these statements, to the extent they are misleading, by prohibiting any net quantity qualifiers ''of similar import.'' [32] Moreover, the record contains no evidence of widespread deception using these terms. Because an outright ban could impinge on non-deceptive comparative performance claims, the Commission declines to adopt this amendment without a greater showing that a ban is needed.

B. Permit Metric-Only Labels

Several comments sought to revise the regulations to permit metric-only labeling.[33] However, the Act requires both customary inch/pound and metric labeling.[34] Thus, the Commission lacks the authority to amend the Rules to implement this proposal.

C. Change ''Customary Inch/Pound'' Terminology

The Rules make numerous references to ''customary inch/pound'' to describe non-metric measurements. One comment proposed to substitute the phrase ''U.S. Customary units'' in place of ''customary inch/pound,'' explaining the latter term is confusing because it does not, on its face, include volume (although the Rules definition does).[35] The Act itself, however, uses the ''customary inch/pound'' terminology. Creating a discrepancy between the language of the Act and that of the Rules risks injecting a new layer of confusion. Therefore, the proposed Rules continue to mirror the Act's language.[36]

D. Prohibit Periods and Plurals in Customary Inch/Pound Abbreviations

Section 500.22 currently permits the use of periods and plurals with customary inch/pound abbreviations in connection with the net-quantity-of-content statement. For example, a label can use ''in.'' or ''in'' as the abbreviation for ''inch'' and ''lbs or ''lb'' for ''pounds.'' NCWM proposed to prohibit these periods and plurals because they are inconsistent with the metric system, and reportedly cause confusion in the marketplace. The NCWM comment also stated that use of periods and plurals on commodity labels is rare. If use of periods and plurals is rare, however, consumer confusion resulting from their use would be equally rare. In the absence of evidence of consumer confusion, the Commission declines to propose prohibiting the use of periods and plurals.

E. Expand the Definition of Consumer Commodity and Issue Rules Governing Non-Functional Slack-Fill

The NCWM comment asked the Commission to expand its definition of ''consumer commodity'' and issue rules governing non-functional slack-fill.[37] The comment, however, did not request specific amendments, identify wide-spread marketplace deception, or provide information on the costs and benefits of these proposals. Therefore, the Commission declines to pursue such expansion.

F. Permit Icons for Items Sold by Numeric Count

The NWCM comment sought to permit the use of icons (pictoral symbols) to display a numeric count. For example, a package could convey that it contains three razors with a label showing three razor symbols. The Rules do not prohibit the non-misleading use of icons to display numeric count. Therefore, this revision is unnecessary.

G. Require Largest Common Whole Unit for Customary Inch/Pound Measurements When Several Sizes of Same Product Are in Marketplace

One comment sought to revise the Rules to require use of the largest common whole unit for customary inch/pound measurements when several sizes of the same product are in the marketplace.[38] For example, if powder laundry detergent is sold in 12.5 ounce; 1 pound, 9 ounce; and 3 pound, 2 ounce sizes, NCWM sought to revise the Rules to require each container to use the largest whole unit common to all three sizes (in this instance, ounces, *e.g.* 12.5, 25, and 50 ounces). The Rules currently permit this expression of measurements but do not require it.[39] The Commission need not explore whether such an amendment would be beneficial because the Act expressly permits expression of remainders in common whole units (*e.g.,* ''expressed in pounds, with any remainder in terms of ounces . . .'').[40] Therefore, the Commission lacks the authority to adopt such a change.

H. Harmonize Labeling Regulations

Several comments noted complexities in overlapping domestic labeling laws as well as conflicting international systems.[41] For example, according to the NCWM comment, while a paper towel would be traditionally covered under the Rules, a microwave-safe paper towel would likely fall under FDA jurisdiction. As a result, businesses face difficulty achieving market efficiencies because slight changes in a product or sale region require different packaging and labels. However, the Act

[32] 16 CFR 500.6(b).

[33] Nichols (2), US Metric (3), IEEE (4), Schlesinger (12), Vlietstra (13), Mechtly (10), Steele (11); *see also* NCWM (1) (acknowledging that the FPLA requires use of customary inch/pound units, but recommending that the Commission exercise its enforcement discretion to allow use of metric-only net quantity statements).

[34] Section 1453(a)(2).

[35] NCWM (1); 16 CFR 500.2(k) (customary inch/pound includes ''the fluid ounce, pint, quart, and gallon for volume.'')

[36] *See* Section 1453(a)(2) (using ''customary inch/pound'' phrase).

[37] ''Consumer commodity'' is defined in Section 1459(a) of the Act and further clarified in Sections 500.2(c), 503.2, and 503.5 of the Rules.

[38] NCWM (1). This proposal would affect Sections 500.9–14.

[39] *See* examples in the Act's Section 1453(a)(3)(A)(i–iv) and the Rule's Sections 500.9–14.

[40] Section 1453(a)(3)(A)(i–iv). For example, Section 1453(a)(3)(A)(i) states, ''if on a package labeled in terms of weight, [the net quantity of contents] shall be expressed in pounds, with any remainder in terms of ounces or common or decimal fractions of the pound.'' Using NCWM's example, the 25 ounce powder laundry detergent's net quantity statement also can be expressed either as 1 pound 9 ounces or 1.56 pounds.

[41] NCWM (1), Mechtly (10), Steele (11), Schlesinger (12), IEEE (4), Nichols (2).

specifically directs the Secretary of Commerce to address uniformity between state and federal FPLA labeling regulations.[42] Having two agencies addressing the same problem could lead to confusion, or worse, conflicting advice. Therefore, the Commission defers to the Department of Commerce, to which Congress delegated this authority. Between federal agencies and international regulators, the Commission will continue to work to the best of its ability to harmonize any overlapping regulations that unduly burden entities.

The Commission also received requests for changes beyond the scope of the Rules, such as creation of a mechanism to detect fake commodities,[43] uniform expiration dates,[44] and changes to a National Institute of Standards and Technology manual.[45] The Rules, however, are limited to the packaging and labeling aspects of certain consumer commodities. Therefore, these requests are beyond the subject matter of this proceeding.

VI. Request for Comments

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 30, 2015. Write ''FPLA Rules, 16 CFR parts 500–503, Project No. R411015'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure your comment doesn't include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[46] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/fplanprm,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''FPLA Rules, 16 CFR parts 500–503, Project No. R411015'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex G), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex G), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this NPRM and the news release describing it. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments it receives on or before March 30, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

The Commission invites members of the public to comment on any issues or concerns they believe are relevant or appropriate to the Commission's consideration of proposed amendments to these Rules. The Commission requests you provide factual data upon which your comments are based. In addition to the issues raised above, the Commission solicits public comment on the costs and benefits to industry members and consumers of each of the proposals as well as the specific questions identified below. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

Questions

1. General Questions on Proposed Amendments: To maximize the benefits and minimize the costs for buyers and sellers (including small businesses), the Commission seeks views and data on the following general questions for each of the proposed changes described in this NPRM:

(A) What benefits would a proposed change confer and on whom? The Commission in particular seeks information on any benefits a change would confer on consumers of consumer commodities as defined in the Act.

(B) What costs or burdens would a proposed change impose and on whom? The Commission in particular seeks information on any burdens a change would impose on small businesses.

(C) What regulatory alternatives to the proposed changes are available that would reduce the burdens of the proposed changes while providing the same benefits?

(D) What evidence supports your answers?

2. Use of Exponents with Customary Inch/Pound Units.

(A) Would the proposed amendment to customary inch/pound units to permit exponents positively or negatively affect the extent to which consumers are informed about net quantity of content? If so, how?

(B) Would the proposed amendment to customary inch/pound units to permit exponents prevent deception or confusion regarding net quantity of consumer commodities? If so, how? Should the Commission provide different or additional examples of net-quantity-of-content statements for customary inch/pound units? If so, what?

(C) What evidence supports your answers?

[42] 15 U.S.C. 1458.

[43] Police Assistance Committee of Nigeria (5).

[44] Dunn (14).

[45] Beaumont (6).

[46] In particular, the written request for confidential treatment accompanying the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

VII. Communications to Commissioners and Commissioner Advisors by Outside Parties

Written communications and summaries or transcripts of oral communications respecting the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor will be placed on the public record.[47]

VIII. Paperwork Reduction Act

The Rules contain various existing information collection requirements for which the Commission has obtained OMB clearance under the Paperwork Reduction Act (''PRA'').[48] Because the proposed amendments do not trigger additional recordkeeping, disclosure, or reporting requirements, there is no incremental burden under the PRA. *See* 44 U.S.C. 3501–3521.

IX. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'')[49] requires the Commission to conduct an analysis of the anticipated economic impact of the proposed amendments on small entities.[50] The purpose of a regulatory flexibility analysis is to ensure the agency considers the impacts on small entities and examines regulatory alternatives that could achieve the regulatory purpose while minimizing burdens on small entities. Section 605 of the RFA[51] provides that such an analysis is not required if the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities.

The Commission believes the proposed amendments will not have a significant economic impact on small entities, although they may affect a substantial number of small businesses. The proposed amendments expand labeling options to accommodate the rise of online media, remove unnecessary price statement prohibitions, or are technical in nature.

In the Commission's view, the proposed amendments will not have a significant or disproportionate impact on the costs small entities incur in manufacturing, distributing, or selling consumer commodities. Indeed, the proposed rule revisions provide increased flexibility for companies complying with the Rule. Therefore, based on available information, the Commission certifies that amending the Rules as proposed will not have a significant economic impact on a substantial number of small businesses.

Although the Commission certifies under the RFA that the proposed amendments will not, if promulgated, have a significant impact on a substantial number of small entities, the Commission has nonetheless determined it is appropriate to publish an Initial Regulatory Flexibility Analysis to inquire into the impact of the proposed amendments on small entities. Therefore, the Commission has prepared the following analysis:

A. Description of the Reasons the Agency Is Taking Action

In response to public comments, the Commission proposes amending the Rules to respond to changed commercial practices and updated industry standards.

B. Statement of the Objectives of, and Legal Basis for, the Proposed Amendments

The objective of the proposed amendments is to clarify and update the Rules in accordance with marketplace practices. The Act authorizes the Commission to implement its requirements through the issuance of rules.

The proposed amendments will clarify and update the Rules, and provide covered entities with additional labeling options without imposing significant new burdens or additional costs.

C. Small Entities to Which the Proposed Amendments Will Apply

The proposed amendments cover every company in the economy that produces consumer commodities other than those commodities falling within the authority of other agencies or otherwise outside the Act's or Rules' scope. Based on available information, it is not feasible for the Commission to estimate the number of entities within this class of industry that are also small companies within the meaning of the Regulatory Flexibility Act.[52] A substantial number of these entities likely qualify as small businesses. Nevertheless, the Commission estimates that the proposed amendments will not have a significant impact on small businesses because the proposed amendments do not impose any significant new obligations. The Commission seeks comment with regard to the estimated number or nature of small business entities, if any, for which the proposed amendments would have a significant impact.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements, Including Classes of Covered Small Entities and Professional Skills Needed To Comply

As explained earlier in this document, the proposed amendments expand labeling options to accommodate the rise of online media, remove unnecessary price statement prohibitions, or are technical in nature. The small entities potentially covered by these proposed amendments will include all such entities subject to the Rules. The professional skills necessary for compliance with the Rules as modified by the proposed amendments will include office and administrative support supervisors to determine label content and clerical personnel to draft and obtain labels and keep records. The Commission invites comment and information on these issues, including estimates or data on specific compliance costs that small entities might be expected to incur.

E. Duplicative, Overlapping, or Conflicting Federal Rules

The Commission has not identified any other federal statutes, rules, or policies duplicating, overlapping, or conflicting with the proposed amendments. The Commission invites comment on this issue.

F. Significant Alternatives to the Proposed Amendments

The Commission has not proposed any specific small entity exemption or other significant alternatives, as the proposed amendments expand labeling options to accommodate the rise of online media, remove unnecessary price statement prohibitions, or are technical in nature. In addition, these proposed changes provide new flexibilities for small entitities by, for example, allowing regulated entities to omit a business address from a label if the address is readily available in an online directory or other Web site. Under these limited circumstances, the Commission does not believe a special exemption for small entities or significant compliance alternatives are necessary or appropriate to minimize the compliance burden, if any, on small entities while achieving the intended purposes of the proposed amendments. Nonetheless, the Commission seeks comment on the need, if any, for alternative compliance methods to reduce the economic impact of the Rules on small entities. If the comments filed in response to this

[47] *See* 16 CFR 1.26(b)(5).

[48] 44 U.S.C. 3501 *et seq.* On May 2, 2012, OMB granted clearance through May 31, 2015, for these requirements and the associated PRA burden estimates. The OMB control number is 3084–0110.

[49] 5 U.S.C. 601–612.

[50] The Commission previously conducted an RFA analysis of the Rules. 59 FR 1862 (Jan. 12, 1994).

[51] 5 U.S.C. 605.

[52] 5 U.S.C. 601(3).

NPRM identify small entities affected by the proposed amendments, as well as alternative methods of compliance that would reduce the economic impact of the proposed amendments on such entities, the Commission will consider the feasibility of such alternatives and determine whether they should be incorporated into the final Rules.

List of Subjects

16 CFR Part 500

Fair Packaging and Labeling Act, Incorporation by reference, Labeling, Packaging and containers, Trade practices.

16 CFR Part 502

Fair Packaging and Labeling Act, Labeling, Packaging and containers, Trade practices.

Under 15 U.S.C. 1454–1455 and as discussed in the preamble, the Federal Trade Commission proposes to amend title 16 of the Code of Federal Regulations by revising parts 500 and 502 as follows:

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

■ 1. The authority citation for part 500 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455.

■ 2. Amend § 500.3 by revising paragraph (d) to read as follows:

§ 500.3 Prohibited acts, coverage, general labeling requirements, exemption procedures.

* * * * *

(d) Each packaged or labeled consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act, shall bear a label specifying the identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and the net quantity per serving, use or application, where there is a label representation as to the number of servings, uses, or applications obtainable from the commodity. Many products exempted through proceedings under section 5(b) of the Act and paragraph (e) of this section or excluded under part 503 of this chapter nonetheless fall within the purview of the weights-and-measures laws of the individual states.

* * * * *

■ 3. Amend § 500.5 by revising paragraph (c) to read as follows:

§ 500.5 Name and place of business of manufacturer, packer or distributor.

* * * * *

(c) The statement of the place of business shall include the street address, city, state, and zip code; however, the street address may be omitted if it is listed in a readily accessible, widely published, and publicly available resource, including but not limited to a printed directory, electronic database, or Web site.

* * * * *

■ 4. Amend § 500.19 by revising paragraph (a) to read as follows:

§ 500.19 Conversion of SI metric quantities to inch/pound quantities and inch/pound quantities to SI metric quantities.

(a) For calculating the conversion of SI metric quantities to and from customary inch/pound quantities, the conversion chart published in the following handbook shall be employed: National Institute of Standards and Technology Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality (2015 ed., p. 95). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Federal Trade Commission by calling 202–326–2222, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

* * * * *

■ 5. Revise § 500.22 to read as follows:

§ 500.22 Abbreviations.

The following abbreviations and none other may be employed in the required net quantity declaration:

Inch—in.
Feet or foot—ft.
Fluid—fl.
Liquid—liq.
Ounce—oz.
Gallon—gal.
Pint—pt.
Pound—lb.
Quart—qt.
Square—sq.
Weight—wt.
Yard—yd.
Avoirdupois—avdp.
Cubic—cu.

NOTE: Periods and plural forms shall be optional. Exponents are permitted.

PART 502—REGULATIONS UNDER SECTION 5(C) OF THE FAIR PACKAGING AND LABELING ACT

■ 6. The authority citation for part 502 is revised to read as follows:

Authority: 15 U.S.C. 1454, 1455.

§§ 502.100 through 502.102 [Removed and reserved]

■ 7. Remove and reserve §§ 502.100 through 502.102.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–01629 Filed 1–30–15; 8:45 am]

BILLING CODE 6750–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2008–0636; FRL–9922–24–Region 6]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Revisions to Emission Inventory Requirements, and General Provisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Albuquerque/Bernalillo County, New Mexico State Implementation Plan. These revisions add definitions and clarifying changes to the general provisions and add a new emissions inventory regulation that establishes reporting requirements for stationary sources in Albuquerque/Bernalillo County. The EPA is proposing to approve these revisions pursuant to section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 4, 2015.

ADDRESSES: Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. John Walser (6PD–L), Air Planning Section, telephone (214) 665–7128, fax (214) 665–6762, email: *walser.john@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittals without prior proposal because the Agency views these as non-

controversial submittals and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: January 15, 2015.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2015–01789 Filed 1–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, and 63

[EPA–R06–OAR–2007–0488; FRL–9921–76–Region 6]

New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The New Mexico Environment Department (NMED) as submitted updated regulations for receiving delegation of the Environmental Protection Agency (EPA) authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for all sources (both part 70 and non-part 70 sources). The delegation of authority under this action does not apply to sources located in Bernalillo County, New Mexico or sources located in Indian Country. EPA is providing notice that it is updating the delegation of certain NSPS to NMED and taking direct final action to approve the delegation of certain NESHAPs to NMED.

DATES: Written comments on this proposed rule must be received on or before March 4, 2015.

ADDRESSES: Comments may be mailed to Mr. Rick Barrett, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett, (214) 665–7227; email: *barrett.richard@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving NMED's request for delegation of authority to implement and enforce certain NSPS and NESHAP for all sources (both part 70 and non-part 70 sources). NMED has adopted certain NSPS and NESHAP by reference into New Mexico's state regulations. In addition, EPA is waiving its notification requirements so sources will only need to send notifications and reports to NMED.

The EPA is taking direct final action without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this approval is set forth in the preamble to the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting must do so at this time. If EPA receives adverse comment on an amendment, paragraph, or section of the 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.

For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: December 19, 2014.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2015–01189 Filed 1–30–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 120912447–4999–02]

RIN 0648–BC56

Endangered and Threatened Species; Designation of Critical Habitat for the Arctic Ringed Seal; Extension of Comment Period and Notice of Public Hearing

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

ACTION: Proposed rule; extension of public comment period; notice of public hearing.

SUMMARY: We, NMFS, published a proposed rule in the **Federal Register** on December 9, 2014, to designate critical habitat for the threatened Arctic subspecies (*Phoca hispida hispida*) of the ringed seal (*Phoca hispida*) under the Endangered Species Act (ESA), and announced that the public comment period would close on March 9, 2015. With this document, we extend the comment period through March 31, 2015, to provide additional time for the public to submit comments. We also announce the specific date and location for a public hearing on the proposal in Bethel, AK.

DATES: The deadline for receipt of comments on the proposed rule published at 79 FR 73010 on December 9, 2014, is extended from March 9, 2015, to March 31, 2015. A public hearing on the proposed rule will be held in Bethel, AK, on February 26, 2015, from 4 p.m. to 7 p.m.

ADDRESSES: The public hearing will be held at the Yupiit Piciryarait Cultural Center, 420 Chief Eddie Hoffman Highway, Bethel, AK 99559.

You may submit written comments on the proposed rule, identified by NOAA–NMFS–2013–0114, by any one of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0114,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Address written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Ellen

Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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 *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the proposed rule, list of references and supporting documents, and the draft economic report (*i.e.,* Regulatory Impact Review (RIR)/4(b)(2) Preparatory Assessment/Initial Regulatory Flexibility Act (IRFA) report) prepared for this action are available from *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0114* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Tamara Olson, NMFS Alaska Region, (907) 271–2373; Jon Kurland, NMFS Alaska Region, (907) 586–7638; or Marta Nammack, NMFS Office of Protected Resources, (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2014, we published a proposed rule to designate critical habitat for the threatened Arctic ringed seal under the ESA, and opened a public comment period on the proposed rule through March 9, 2015 (79 FR 73010). Subsequently, on January 13, 2015, we announced the specific dates and locations for four public hearings on the proposed rule in Alaska, one each in Nome, Anchorage, Kotzebue, and Barrow (80 FR 1618). At that time, we also announced our intention to hold a fifth public hearing in Bethel, AK. In this document we announce the specific date and location for the public hearing in Bethel. In addition, to provide the public with additional time to submit comments, we also announce in this document an extension of the comment period (see **DATES**).

Public Hearings

During the public hearings, a brief opening presentation on the proposed rule will be provided before accepting public testimony. Written comments may be submitted at the hearings or via the Federal e-Rulemaking Portal (see **ADDRESSES**) until the scheduled close of the comment period (see **DATES**). In the event that attendance at the public hearings is large, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments submitted to us.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other accommodations should be directed to Tamara Olson (see **ADDRESSES**) as soon as possible, but no later than 7 business days prior to the hearing date.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: January 26, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–01970 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 680

RIN 0648–BD61

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program

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

ACTION: Notice of availability of fishery management plan amendment; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted Amendment 45 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) to NMFS for review. If approved, Amendment 45 would establish, for a limited period of time, a process to permanently remove Pacific cod catch limits, known as sideboard limits, which are applicable to certain hook-and-line catcher/processors in the Central and Western Gulf of Alaska (GOA) Regulatory Areas. This action would authorize NMFS to remove these Pacific cod sideboard limits in the Central or Western GOA if all eligible participants in the hook-and-line catcher/processor sector in a regulatory area sign and submit to NMFS an affidavit requesting that NMFS remove the sideboard limit. Eligible participants would be required to submit an affidavit to NMFS within 1 year of the date of publication of a final rule implementing Amendment 45, if it is approved by the Secretary of Commerce. Amendment 45 is necessary to provide participants in the Central and Western GOA hook-and-line catcher/processor sectors with an opportunity to cooperatively coordinate harvests of GOA Pacific cod through private arrangement to the participants' mutual benefit, which would remove the need for current regulations that impose sideboard harvest restrictions on some participants in the sectors. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Crab FMP, and other applicable laws.

DATES: Submit comments on or before April 3, 2015.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2013–0133, by any one of the following methods.

- Electronic Submission: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0133*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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), 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.

Electronic copies of the following documents may be obtained from

http://www.regulations.gov or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov:*

- The Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA), and the Categorical Exclusion prepared for this action (collectively referred to as the ''Analysis'');
- The Harvest Specifications Supplemental Information Report prepared for the final 2014 and 2015 harvest specifications;
- The Final Environmental Assessment/Final RIR/Initial IRFA for Amendment 83 to the Fishery Management Plan for Groundfish of the GOA (GOA FMP) Allocation of Pacific Cod Among Sectors in the Western and Central GOA; and
- The Alaska Groundfish Harvest Specifications Final Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Seanbob Kelly, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. This notice announces that proposed Amendment 45 to the Crab FMP is available for public review and comment.

The king and Tanner crab fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands are managed under the Crab FMP. The Council prepared the Crab FMP under the Magnuson-Stevens Act. Regulations implementing the Crab FMP are located at 50 CFR part 680.

The Crab Rationalization (CR) Program, implemented in 2005, is a catch share program that allocates Bering Sea and Aleutian Islands (BSAI) crab resources through issuance of quota share among harvesters, processors, and coastal communities. As part of the CR Program, eligible vessel owners were allocated quota share in several valuable crab fisheries. The CR Program provides increased flexibility for crab fishermen to choose when and where to fish, or whether to lease their crab quota share and fish for species other than crab. The Council and NMFS recognized that the benefits of the CR Program could create incentives for participants to increase their level of participation in groundfish fisheries, especially Pacific cod fisheries in the Central and Western GOA. Participants in the Bering Sea *C. opilio* (snow) crab fisheries have historically participated in GOA Pacific cod fisheries. Therefore, the CR Program established GOA Pacific cod sideboard limits to prevent increased fishing effort in the GOA Pacific cod fisheries by those receiving Bering Sea snow crab quota share, and to mitigate the potentially adverse impacts of increased fishing effort on participants in the GOA Pacific cod fisheries who did not benefit from the CR Program.

CR Program GOA Pacific cod sideboard limits constrain the harvest of GOA Pacific cod by vessels and holders of license limitation program (LLP) licenses that were used to harvest specific amounts of Pacific cod in the GOA and snow crab in the Bering Sea and Aleutian Islands Management Area. Originally, the CR Program GOA Pacific cod sideboard limits in the Central and Western GOA were calculated using the Pacific cod total allowable catch (TAC) for the Central and Western GOA. With the implementation of Amendment 83 to the Fishery Management Plan for Gulf of Alaska Groundfish in 2012, the CR Program GOA Pacific cod sideboard limits in the Central and Western GOA are calculated using the apportionment of Pacific cod TAC established for specific gear types (*e.g.,* hook-and-line gear, pot gear) and by operation type (*i.e.,* catcher/processor vessels, catcher vessels). CR Program GOA Pacific cod sideboard limits in the Central and Western GOA for vessels using hook-and-line gear and operating as catcher/processors (the hook-and-line catcher/processor sector) are now much smaller than they were prior to Amendment 83. As a result, NMFS prohibits target fishing, commonly known as directed fishing, for Pacific cod in the Central and Western GOA by participants in the hook-and-line catcher/processor sector who are subject to CR Program GOA Pacific cod sideboard limits so that these small sideboard limits are not exceeded.

This proposed action would establish, for a limited period of time, a regulatory process for the removal of the Central and/or the Western CR Program GOA Pacific cod sideboard limits for the hook-and-line catcher/processor sectors. As proposed, Amendment 45 would allow NMFS to permanently remove a CR Program GOA Pacific cod sideboard limit if NMFS receives an affidavit signed by all persons holding LLP licenses with endorsements that permit directed fishing for Pacific cod as a hook-and-line catcher/processor in the Central or Western GOA (*i.e.,* all eligible participants) and stating that all eligible participants in that regulatory area recommend removal of the CR Program GOA Pacific cod sideboard limit. This proposed action is necessary to provide participants with an opportunity to cooperatively agree to coordinate Pacific cod harvests in a manner that is mutually beneficial to all eligible participants in the Central and Western GOA hook-and-line catcher/processor sectors, thus eliminating the need for the sideboard limits imposed through regulation.

If NMFS receives an affidavit from all eligible participants in the Central GOA, then NMFS would remove the CR Program GOA Pacific cod sideboard limit for the hook-and-line catcher/processor sector in the Central GOA. If NMFS receives an affidavit from all eligible participants in the Western GOA, then NMFS would remove the CR Program GOA Pacific cod sideboard limit for the hook-and-line catcher/processor sector in the Western GOA.

This proposed action would require that eligible participants in each regulatory area submit a completed affidavit no later than 1 year (365 days) following publication in the **Federal Register** of the final rule implementing Amendment 45, if approved by the Secretary. The Council recommended a 1-year deadline to provide sufficient time to encourage negotiations among eligible participants, while not unduly prolonging the management uncertainty for those participants currently subject to the CR Program GOA Pacific cod sideboard limits and prohibited from targeting Pacific cod in the Central or Western GOA.

If all of the eligible participants are unable or unwilling to agree to the sideboard removal, NMFS would not remove the CR Program GOA Pacific cod sideboard limits and certain hook-and-line catcher/processors would continue to be subject to CR Program GOA Pacific cod sideboard limits. The Council determined that maintaining the CR Program GOA Pacific cod sideboard limits for vessels and any associated LLP licenses is consistent with the CR Program because the sideboard limits continue to provide protections originally intended under the CR Program if agreement cannot be reached among all participants. Removing sideboard limits without coordination and agreement among all eligible participants would increase the likelihood of increased fishing effort (a ''race for fish'') among fishery participants and ultimately would not provide long-term management stability.

This result would be inconsistent with the purpose and need for this action.

Public comments are solicited on proposed Amendment 45 to the Crab FMP through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendment 45, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act. Public comments on the proposed rule must be received by the end of the comment period on Amendment 45 to be considered in the approval/disapproval decision on Amendment 45. All comments received by the end of the comment period on Amendment 45, whether specifically directed to the amendment or the proposed rule will be considered in the amendment approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on the amendment. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period.

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

Dated: January 27, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–01842 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 80, No. 21
Monday, February 2, 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

National Agricultural Statistics Service

Notice of Intent To Create a New Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intent of the National Agricultural Statistics Service (NASS) to seek the approval to conduct a new data collection to comply with a mandate in the 2014 Farm Bill. (. . . the Secretary of Agriculture should recognize the threat feral swine pose to the domestic swine population and the entire agriculture industry . . .).

DATES: Comments on this notice must be received by April 3, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–NEW, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *Efax:* (855) 838–6382
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: R. Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Feral Swine Survey.

OMB Control Number: 0535–NEW.

Type of Request: Intent to Seek Approval for a 3 Year Period to Conduct a New Information Collection.

Abstract: On April 2, 2014 the Undersecretary for USDA's Marketing and Regulatory Programs, Edward Avalos announced that the USDA was kicking off a national effort to reduce the devastating damage caused by feral swine. The $20 million program aims to help states deal with a rapidly expanding population of invasive wild swine. ''Feral swine are one of the most destructive invaders a state can have,'' said Undersecretary Avalos. ''They have expanded their range from 17 to 39 states in the last 30 years and cause damage to crops, kill young livestock, destroy property, harm natural resources, and carry diseases that threaten other animals as well as people and water supplies. It's critical that we act now to begin appropriate management of this costly problem.''

On Feb 3, 1999, Executive Order 13112 was signed by President Clinton establishing the National Invasive Species Council. The Executive Order requires that a Council of Departments dealing with invasive species be created. Currently there are 13 Departments and Agencies on the Council. (*Executive Order 13112 of February 3, 1999—Invasive Species Federal Register: Feb 8, 1999 (Volume 64, Number 25)).*

The Animal and Plant Health Inspection Service (APHIS), Wildlife Services' (WS) National Wildlife Research Center (NWRC) is the only Federal research organization devoted exclusively to resolving conflicts between people and wildlife through the development of effective, selective, and socially responsible methods, tools, and techniques. As increased urbanization leads to a loss of traditional wildlife habitat, the potential for conflicts between people and wildlife increases. Such conflicts can take many forms, including property and natural resource damage, human health and safety concerns, and disease transmission among wildlife, livestock, and humans.

The high reproductive rate and adaptability of feral swine has resulted in populations that have dramatically increased in size and distribution. This invasive animal now occurs across much of the United States where it causes a range of agricultural and environmental damage through depredation, rooting, and wallowing activities. Furthermore, feral swine compete with native wildlife and livestock for habitats, are carriers of exotic and endemic diseases, and transmit parasites to livestock and humans. Feral swine are considered a major emerging threat to American agriculture (Seward et al. 2004). Recent data shows that the proportions of U.S. counties with agricultural production that also have feral swine present are increasing. Over the period of 1998–2013, the proportion of counties with hog, and crop production that are affected by feral swine has increased. Feral swine damage crops through direct consumption of crops and other behaviors, such as rooting, trampling, and wallowing, which can destroy fields or reduce productivity. Field crops commonly damaged by feral swine include soybeans, corn, grain sorghum, wheat, oats, peanuts, and rice, among others. Rooting can affect the plant composition of a pasture by promoting the growth of undesirable plants where hogs have destroyed desirable forage grasses. Once pastures are degraded in this way, landowners must spend considerable money and time restoring them to pre-swine conditions (Whitehouse 1999, Mapston 2004).

The benchmark survey will be conducted in 2015 in the 11 States (Alabama, Arkansas, California, Florida, Georgia, Louisiana, North Carolina, Mississippi, Missouri, South Carolina, and Texas) that have high feral swine densities and a significant presence of corn, soybeans, wheat, rice, grain sorghum (Texas), and peanuts. The initial survey will be used to create a benchmark for the following objectives:

1. Describe the monetary loss for all crops caused by feral swine to producers of corn, soybeans, wheat, rice, peanuts, and grain sorghum (TX only) in each of the surveyed states.

2. Describe the monetary loss to livestock caused by feral swine for producers of corn, soybeans, wheat, rice, peanuts, and grain sorghum (TX only) in each of the surveyed states.

3. Describe the monetary loss to property caused by feral swine for producers of corn, soybeans, wheat, rice, grain sorghum (TX only) and peanuts in each of the surveyed states.

4. Describe feral swine control costs incurred by producers of corn, soybeans, wheat, rice, peanuts, and grain sorghum (TX only) in each of the surveyed states. Variables that will be measured include hunting, trapping, use of fencing, or the use of repellents. No data will be collected on the use of chemical or physical contraception usage.

5. Describe the total net income to producers of corn, soybeans, wheat, rice, peanuts, and grain sorghum (TX only) in each of the surveyed states for allowing the hunting of feral swine on their operations.

Based on the results of this survey, Wildlife Service plans to publish State level data if possible. Also, there may be a follow-up survey to measure the effectiveness of control measures implemented by Wildlife Services. This follow-up survey will also be contingent upon availability of funding.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Reporting burden for this collection of information is estimated to average 30 minutes per response. This was determined by our Survey Methodologists, who compared the length and difficulty of the questions with similar surveys. They also took into account the projected number of farmers who will skip some sections of the questionnaire due to the presence or absence of damage due to feral swine. Burden is based on an estimated minimum response rate of 80%. On similar types of surveys and through the use of a mail questionnaire and telephone follow-up to non-respondents NASS has been able to contact and collect some data from approximately 80% of the target sample. After removing the out of business operations and those with no items of interest we hope to have at least a 65 to 70% usable response rate.

NASS will be utilizing several pieces of publicity and informational materials to encourage respondents to participate in this important survey. NASS will conduct the survey initially by mail with phone follow-up for non-response.

Respondents: Farm Operators.

Estimated Annual Number of Respondents: 10,800.

Estimated Total Annual Burden on Respondents: 5,500 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) 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; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, January 16, 2015.

R. Renee Picanso,

Associate Administrator.

[FR Doc. 2015–01912 Filed 1–30–15; 8:45 am]

BILLING CODE 3410–20–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: Alaska Pacific Halibut and Sablefish Fisheries: Individual Fishing Quota (IFQ).

OMB Control Number: 0648–0272.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 1,639.

Average Hours Per Response: Application for Eligibility to receive QS/IFQ (TEC) and QS holder form, Application for Transfer of QS/IFQ to or from a CQE, Application for Transfer of QS/IFQ (includes sweep-up); Application for Military Transfer, Application for Emergency Medical Transfer; 2 hours each; Identification of Ownership Interest, Application for IFQ/CDQ Hired Master Permit, Application for Registered Buyer permit and QS/IFQ Designated Beneficiary Form, Application for replacement of certificates, permits, or licenses, 30 minutes each; 18 minutes for Registered Buyer landing report; 6 minutes for IFQ Administrative Waiver; 12 minutes each for Prior Notice of Landing (PNOL); 15 minutes for IFQ Departure Report and Transshipment Authorization; and 6 minutes for Dockside Sales Receipt.

Burden Hours: 3,112.

Needs and Uses: This request is for revision and extension of a currently approved information collection. Forms that are no longer applicable have been removed.

The National Marine Fisheries Service (NMFS) established the Individual Fishing Quotas (IFQs) Program to improve the long-term productivity of the sablefish and Pacific halibut fisheries by further promoting the conservation and management objectives of the Magnuson-Stevens Conservation Act, 16 U.S.C. 1801 *et seq.,* as amended in 2006 (Magnuson-Stevens Act) (with respect to sablefish) and the Northern Pacific Halibut Act of 1982 (with respect to Pacific halibut) while retaining the character and distribution of the fishing fleets as much as possible. The IFQ Program includes several provisions, such as ownership caps and vessel use caps that protect small producers, part-time participants, and entry-level participants that otherwise could be adversely affected by excessive consolidation.

The IFQ Program also includes other restrictions to prevent the halibut and sablefish fisheries from domination by large boats or by any particular vessel class. NMFS designed the requirements to maintain a predominantly owner-operated fishery, which was a key characteristic of the halibut and sablefish fisheries prior to the implementation of the IFQ Program. The IFQ Program provides each fisherman an IFQ that can be used any time during the open season to allow each fisherman to set his/her own pace and fishing effort.

Under the IFQ Program, quota share (QS) represents a harvesting privilege for a person. Annually, NMFS issues

IFQ to QS holders to harvest specified poundage. The specific amount of IFQ held by a person is determined by the number of QS units held, the total number of QS units issued in a specific regulatory area, and the total pounds of sablefish or halibut allocated for the IFQ fisheries in a particular year. Fishermen may harvest the IFQ over the entire fishing season, which extends approximately from March through November 15.

Affected Public: Business or other for-profit organizations; individuals or households; not for profit institutions.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

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 28, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–01894 Filed 1–30–15; 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: U.S. Census Bureau.

Title: Annual Retail Trade Survey.

OMB Control Number: 0607–0013.

Form Number(s): SA–44, SA–44A, SA–44C, SA–44E, SA–44N, SA–44S, SA–45, SA–45C, SA–721A, SA–721B, SA–721E, SA–721F, SA–722A, and SA–722E.

Type of Request: Reinstatement, with change, of an expired collection.

Number of Respondents: 20,557.

Average Hours per Response: 29.3 minutes.

Burden Hours: 11,426.

Needs and Uses: The Annual Retail Trade Survey (ARTS) covers employer firms with establishments located in the United States and classified in retail trade and/or accommodation and food services sector as defined by the North American Industry Classification System (NAICS). The survey requests firms to provide annual sales, sales tax, e-commerce sales, year-end inventories held inside and outside the United States, total operating expenses, purchases, and accounts receivable. We also request, for selected industries, sales and e-commerce sales by merchandise line.

The data collected in the annual retail survey provide a current statistical picture of the retail and food services and accommodations portions of consumer activity. These data are collected to provide a sound statistical basis for the formation of policy by various government agencies, as well as to serve as a benchmark for the estimates compiled from the Monthly Retail Trade Report [OMB No. 0607–0717]. Results will be made available, at the United States summary level, for selected retail trade, accommodation and food services industries approximately fifteen months after the end of the reference year.

Every 5 years, ARTS requests data on detailed operating expenses. During the next three years, detailed operating expenses will not be collected. The last time ARTS collected detailed operating expenses was in 2013 for the 2012 survey year. The plan is to reinstate these questions in 2018 as part of the 2017 ARTS data collection. Estimates are published based on the North American Industry Classification System (NAICS), which has been widely adopted throughout both the public and private sectors.

The fourteen forms in this collection enable us to collect information on a NAICS basis and to request similar data items. Varieties of forms are needed to address the size of the firm, kind-of-business, or data items requested.

The Bureau of Economic Analysis (BEA) uses the data to estimate the change in private inventories component of gross domestic product (GDP) and output in both the benchmark and annual input-output (I–O) accounts and GDP by industry. Data on sales taxes are also used to prepare estimates of GDP by industry and to derive industry output for the I–O accounts. Data on detailed operating expenses, are collected on this survey quinquennially and used to produce national estimates of value added, gross output, and intermediate inputs and serve as a benchmark for the annual industry accounts, which provide the control totals for the GDP-by-state accounts.

The Bureau of Labor Statistics uses the data as input to its Producer Price Indexes and in developing productivity measurements. The Federal Reserve Board uses the accounts receivables balances to measure consumer credit. Private businesses use the estimates in computing business activity indexes.

Other government agencies and businesses use the data to satisfy a variety of public and business needs such as economic market analysis, company performance, and forecasting future demands.

The use of the Census Bureau's online reporting system, Centurion, allows respondents to report data, at their convenience, via the Internet. The system is designed to be secure and flexible for users. It allows respondents to complete and file in one session or to save and return over any number of sessions. The site also allows respondents to print copies of their completed form(s) for their records. The use of Internet reporting has proven popular, and has become a preferred method of filing reports by respondents.

In an effort to move the ARTS towards a paperless collection strategy, we undertook an ''Internet push'' initiative beginning with the 2013 survey year (mailed in February 2014) in which our initial mailing contained a letter and flyer that provided instructions on how to report data and receive help online, and did not include a paper questionnaire. This strategy aims to eliminate paper forms in the initial and follow-up mailings, and attempts to encourage respondents to report online.

Affected Public: Business or other for-profit.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Section 182, 224, and 225.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202)395–5806.

Dated: January 27, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–01827 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and

Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Pacific Albacore Logbook.

OMB Control Number: 0648–0223.

Form Number(s): NOAA Form 88–197.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 1,000.

Average Hours per Response: 1 hour.

Burden Hours: 4,000.

Needs and Uses: This request is for extension of a currently approved collection.

U.S. fishermen, participating in the Pacific albacore tuna fishery, are required to obtain a Highly Migratory Species Fishery Management Plan and/or a High-Seas Fishery Compliance Act permit (under the authority of the Magnuson-Stevens Fishery Conservation and Management Council and/or the High Seas Fishing Compliance Act). A requirement for the permits is to complete and submit logbooks documenting their daily fishing activities, including catch and effort for each fishing trip. Submissions must be made within 30 days of the completion of a trip. The information obtained is used by the agency to assess the status of Pacific albacore stocks and to monitor the fishery.

Affected Public: Business or other for-profit organizations.

Frequency: Approximately four times per year.

Respondent's Obligation: Mandatory.

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 28, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–01896 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of the Census

National Sunshine Week Public Event

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of Public Event.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is announcing the following event, ''Era of Transparency: Freedom of Information Act (FOIA), Privacy Act, and Open Government,'' in recognition of National Sunshine Week. As part of its efforts to promote the goals of open government and FOIA, the Census Bureau will hold a public event on issues relevant to government transparency. Topics will include proactive disclosures, the Privacy Act, and data accessibility.

DATES: Wednesday, March 18, 2015 from 9:00 a.m. to 12:00 Noon.

ADDRESSES: The event will be held at the U.S. Census Bureau in IL001 Library, 4600 Silver Hill Road, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: Jennifer Goode or Karen Bronson, Policy Coordination Office, (301) 763–2127, email: *census.efoia@census.gov,* or by postal mail addressed to: U.S. Census Bureau, Policy Coordination Office, Freedom of Information Act and Open Government Branch, Room 8H027, 4600 Silver Hill Road, Washington, DC 20233.

For TTY callers, please call the Federal Relay Service (FRS) at 1–800–877–8339 and give them the above listed number you would like to call. This service is free and confidential.

SUPPLEMENTARY INFORMATION: The event will begin promptly at 9:00 a.m. and end at 12:00 Noon. The agenda will be available a week before the event on the Census Bureau Web site, *http://www.census.gov/.* Registration is free, but advanced registration is required. Send an email to *census.efoia@census.gov* to register. Please include ''Sunshine Week Event registration'' in the subject line.

Speakers tentatively scheduled for the event include the following: Melanie Pustay, Director of the Office of Information Policy, U.S. Department of Justice; Catrina Purvis, Chief Privacy Officer and Director of Open Government, U.S. Department of Commerce; Anne Weismann, Chief Counsel and Interim Executive Director of the Citizens for Responsibility and Ethics in Washington; Avi Bender, Chief Technology Officer, U.S. Census Bureau; and Jeanne Shiffer, Associate Director of Communications, U.S. Census Bureau.

The event will be physically accessible to people with disabilities. Individuals requiring accommodation such as sign language interpretation or other auxiliary aids, should call Iris Boon at (301) 763–2127 to request accommodations at least five business days in advance.

All registrants will be placed on a visitor's list. All visitors for the event must provide government issued photo identification in order to enter the building and receive a visitor's badge. For logistical questions, call Daniel Lurker at (301) 763–2127.

Media interested in attending should call the Census Bureau's Public Information Office at (301) 763–3030 or email *pio@census.gov.*

Dated: January 23, 2015.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2015–01926 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Request for Nominations of Members To Serve on the Census Scientific Advisory Committee

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of request for nominations.

SUMMARY: The Bureau of the Census (Census Bureau) is requesting nominations of individuals and organizations to the Census Scientific Advisory Committee. The Census Bureau will consider nominations received in response to this notice, as well as from other sources. The ''**SUPPLEMENTARY INFORMATION**'' section of this notice provides committee and membership criteria.

DATES: Please submit nominations by March 4, 2015.

ADDRESSES: Please submit nominations to Kimberly L. Collier, Assistant Division Chief, Customer Liaison and Marketing Services Office, U.S. Census Bureau, Room 8H185, 4600 Silver Hill Road, Washington, DC 20233. Nominations also may be submitted via fax at 301–763–8609, or by email to <*kimberly.l.collier@census.gov*>.

FOR FURTHER INFORMATION CONTACT: Kimberly L. Collier, Assistant Division Chief, Customer Liaison and Marketing Services Office, U.S. Census Bureau, Room 8H185, 4600 Silver Hill Road,

Washington, DC 20233, telephone (301) 763–6590.

SUPPLEMENTARY INFORMATION: The Census Scientific Advisory Committee was established in accordance with the Federal Advisory Committee Act (Title 5, United States Code (U.S.C.), Appendix 2). The following provides information about the committee, membership, and the nomination process.

Objectives and Duties

1. The Census Scientific Advisory Committee advises the Director of the U.S. Census Bureau on the uses of scientific developments in statistical data collection, statistical analysis, survey methodology, geospatial analysis, econometrics, cognitive psychology, and computer science as they pertain to the full range of Census Bureau programs and activities (including: communications, decennial, demographic, economic, field operations, geographic, information technology, and statistics).

2. The Census Scientific Advisory Committee provides scientific and technical expertise from the following disciplines: Demography, economics, geography, psychology, statistics, survey methodology, social and behavioral sciences, Information Technology and computing, marketing, communications, and other fields of expertise, as appropriate, to address Census Bureau program needs and objectives. This expertise is necessary to ensure that the Census Bureau continues to provide relevant and timely statistics used by federal, state, and local governments as well as business and industry in an increasingly technologically-oriented society.

3. The Census Scientific Advisory Committee functions solely as an advisory body under the Federal Advisory Committee Act.

4. The Census Scientific Advisory Committee reports to the Director of the Census Bureau.

Membership

1. The Census Scientific Advisory Committee consist of up to 21 members and one Chair appointed by the Director of the Census Bureau.

2. Members are appointed for a two or three-year term with staggered term-end dates.

3. Members shall serve as either Special Government Employees (SGEs) or Representatives. SGEs will be subject to the ethical standards applicable to SGEs. Members will be individually advised of the capacity in which they serve through appointment letters. Committee membership will be reevaluated at the conclusion of the two or three-year term with the prospect of member renewal, active attendance and participation in meetings, administrative compliance, Census Bureau needs, and the Director's concurrence will also be factors in renewals.

4. Committee members are selected in accordance with applicable Department of Commerce guidelines. The Census Scientific Advisory Committee aims to have balanced representation, considering such factors as geography, technical, and scientific expertise. The Advisory Committee will include members from diverse backgrounds, including academia and private enterprise, which are further diversified by business type or industry, geography, and other factors.

5. No employee of the federal government can serve as a member of the Census Scientific Advisory Committee.

Miscellaneous

1. Members of the Census Scientific Advisory Committee serve without compensation, but receive reimbursement for committee-related travel and lodging expenses.

2. The Census Scientific Advisory Committee meets at least once a year, budget permitting, but additional meetings may be held as deemed necessary by the Director of the Census Bureau or Designated Federal Official. All Advisory Committee meetings are open to the public in accordance with the Federal Advisory Committee Act.

Nomination Information

1. Nominations are requested as described above.

2. Nominees must have scientific and technical expertise in such areas as demography, economics, geography, psychology, statistics, survey methodology, social and behavioral sciences, Information Technology, computing, or marketing. Such knowledge and expertise are needed to provide advice and recommendations to the Director of the Census Bureau on the trends, uses, and application of scientific innovations and developments in relation to the full range of Census Bureau programs and activities.

3. Individuals, groups, and/or organizations may submit nominations on behalf of individual candidates. A summary of the candidate's qualifications (resumé or curriculum vitae) *must* be included along with the nomination letter. Nominees must be able to actively participate in the tasks of the Census Scientific Advisory Committee, including, but not limited to, regular meeting attendance, committee meeting discussant responsibilities, review of materials, as well as participation in conference calls, webinars, working groups, and/or special committee activities.

4. Nominations of organizations may come from individuals or organizations. Organizations also may self-nominate. A summary of the organization's qualifications and the experience that qualifies it for membership should be included in the nomination letter. Nominated organizations must be able to actively participate in the tasks of the Census Scientific Advisory Committee, including, but not limited to, regular meeting attendance, review of materials, and participation in conference calls, webinars, working groups, and special committee activities.

5. The Department of Commerce is committed to equal opportunity in the workplace and seeks diverse Advisory Committee membership.

Dated: January 23, 2015.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2015–01924 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–71–2014]

Foreign-Trade Zone 32—Miami, Florida; Authorization of Production Activity; Brightstar Corporation (Cell Phone Kitting); Miami, Florida

On October 1, 2014, Greater Miami Foreign-Trade Zone, Inc., grantee of FTZ 32, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Brightstar Corporation, within FTZ 32—Site 6, in Miami, Florida.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (79 FR 60807, October 8, 2014). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: January 23, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–01990 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–04–2015]

Foreign-Trade Zone (FTZ) 26—Atlanta, Georgia; Notification of Proposed Production Activity; Mizuno USA, Inc (Golf Clubs); Braselton, Georgia

Georgia Foreign-Trade Zone, Inc., grantee of FTZ 26, submitted a notification of proposed production activity to the FTZ Board on behalf of Mizuno USA, Inc. (Mizuno), located in Braselton, Georgia. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 15, 2015.

The Mizuno facility is located within Site 31 of FTZ 26. The facility is used for golf club assembly. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Mizuno from customs duty payments on the foreign status components used in export production. On its domestic sales, Mizuno would be able to choose the duty rate during customs entry procedures that applies to golf clubs (duty rate—4.4%) for the following foreign status inputs: golf club heads, shafts and grips (duty rate—4.9%). Customs duties also could possibly be deferred or reduced on foreign status production equipment.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is March 16, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: January 27, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–01991 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–844]

Certain Lined Paper Products From India: Notice of Rescission of Countervailing Duty Administrative Review: 2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 2, 2015.

FOR FURTHER INFORMATION CONTACT: John Conniff, Office III, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1009.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 2014, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the countervailing duty order on certain lined paper products from India.[1] On September 30, 2014, Navneet Education Ltd. (Navneet) filed a timely request for review.[2] No other interested party submitted a review request for Navneet. The Department published in the **Federal Register** the notice of initiation of this countervailing duty administrative review, which included Navneet, for the period January 1, 2013, through December 31, 2013.[3]

On December 12, 2014, Navneet submitted a timely withdrawal of its review request.[4]

Rescission of the 2013 Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The Department published the *Initiation* on October 30, 2014. Navneet's withdrawal request was submitted within the 90-day period following the publication of the *Initiation* and, thus, is timely. Therefore, in accordance with 19 CFR 351.213(d)(1) we are rescinding this review of the countervailing duty order on certain lined paper products from India with respect to Navneet, which was the only company that requested an administrative review. The petitioners[5] in the review did not request a review of any other Indian company.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2013, through December 31, 2013, in accordance with 19 CFR 351.212(c)(1)(i).

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 26, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–01983 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 51958 (September 2, 2014).

[2] *See* Navneet's September 30, 2014, letter to the Department requesting a countervailing duty administrative review.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 64565 (October 30, 2014) (*Initiation*).

[4] *See* Navneet's December 12, 2014, letter withdrawing their request for a countervailing duty administrative review.

[5] Petitioners are the Association of American School Paper Suppliers.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Rescission, in Part, of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 2, 2015.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse or Stephen Banea, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6345 and (202) 482–0656, respectively.

Background

On June 15, 1987, the Department of Commerce (Department) published in the **Federal Register** the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (PRC).[1] On June 2, 2014, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on TRBs from the PRC covering the period June 1, 2013, through May 31, 2014.[2] The Department received timely requests for an antidumping duty administrative review from Changshan Peer Bearing Co. Ltd. (CPZ/SKF), GGB Bearing Technology (Suzhou) Co., Ltd., Ningbo Xinglun Bearings Import & Export Co., Ltd., and Xinchang Kaiyuan Automotive Bearing Co., Ltd. Additionally, the Department received timely requests for review from the petitioner, the Timken Company, for CPZ/SKF and Yantai CMC Bearing Co., Ltd., and from CNP Automotive Inc. (CNP), a U.S. importer of TRBs, for Guangzhou Longgo Auto Parts Inc. (Longgo) and Zhaoqing Native Produce Import and Export Co., Ltd. (Zhaoqing Native). On July 31, 2014, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), the Department published in the **Federal Register** a notice of initiation of administrative review with respect to these companies.[3] On September 29, 2014, CNP withdrew its request for an administrative review of Longgo and Zhaoqing Native.

Rescission, In Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. CNP's withdrawal of its request was submitted within the 90-day period and, thus, is timely. Because CNP's withdrawal of its request for an antidumping duty administrative review is timely and because no other party requested a review of Longgo and Zhaoqing Native, we are rescinding this administrative review, in part, with respect to these companies, in accordance with 19 CFR 351.213(d)(1).[4]

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751 and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: October 24, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Editorial Note: This document was received for publication by the Office of Federal Register on January 28, 2015.

[FR Doc. 2015–01934 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Notice of Antidumping Duty Order; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People's Republic of China,* 52 FR 22667 (June 15, 1987).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 79 FR 31303 (June 2, 2014).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 79 FR 44390, 44392 (July 31, 2014).

[4] The Department no longer considers the non-market economy entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (Nov. 4, 2013).

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for March 2015

The following Sunset Reviews are scheduled for initiation in March 2015 and will appear in that month's Notice of Initiation of Five-Year Sunset Review (''Sunset Review'').

	Department contact
Antidumping Duty Proceedings	
Certain Preserved Mushrooms from Chile (A–337–804) (3rd Review)	David Goldberger, (202) 482–4136.
Certain Preserved Mushrooms from China (A–570–851) (3rd Review)	David Goldberger, (202) 482–4136.
Hand Trucks from China (A–570–891) (2nd Review)	Jacqueline Arrowsmith, (202) 482–5255.
Certain Preserved Mushrooms from India (A–533–813) (3rd Review)	David Goldberger, (202) 482–4136.
Certain Preserved Mushrooms from Indonesia (A–560–802) (3rd Review)	David Goldberger, (202) 482–4136.
Pressure Sensitive Plastic Tape from Italy (A–475–059) (4th Review)	David Goldberger, (202) 482–4136.

Countervailing Duty Proceedings

No Sunset Review of countervailing duty orders is scheduled for initiation in March 2015.

Suspended Investigations

No Sunset Review of suspended investigations is scheduled for initiation in March 2015.

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 26, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–01975 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for

itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after February 2015, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of February 2015,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in February for the following periods:

	Period of review
Antidumping Duty Proceedings	
BRAZIL: Frozen Warmwater Shrimp, A–351–838	2/1/14–1/31/15
BRAZIL: Stainless Steel Bar, A–351–825	2/1/14–1/31/15
FRANCE: Uranium, A–427–818	2/1/14–1/31/15
INDIA: Certain Cut-to-Length Carbon-Quality Steel Plate, A–533–817	2/1/14–1/31/15
INDIA: Certain Preserved Mushrooms, A–533–813	2/1/14–1/31/15
INDIA: Frozen Warmwater Shrimp, A–533–840	2/1/14–1/31/15
INDIA: Stainless Steel Bar, A–533–810	2/1/14–1/31/15
INDONESIA: Certain Cut-to-Length Carbon-Quality Steel Plate, A–560–805	2/1/14–1/31/15
INDONESIA: Certain Preserved Mushrooms, A–560–802	2/1/14–1/31/15
ITALY: Stainless Steel Butt-Weld Pipe Fittings, A–475–828	2/1/14–1/31/15
JAPAN: Carbon Steel Butt-Weld Pipe Fittings, A–588–602	2/1/14–1/31/15
JAPAN: Stainless Steel Bar, A–588–833	2/1/14–1/31/15
MALAYSIA: Stainless Steel Butt-Weld Pipe Fittings, A–557–809	2/1/14–1/31/15
MEXICO: Large Residential Washers, A–201–842	2/1/14–1/31/15
PHILIPPINES: Stainless Steel Butt-Weld Pipe Fittings, A–565–801	2/1/14–1/31/15
REPUBLIC OF KOREA: Certain Cut-to-Length Carbon-Quality Steel Plate, A–580–836	2/1/14–1/31/15
REPUBLIC OF KOREA: Large Residential Washers, A–580–868	2/1/14–1/31/15
SOCIALIST REPUBLIC OF VIETNAM: Frozen Warmwater Shrimp, A–552–802	2/1/14–1/31/15
SOCIALIST REPUBLIC OF VIETNAM: Steel Wire Garment Hangers, A–552–812	2/1/14–1/31/15
SOCIALIST REPUBLIC OF VIETNAM: Utility Scale Wind Towers, A–552–814	2/1/14–1/31/15
THAILAND: Frozen Warmwater Shrimp, A–549–822	2/1/14–1/31/15
THE PEOPLE'S REPUBLIC OF CHINA: Certain Preserved Mushrooms, A–570–851	2/1/14–1/31/15
THE PEOPLE'S REPUBLIC OF CHINA: Frozen Warmwater Shrimp, A–570–893	2/1/14–1/31/15
THE PEOPLE'S REPUBLIC OF CHINA: Heavy Forged Hand Tools, With or Without Handles, A–570–803	2/1/14–1/31/15
THE PEOPLE'S REPUBLIC OF CHINA: Small Diameter Graphite Electrodes, A–570–929	2/1/14–1/31/15
THE PEOPLE'S REPUBLIC OF CHINA: Uncovered Innerspring Units, A–570–928	2/1/14–1/31/15
THE PEOPLE'S REPUBLIC OF CHINA: Utility Scale Wind Towers, A–570–981	2/1/14–1/31/15
Countervailing Duty Proceedings	
INDIA: Certain Cut-to-Length Carbon-Quality Steel Plate, C–533–818	1/1/14–12/31/14
INDIA: Prestressed Concrete Steel Wire Strand, C–533–829	1/1/14–12/31/14
INDONESIA: Certain Cut-to-Length Carbon-Quality Steel Plate, C–560–806	1/1/14–12/31/14
REPUBLIC OF KOREA: Certain Cut-to-Length Carbon-Quality Steel Plate, C–580–837	1/1/14–12/31/14
REPUBLIC OF KOREA: Large Residential Washers, C–580–869	1/1/14–12/31/14
SOCIALIST REPUBLIC OF VIETNAM: Steel Wire Garment Hangers, C–552–813	1/1/14–12/31/14
THE PEOPLE'S REPUBLIC OF CHINA: Utility Scale Wind Towers, C–570–982	1/1/14–12/31/14
Suspension Agreements	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

Further, as explained in *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013), the Department clarified its practice with regard to the conditional review of the non-market economy (NME) entity in administrative reviews of antidumping duty orders. The Department will no longer consider the NME entity as an exporter conditionally subject to administrative reviews. Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[3] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'') on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov.*[4] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of February 2015. If the Department does not receive, by the last day of February 2015, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 26, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–01974 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[3] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[4] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Applicants for Appointment to the United States Section of the United States-Turkey Business Council

AGENCY: International Trade Administration, Department of Commerce

ACTION: Notice.

SUMMARY: In December 2009, the Governments of the United States and Turkey agreed to establish a U.S.-Turkey Business Council. This notice announces membership opportunities for appointment as American representatives to the U.S. Section of the Council. The current U.S. Section term expired on November 5, 2014.

DATES: Applications should be received no later than February 28, 2015.

ADDRESSES: Please send applications to Ryan Barnes, Senior International Trade Specialist, Office of Europe, U.S. Department of Commerce, either by email at *Ryan.Barnes@trade.gov,* or by mail to U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 3319, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ryan Barnes, Senior International Trade Specialist, Office of Europe, U.S. Department of Commerce, telephone: 202–482–4915.

SUPPLEMENTARY INFORMATION: The Under Secretary for International Trade of the U.S. Department of Commerce and the Ministry of Economy of Turkey co-chair the U.S.-Turkey Business Council, pursuant to the Terms of Reference signed on May 25, 2010, by the U.S. and Turkish Governments, which set forth the objectives and structure of the Council. The Terms of Reference may be viewed at: *http://www.trade.gov/mac/terms-of-reference-us-turkey-business-council.asp*

The Council is intended to facilitate the exchange of information and encourage bilateral discussions of business and economic issues, including promoting bilateral trade and investment and improving the business climate in each country. The Council brings together the respective business communities of the United States and Turkey to discuss such issues of mutual interest and to communicate their joint recommendations to the U.S. and Turkish Governments. The Council consists of the U.S. and Turkish co-chairs and a Committee comprised of private sector members. The Committee is composed of two Sections of private sector members, a U.S. Section and a Turkish Section, each consisting of approximately ten to twelve members, representing the views and interests of their respective private sector business communities. Each government will appoint the members to its respective Section. The Committee will provide joint recommendations to the two governments that reflect private sector views, needs, and concerns regarding creation of an environment in which the private sectors of both countries can partner, thrive, and enhance bilateral commercial ties that could form the basis for expanded trade and investment between the United States and Turkey.

The Department of Commerce is currently seeking applicants for membership on the U.S. Section of the Committee. Each applicant must be a senior-level executive of a U.S.-owned or controlled company that is incorporated in and has its main headquarters located in the United States and that is currently doing business in Turkey. Each applicant also must be a U.S. citizen, or otherwise legally authorized to work in the United States, and be able to travel to Turkey and locations in the United States to attend official Council meetings, as well as U.S. Section and Committee meetings. In addition, the applicant may not be a registered foreign agent under the Foreign Agents Registration Act of 1938, as amended. Applicants may not be federally-registered lobbyists, and, if appointed, will not be allowed to continue to serve as members of the U.S. Section of the Committee if the member becomes a federally-registered lobbyist.

Evaluation of applications for membership in the U.S. Section by eligible individuals will be based on the following criteria:

—A demonstrated commitment by the applicant's company to the Turkish market either through exports or investment.

—A demonstrated strong interest by the applicant's company in Turkey and its economic development.

—The ability by the applicant to offer a broad perspective on the business environment in Turkey, including cross-cutting issues that affect the entire business community.

—The ability by the applicant to initiate and be responsible for activities in which the Council will be active.

Members will be selected on the basis of who will best carry out the objectives of the Council as stated in the Terms of Reference establishing the U.S.-Turkey Business Council. In selecting members of the U.S. Section, the Department of Commerce will also seek to ensure that the Section represents a diversity of business sectors and geographical locations, as well as a cross-section of small, medium, and large-sized firms.

U.S. members will receive no compensation for their participation in Council-related activities. They shall not be considered as special government employees. Individual private sector members will be responsible for all travel and related expenses associated with their participation in the Council, including attendance at Committee and Section meetings. Only appointed members may participate in official Council meetings; substitutes and alternates may not be designated. Members will normally serve for two-year terms, but may be reappointed.

To apply for membership, please submit the following information as instructed in the **ADDRESSES** and **DATES** captions above:

1. Name(s) and title(s) of the applicant(s);

2. Name and address of the headquarters of the applicant's company;

3. Location of incorporation of the applicant's company;

4. Percentage share of U.S. citizen ownership in the company;

5. Size of the company in terms of number of employees;

6. Dollar amount of the company's export trade to Turkey;

7. Dollar amount of the company's investments in Turkey;

8. Nature of the company's investments, operations or interest in Turkey;

9. An affirmative statement that the applicant is a U.S. citizen or otherwise legally authorized to work in the United States;

10. An affirmative statement that the applicant is neither registered nor required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended;

11. An affirmative statement that the applicant is not a federally-registered lobbyist, and that the applicant understands that if appointed, the applicant will not be allowed to continue to serve as a member of the U.S. Section of the Council if the applicant becomes a federally registered lobbyist;

12. An affirmative statement that the applicant meets all other eligibility requirements;

13. A brief statement of why the applicant should be considered;

14. A brief statement of how the applicant meets the four listed criteria, including information about the candidate's ability to initiate and be responsible for activities in which the Council will be active.

Applications will be considered as they are received. All candidates will be notified of whether they have been selected.

Dated: January 28, 2015.

Jay A. Burgess,

Director of the Office of European Country Affairs (OECA).

[FR Doc. 2015–01936 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 141231999–4999–01]

National Cybersecurity Center of Excellence (NCCoE) Situational Awareness Use Case for the Energy Sector

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide products and technical expertise to support and demonstrate security platforms for situational awareness for the energy sector. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the Energy sector program. Participation in the use case is open to all interested organizations.

DATES: Interested parties must contact NIST to request a letter of interest. Letters of interest will be accepted on a rolling basis. Collaborative activities will commence as soon as enough

completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than March 4, 2015. When the use case has been completed, NIST will post a notice on the NCCoE energy sector program Web site at *http://nccoe.nist.gov/energy* announcing the completion of the use case and informing the public that it will no longer accept letters of interest for this use case.

ADDRESSES: The NCCoE is located at 9600 Gudelsky Drive, Rockville, MD 20850. Letters of interest must be submitted to *Energy_NCCoE@nist.gov* or via hardcopy to National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Organizations whose letters of interest are accepted in accordance with the Process set forth in the **SUPPLEMENTARY INFORMATION** section of this notice will be asked to sign a Cooperative Research and Development Agreement (CRADA) with NIST. A CRADA template can be found at: *http://nccoe.nist.gov/node/138.*

FOR FURTHER INFORMATION CONTACT: Jim McCarthy via email at *Energy_NCCoE@nist.gov;* or telephone 240–314–6816; National Institute of Standards and Technology, NCCoE; 9600 Gudelsky Drive; Rockville, MD 20850. Additional details about the Energy Sector program are available at *http://nccoe.nist.gov/energy.*

SUPPLEMENTARY INFORMATION:

Background: The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process: NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the Situational Awareness use case for the Energy Sector. The full use case can be viewed at: *http://nccoe.nist.gov/sites/default/files/nccoe/NCCoE_ES_Situational_Awareness.pdf* Interested parties should contact NIST using the information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice. NIST will then provide each interested party with a letter of interest, which the party must complete, certify that it is accurate, and submit to NIST. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the use case objective or requirements identified below. NIST will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out this use case. However, there may be continuing opportunity to participate even after initial activity commences. Selected participants will be required to enter into a consortium CRADA with NIST. NIST published a notice in the **Federal Register** on October 19, 2012 (77 FR 64314) inviting U.S. companies to enter into National Cybersecurity Excellence Partnerships; (NCEPs) in furtherance of the NCCoE. For this demonstration project, NCEP partners will not be given priority for participation.

Use Case Objective: To improve the security of operational technology, energy companies need mechanisms to capture, transmit, analyze and store real-time or near-real-time data from industrial control systems (ICS) and related networking equipment. With such mechanisms in place, energy sector providers, owners and operators can more readily detect anomalous conditions, take appropriate actions to remediate them, investigate the chain of events that led to the anomalies and share findings with other energy companies. Obtaining real-time and near-real-time data from networks also has the benefit of helping to demonstrate compliance with information security standards.

Requirements: Each responding organization's letter of interest should identify which security platform components or capabilities it is offering. Components are listed in section five (for reference, please see link in PROCESS section above) of the Situational Awareness for the Energy Sector use case and include, but are not limited to:

1. Security incident and event management (SIEM) or log analysis software

2. ICS equipment, such as remote terminal units (RTUs), programmable logic controllers (PLCs), and relays, along with associated software and communications equipment (*e.g.,* radios, encryptors)

3. ''Bump-in-the-wire'' devices for augmenting operational technology (OT) with encrypted communication and logging capabilities

4. Software for collecting, analyzing, visualizing and storing operational control data (*e.g.,* historians, outage management systems, distribution management systems, human-machine interfaces)

5. Products that ensure the integrity and accuracy of data collected from remote facilities

Each responding organization's letter of interest should identify how their products address one or more of the following desired solution characteristics in section two (for reference, please see link in PROCESS section above) of the Situational Awareness for the Energy Sector use case:

1. Data visualization and analysis capabilities that help dispatchers and security analysts view control system behavior, network security events, and physical security events as a cohesive whole

2. Analysis and correlation capabilities that help dispatchers and security analysts understand and identify security events and predict how those events might affect control system operation

3. Scalability sufficient to meet the needs of a large metropolitan utility

4. Mechanisms that ensure the accuracy and integrity of data collected from remote facilities

5. Ability to collect logs, traffic, and operational data from a variety of sources, including servers, ICS equipment, networking equipment, security appliances, issue tracking systems, and mobile devices

6. Ability to allow dispatchers and security analysts to easily automate common, repetitive investigative tasks

7. Built-in information sharing capabilities that allow dispatchers and security analysts to easily share and acquire new threat indicators, correlation rules, mitigations, and investigative techniques

8. Customizable interfaces that allow users to tailor the system to meet specific business needs

9. Automated report generation to aid utilities in demonstrating compliance with relevant standards

10. Intuitive user interfaces that are appropriate for utility dispatchers with limited network security expertise or security analysts with limited expertise in electric power

Responding organizations need to understand and, in their letters of interest, commit to provide:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components

2. Support for development and demonstration of the Situational Awareness use case for the Energy Sector in NCCoE facilities which will be conducted in a manner consistent with Federal requirements (*e.g.,* FIPS 200, FIPS 201, SP 800–53, and SP 800–63) Additional details about the Situational Awareness for the Energy sector use case are available at: *http://nccoe.nist.gov/sites/default/files/nccoe/NCCoE_ES_Situational_Awareness.pdf.* NIST cannot guarantee that all of the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium agreement in the development of the Situational Awareness for the Energy sector capability. Prospective participants' contribution to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the desired capabilities. Each prospective participant will train NIST personnel as necessary, to operate its product in capability demonstrations to the energy community. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the Situational Awareness for the Energy sector use case. These descriptions will be public information.

Under the terms of the consortium agreement, NIST will support development of interfaces among participants' products by providing IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities. The dates of the demonstration of the Situational Awareness for the Energy sector capability will be announced on the NCCoE Web site at least two weeks in advance at *http://nccoe.nist.gov/.* The expected outcome of the demonstration is to improve situational awareness across an entire energy sector enterprise. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE Web site *http://nccoe.nist.gov/.*

Kevin A. Kimball,

NIST Chief of Staff.

[FR Doc. 2015–01844 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Permitting, Vessel Identification, and Vessel Monitoring System Requirements for the Commercial Bottomfish Fishery in the Commonwealth of the Northern Mariana Islands

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 3, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 725–5175 or *Walter.Ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection. As part of a fishery ecosystem plan, developed by the Western Pacific Fishery Management Council under the authorization of the Magnuson-Stevens Fishery Conservation and Management Act, NMFS requires that owners of commercial fishing vessels in the bottomfish fishery in the Commonwealth of the Northern Mariana Islands (CNMI) obtain a federal bottomfish permit. If their vessels are over 40 ft. (12.2 m) long, they must also mark their vessels in compliance with federal identification requirements and carry and maintain a satellite-based vessel monitoring system (VMS). These requirements are set out in 50 CFR Part 665, subpart D. This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, and aid in enforcement of regulations and area closures.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms. VMS data are collected electronically and automatically.

III. Data

OMB Control Number: 0648–0584.

Form Number(s): None.

Type of Review: Regular (extension of a currently approved information collection).

Affected Public: Not-for profit institutions; state, local or tribal governments; business or other for-profit organizations.

Estimated Number of Respondents: 50 total; including 6 medium-large vessels (over 40 ft.).

Estimated Time per Response: Permit applications and renewals, 30 minutes; vessel identification, 45 minutes; initial VMS installation and annual maintenance, 24 hours; VMS maintenance, 12 hours annually.

Estimated Total Annual Burden Hours: 174.

Estimated Total Annual Cost to Public: $2,760 in recordkeeping and reporting costs and permit fees.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 28, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–01890 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Pacific Island Pelagic Longline Fisheries; Seabird-Fisheries Interaction Recovery Reporting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 3, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 725–5175 or *Walter.Ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The National Marine Fisheries Service (NMFS) requires pelagic longline vessel operators to notify NMFS in the event an endangered short-tailed albatross is hooked or entangled during fishing operations. Following the retrieval of the seabird from the ocean, as required by Federal regulations, the vessel captain must record the condition of the injured short-tailed albatross on a recovery data form. A veterinarian will use the information in providing advice to the captain caring for the short-tailed albatross. If the albatross is dead, the captain must attach an identification tag to the carcass to assist the U.S. Fish and Wildlife Service (USFWS) biologists in follow-up studies on the specimen. This collection is one of the terms and conditions contained in the biological opinion issued by USFWS, and is intended to maximize the probability of the long-term survival of short-tailed albatross accidentally taken by longline gear.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, or mail or facsimile transmission of paper forms within 72 hours of landing.

III. Data

OMB Control Number: 0648–0456.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 1.

Estimated Time per Response: Notification, reporting, and tagging and specimen handling, 1 hour each.

Estimated Total Annual Burden Hours: 3.

Estimated Total Annual Cost to Public: $80 in recordkeeping/reporting costs, mainly for at-sea communications costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 28, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–01891 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Inventory of U.S. Marine Protected Areas: Site Characteristics and Human Uses

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 4, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to Dr. Charles M. Wahle, Senior Scientist, NOAA's National Marine Protected Areas Center, via email at *charles.wahle@noaa.gov*, or by telephone: (831) 647–6460.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a revision and extension of an approved data collection effort to provide ocean managers, users and other interested parties with accurate, objective and useful information about the location, purpose, management and human uses of marine protected areas in the coastal and marine waters of the United States. To

this end, NOAA's National Marine Protected Areas Center (MPA Center), part of the Office of National Marine Sanctuaries (ONMS), proposes to continue and augment an ongoing effort to inventory all U.S. MPAs.

The MPA Center was established under Executive Order 13158, which directs NOAA and the Department of the Interior to work collaboratively with state, federal, territorial and tribal partners to enhance ocean conservation and management throughout the nation's system of MPAs. The Marine Protected Areas Inventory— a publicly available, online, spatial database that provides detailed and unique information on MPAs nationwide—is fundamental to this goal. Required by Executive Order 13158, the Inventory provides access to data and summary products on over 1,600 MPA sites across different management programs and all levels of government. The MPA Inventory is accessible via the MPA Center's Web site, *marineprotectedareas.noaa.gov*.

This data collection effort would continue providing U.S. MPA managers with a voluntary, online means to share and update important information about: (i) The site's establishment, purpose(s), management approaches, and natural and cultural resources; and, (ii) the types, trends and potential resource management implications of expanding recreational uses within U.S. MPAs.

The MPA Inventory data collection continues the periodic and voluntary solicitation of site-specific descriptive data from all MPAs in the U.S. Typically, an individual MPA site would complete an online site data form once, and then update it if necessary to reflect changes in boundaries, regulations, management approaches, etc. In order to keep this vital data resource current and accurate with the latest status and information on MPAs nationwide, the online site data form, posted at *marineprotectedareas.noaa.gov*, can be used to: (i) Describe a new or modified MPA; (ii) provide feedback, corrections or additions to existing MPA Inventory data; or, (iii) evaluate whether a site proposed for inclusion in the National System of MPAs meets the eligibility criteria (typically 5–10 sites per year). The MPA Inventory is frequently used by ocean managers, users, scientists and others to better understand place-based management of U.S. waters.

In addition to continuing to manage and share descriptive information on U.S. MPAs, the MPA Center proposes to contact State and Federal MPA managers to solicit and facilitate their participation in a voluntary survey about conditions and trends in recreational uses of their sites. Data addressing the nature, trends, drivers and implications of recreational uses will be collected from U.S. MPA managers electronically over a period of 6 weeks using an online survey instrument. Individual managers' responses will remain confidential and the results aggregated to illustrate meaningful general trends rather data specific to a single MPA. Important patterns and lessons learned from this data collection will be shared directly with MPA managers around the country to assist in their management of some of the nation's most treasured ocean and coastal areas.

II. Method of Collection

Submissions will be made on line.

III. Data

OMB Control Number: 0648–0449.

Form Number(s): None.

Type of Review: Revision and extension of an approved information collection.

Affected Public: Approximately 300 State, territorial and federal MPA managers or staff.

Estimated Number of Respondents: 150.

Estimated Time per Response: 30 minutes each for the uploading of information and for the survey.

Estimated Total Annual Burden Hours: 75.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 27, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–01853 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD743

International Affairs; U.S. Fishing Opportunities in the Northwest Atlantic Fisheries Organization Regulatory Area

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

ACTION: Notification of U.S. fishing opportunities.

SUMMARY: NMFS announces fishing opportunities in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area. This action is necessary to make fishing privileges available on an equitable basis.

DATES: Effective January 1, 2015, through December 31, 2015. Expressions of interest regarding fishing opportunities in NAFO will be accepted through February 17, 2015.

ADDRESSES: Expressions of interest regarding U.S. fishing opportunities in NAFO should be made in writing to Douglas W. Christel in the NMFS Greater Atlantic Regional Fisheries Office at 55 Great Republic Drive, Gloucester, MA 01930 (phone: 978–281–9141, email: *Douglas.Christel@noaa.gov*).

Information relating to chartering vessels of another NAFO Contracting Party, or transferring NAFO fishing opportunities to or from another NAFO Contracting Party is available from Patrick E. Moran in the NMFS Office of International Affairs at 1315 East-West Highway, Silver Spring, MD 20910 (phone: 301–427–8370, fax: 301–713–2313, email: *Pat.Moran@noaa.gov*). Information relating to NAFO fishing opportunities, NAFO Conservation and Enforcement Measures, and the High Seas Fishing Compliance Act (HSFCA) Permit is available from Douglas Christel, in the NMFS Greater Atlantic Regional Fisheries Office at 55 Great Republic Drive, Gloucester, MA 01930 (phone: 978–281–9141, fax: 978–281–9135, email: *douglas.christel@noaa.gov*) and from NAFO on the World Wide Web at *http://www.nafo.int.*

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, 978–281–9141.

SUPPLEMENTARY INFORMATION:

What fishing opportunities are available?

The principal species managed by NAFO are cod, flounder, redfish, American plaice, Greenland halibut, hake, capelin, shrimp, skates and *Illex* squid. NAFO maintains conservation measures for fishery resources in its Regulatory Area, including, for those principal species, total allowable catches (TACs) that are allocated among NAFO Contracting Parties. At the 2014 NAFO Annual Meeting, the United States received national quota allocations for two NAFO stocks to be fished during 2015. The species, location, and allocation (in metric tons (mt)) of these 2015 U.S. fishing opportunities, as found in Annexes I.A, I.B, and I.C of the 2015 NAFO Conservation and Enforcement Measures (CEM), are as follows:

1. Redfish	NAFO Division 3M.	69 mt.
2. Squid (*Illex*)	NAFO Sub-areas 3 & 4.	453 mt.

Additionally, the United States may be transferred up to 1,000 mt of NAFO Division 3LNO yellowtail flounder from Canada's quota allocation if requested before January 1 of each year, or any succeeding year through 2018, based upon a bilateral arrangement with Canada. The United States has already requested this 1,000 mt of Division 3LNO yellowtail flounder from Canada for 2015. The arrangement for the transfer of Canadian yellowtail flounder quota would enable U.S. vessels to harvest American plaice as bycatch in the yellowtail flounder fishery in an amount equal to 15 percent of the total catch on board of regulated species listed in Annex I.A of the 2015 NAFO CEM . Additional quota for these and other stocks managed within the NAFO Regulatory Area may be available to U.S. vessels through industry-initiated chartering arrangements or transfers of quota from other NAFO Contracting Parties.

U.S. fishermen may also access stocks in which the United States has not received a national quota (also known as the ''Others'' allocation), including: Division 3M cod (55 mt); Division 3LN redfish (63 mt); Division 3O redfish (100 mt); Division 3NO witch flounder (10 mt); Division 3NO white hake (59 mt); and Division 3LNO skates (258 mt). Note that the United States shares these allocations with other NAFO Contracting Parties, and access to such stocks is on a first-come-first-served basis. Fishing is halted by NAFO when the ''Others'' allocation for a particular stock has been fully harvested.

U.S. fishermen interested in harvesting species not listed in Annexes I.A or I.B of the 2015 NAFO CEM, but occurring within the NAFO Regulatory Area, should contact the NMFS Greater Atlantic Regional Fisheries Office (see **ADDRESSES**) for information. Authorization to fish for such species will include appropriate conditions or restrictions, such as, but not limited to, minimum size requirements and catch limits, as may be appropriate to ensure the optimum utilization, long-term sustainability, and rational management and conservation of fishery resources in the NAFO Regulatory Area, consistent with the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries as well as the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, which has been adopted by all NAFO Contracting Parties by consensus.

Who can apply for these fishing opportunities?

Expressions of interest to fish for any or all of the 2015 U.S. fishing opportunities in NAFO described above will be considered from all U.S. fishing interests (*e.g.,* vessel owners, processors, agents, others). Applicants are urged to carefully review and thoroughly address the application requirements and selection criteria as detailed below. Expressions of interest should be directed in writing to Douglas W. Christel (see **ADDRESSES**).

What information is required in an application letter?

Expressions of interest should include a detailed description of anticipated fishing operations in 2015. This includes, but is not limited to, the following elements: Intended target species; proposed dates of fishing operations; vessels to be used to harvest fish, including the name, registration, and home port of the intended harvesting vessel, as appropriate; the number of fishing personnel involved in vessel operations; intended landing port; for landing ports outside of the United States, whether or not the product will be shipped to the United States for processing; processing facilities to be employed; target market for harvested fish; and evidence demonstrating the ability of the applicant to successfully prosecute fishing operations in the NAFO Regulatory Area. Note that U.S. applicant vessels must be in possession of, or eligible for, a valid HSFCA permit, which is available from the NMFS Greater Atlantic Regional Fisheries Office. Information regarding other requirements for fishing in the NAFO Regulatory Area is detailed below and is also available from the NMFS Greater Atlantic Regional Fisheries Office (see **ADDRESSES**). U.S. applicants wishing to harvest U.S. allocations using a vessel from another NAFO Contracting Party, or hoping to transfer U.S. allocations to another NAFO Contracting Party, should see below for details on U.S. and NAFO requirements for such activities. If you have further questions regarding what information is required in an expression of interest, please contact Douglas W. Christel (see **ADDRESSES**).

What criteria will be used in identifying successful applicants?

Applicants demonstrating the greatest benefits to the United States through their intended operations will be most successful. Such benefits might include (but are not limited to): The use of U.S. vessels; detailed, positive impacts on U.S. employment; use of U.S. processing facilities; transport, marketing and sales of product within the United States; other benefits to U.S. businesses; and documentation of the physical characteristics and economics of the fishery for future use by the U.S. fishing industry. A documented history of successful fishing operations in NAFO or other similar fisheries will also be considered. After reviewing all requests for allocations submitted, NMFS may decide not to grant any allocations if it is determined that no requests adequately meet the criteria described in this notice. To ensure equitable access by U.S. fishing interests, NMFS may provide additional guidance or procedures, or may promulgate regulations designed to allocate fishing interests to one or more U.S. applicants from among qualified applicants.

All applicants will be notified of the allocation decision as soon as possible. Once allocations have been awarded, NMFS will immediately take appropriate steps to notify NAFO and other appropriate actions to facilitate operations by U.S. fishing interests.

What if I want to charter a vessel to fish available U.S. allocations?

Under the bilateral arrangement with Canada, the United States may enter into a chartering (or other) arrangement with a Canadian vessel to harvest the transferred yellowtail flounder. For other NAFO-regulated species listed in Annexes I.A or I.B, the United States may enter into a chartering arrangement with a vessel from any other NAFO

Contracting Party. Prior notification to the NAFO Executive Secretary is necessary in either case. Expressions of interest intending to make use of another NAFO Contracting Party vessel under chartering arrangements should provide the following information: The name and registration number of the intended vessel; a copy of the charter agreement; a detailed fishing plan; a written letter of consent from the applicable NAFO Contracting Party; the date from which the vessel is authorized to commence fishing; and the duration of the charter (not to exceed six months). Note that expressions of interest using another NAFO Contracting Party vessel under charter should be accompanied by a detailed description of anticipated benefits to the United States, as described above.

Any vessel wishing to enter into a chartering arrangement with the United States must be in full current compliance with the requirements outlined in the NAFO Convention and Conservation and Enforcement Measures. These requirements include, but are not limited to, submission of the following reports to the NAFO Executive Secretary: Notification that the vessel is authorized by its flag state to fish within the NAFO Regulatory Area during 2015; provisional monthly catch reports for all vessels of that NAFO Contracting Party operating in the NAFO Regulatory Area; daily catch reports for each day fished by the subject vessel within the Regulatory Area; observer reports within 30 days following the completion of a fishing trip; and an annual statement of actions taken by its flag state to comply with the NAFO Convention. The United States may also consider the vessel's previous compliance with NAFO bycatch, reporting and other provisions, as outlined in the NAFO Conservation and Enforcement Measures, before entering into a chartering arrangement. More details on NAFO requirements for chartering operations are available from Patrick E. Moran (see **ADDRESSES**).

What if I want to arrange for a transfer of U.S. quota allocations to another NAFO party?

Under NAFO rules in effect for 2015, the United States may transfer fishing opportunities with the consent of the receiving NAFO Contracting Party and with prior notification to the NAFO Executive Secretary. An applicant may request to arrange for any of the above U.S. opportunities to be transferred to another NAFO party, although such applications will likely to be given lesser priority than those that involve more direct harvesting or processing by U.S. entities. Applications to arrange for a transfer of U.S. fishing opportunities should contain a letter of consent from the receiving NAFO Contracting Party, and should also be accompanied by a detailed description of anticipated benefits to the United States. As in the case of chartering operations, the United States may also consider a NAFO Contracting Party's previous compliance with NAFO bycatch, reporting and other provisions, as outlined in the NAFO Conservation and Enforcement Measures, before entering agreeing to a transfer. More details on NAFO requirements for transferring NAFO allocations are available from Patrick E. Moran (see **ADDRESSES**).

What if I want to arrange to receive a transfer of NAFO quota allocations from another NAFO party?

Under NAFO rules in effect for 2015, the United States may receive transfers of additional fishing opportunities from other NAFO Contracting Parties. The United States is required to provide a letter of consent to this transfer and prior notification to the NAFO Executive Secretary. In the event that an applicant is able to arrange for the transfer of additional fishing opportunities from another NAFO Contracting Party, the United States may agree to facilitate such a transfer insofar as fulfilling the NAFO requirements for such transfers after soliciting additional public input on such transfers as appropriate. As in the case of chartering operations, the United States may also consider a NAFO Contracting Party's previous compliance with NAFO bycatch, reporting and other provisions, as outlined in the NAFO Conservation and Enforcement Measures, before agreeing to accept a transfer. Any fishing quota or other harvesting opportunities received via this type of transfer are subject to all U.S. and NAFO rules as detailed below. For more details on NAFO requirements for transferring NAFO allocations, contact Patrick E. Moran (see **ADDRESSES**).

What rules must I follow while fishing?

U.S. applicant vessels must be in possession of, or obtain, a valid HSFCA permit, which is available from the NMFS Greater Atlantic Regional Fisheries Office. Note that vessels issued valid HSFCA permits under 50 CFR part 300 are exempt from the Northeast multispecies and monkfish permit, mesh size, effort-control, and possession limit restrictions, specified in §§ 648.4, 648.80, 648.82, 648.86, 648.87, 648.91, 648.92, and 648.94, respectively, while transiting the U.S. exclusive economic zone (EEZ) with multispecies and/or monkfish on board the vessel, or landing multispecies and/or monkfish in U.S. ports that were caught while fishing in the NAFO Regulatory Area, provided:

1. The vessel operator has a letter of authorization issued by the Regional Administrator on board the vessel;

2. For the duration of the trip, the vessel fishes, except for transiting purposes, exclusively in the NAFO Regulatory Area and does not harvest fish in, or possess fish harvested in, or from, the U.S. EEZ;

3. When transiting the U.S. EEZ, all gear is properly stowed and not available for immediate use as defined under § 648.2; and

4. The vessel operator complies with the provisions, conditions, and restrictions specified on the HSFCA permit and all NAFO Conservation and Enforcement Measures while fishing in the NAFO Regulatory Area.

Relevant NAFO Conservation and Enforcement Measures include, but are not limited to, maintenance of a fishing logbook with NAFO-designated entries; adherence to NAFO hail system requirements; presence of an on-board observer; deployment of a functioning, autonomous vessel monitoring system authorized by issuance of the HSFCA permit; and adherence to all relevant minimum size, gear, bycatch, and other requirements. Further details regarding U.S. and NAFO requirements are available from the NMFS Greater Atlantic Regional Fisheries Office, and can also be found in the 2015 NAFO Conservation and Enforcement Measures on the Internet (see **ADDRESSES**).

Dated: January 28, 2015.

Paul Doremus,

Acting Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2015–01967 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of the Shrimp Permit Moratorium Working Group.

DATES: The meeting will be held on Wednesday, February 18, 2015, from 9 a.m. until 5 p.m.

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council office, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Morgan Kilgour, Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *morgan.kilgour@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Shrimp Permit Moratorium Working Group Agenda, Wednesday, February 18, 2015, 9 a.m. Until 5 p.m.

(1) Introduction—Shrimp 17 Scoping Document
(2) Council Charge—To have staff convene a meeting of a Shrimp Working Group as recommended by the SSC
(3) Overview of Shrimp Amendment 13
(4) Biological yield—MSY workshop summary/ABC control rule
(5) CPUE
  a. SEAMAP
  b. Fishery Dependent
(6) Permit activity status
  a. Transfers
  b. Terminations
  c. Landings per permit
(7) Economic yield
(8) Community make-up of the shrimp fishery
(9) Ecosystem considerations
  a. Bycatch—review of BiOp
  b. Habitat
  c. Ecosystem Working Group recommendations
(10) Other Business
—Adjourn—

For meeting materials see folder ''Shrimp Permit Moratorium Working Group Feb 2015 '' on Gulf Council file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. The Agenda is subject to change.

The meeting will be webcast over the internet. A link to the webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.*

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 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

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working 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 28, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–01899 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of the Shrimp Advisory Panel.

DATES: The meeting will be held on Thursday, February 19, 2015, from 9 a.m. until 5 p.m.

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council office, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Morgan Kilgour, Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *morgan.kilgour@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Shrimp Advisory Panel Agenda, Thursday, February 19, 2015, 9 a.m. until 5 p.m.

(1) Adoption of agenda
(2) Approval of minutes from March 5, 2014 meeting
(3) Plan of work
(4) Biological review of the Texas closure
  a. Shrimp AP recommendations
(5) Status update on *Shrimp* Amendment 16 ''Adjustments to the Annual Catch Limit and Accountability Measure for Royal Red Shrimp''
(6) Gulf of Mexico Penaeid *Shrimp* Stock Synthesis MSY Estimates
  a. Summary of Shrimp MSY workshop recommendations
  b. Shrimp AP recommendations
(7) Status update on *Shrimp* Amendment 15 ''Status Determination Criteria for Penaeid Shrimp and Adjustments to the Shrimp Framework Procedure''
  a. Shrimp AP recommendations
(8) Review of the *Shrimp* Permit Moratorium Scoping Document (Shrimp Amendment 17)
  a. Timeline
  b. Summary of the Shrimp Permit Moratorium Working Group meeting on Feb. 18, 2015
  c. Shrimp AP recommendations
(9) Other Business
  a. Request for identifying appropriate people to attend the next Coral SSC/AP meeting
–Adjourn–

For meeting materials see folder ''Shrimp Advisory Panel Feb 2015'' on the Gulf Council file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. The Agenda is subject to change.

The meeting will be Webcast over the Internet. A link to the Webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.*

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 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

The meeting is physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working 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 28, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–01900 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request; ''Patent and Trademark Resource Centers Metrics''

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: United States Patent and Trademark Office, Commerce

Title: Patent and Trademark Resource Centers Metrics

OMB Control Number: 0651–0068

Form Number(s):

• N/A

Type of Request: Regular

Number of Respondents: 84 libraries, for 336 responses per year.

Average Minutes per Response: 30 minutes

Burden Hours: 168

Cost Burden: $0

Needs and Uses:

The USPTO has undertaken a revitalization of the Patent and Trademark Depository Library Program to reflect the new 21st Century electronic approach to customer services. As a part of this revitalization, the name has changed to Patent and Trademark Resource Center Program and the nationwide network of libraries are known as Patent and Trademark Resource Centers (PTRCs). In addition, to enable the USPTO to more effectively train the PTRCs and the public to better use the tools and data available to them and to ascertain what types of new and different services the PTRCs should offer, the USPTO is requiring the centers to provide metrics on the PTRC outreach services and use of the patent and trademark services.

Recognition as a PTRC is authorized under the provisions of 35 U.S.C. 2(a)(2), which provides that the USPTO shall be responsible for disseminating to the public information with respect to patents and trademarks. In order to be designated as a PTRC, libraries must fulfill the following requirements: Assist the public in the efficient use of patent and trademark information resources; provide free access to patent and trademark resources provided by the USPTO; provide metrics on the use of patent and trademark services provided by the member library as stipulated by the USPTO; provide metrics on outreach efforts conducted by the member library as stipulated by the USPTO; and send representatives to attend the USPTO-hosted PTRC training seminars.

Since the PTRC requirements stipulate that the participating libraries must submit information (metrics) in order to be designated as a PTRC, the USPTO is submitting this new information collection for review under the PRA. The information collected will enable the USPTO to more effectively train the PTRC staff who, in turn, provide assistance and training to public customers in the areas of patent and trademarks. As the PTRCs continue to move away from the physical distribution of hard copy information, the USPTO is interested in what types of new and different services the PTRC of the future should offer its customers. Collection of this information will enable the USPTO to more effectively service its current customers while planning for the future.

The USPTO has developed a worksheet to collect the metrics concerning the use of the patent and trademark services and the public outreach efforts from the libraries. On the USPTO's behalf, the metrics will be collected on a quarterly basis through a third-party vendor. The information will only be collected electronically. The PTRCs will be given a password to input their information.

Affected Public: Not-for-profit institutions.

Frequency: Annually

Respondent's Obligation: Mandatory

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 may be submitted by any of the following methods:

• *Email: InformationCollection@uspto.gov.* Include ''0651–0068 Patent and Trademark Resource Center Metrics'' in the subject line of the message.

• *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

• *Federal Rulemaking Portal: http://www.regulations.gov.*

Dated: January 23, 2015.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2015–01672 Filed 1–30–15; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–HA–0009]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 3, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

• Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public

viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Health Agency, ATTN: Mr. Mark Ellis, 7700 Arlington Boulevard, Falls Church, VA 22042–5101, or call (703) 681–0039.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: TRICARE Young Adult Application; DD Form 2947; OMB Control Number 0720–0049.

Needs and Uses: The information collection requirement is necessary to evaluate eligibility and qualifications of former young adult dependents applying for extended dependent coverage under the TRICARE Young Adult program (10 U.S.C. 1110b).

Affected Public: Individuals or households.

Annual Burden Hours: 8,000.

Number of Respondents: 16,000.

Responses per Respondent: 2.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Information is collected from respondents whenever the respondent wishes to apply for extended dependent coverage under the TRICARE Young Adult program, when the respondent wishes to change their coverage under the TRICARE Young Adult program, or when the respondent wishes to terminate their coverage under the TRICARE Young Adult program. Estimated responses are on average are two per respondent during the term of their TRICARE Young Adult coverage. Respondents will complete the application upon applying for, changing, or terminating their TRICARE Young Adult coverage. Not all respondents will change their coverage, and others may choose to let their coverage lapse or stop paying premiums instead of submitting a termination request.

Dated: January 27, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–01828 Filed 1–30–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Subcommittee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open Subcommittee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the U.S. Army War College Board of Visitors, a subcommittee of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The U.S. Army War College Board of Visitors Subcommittee will meet from 8:30 a.m. to 1:30 p.m. on March 20, 2015.

ADDRESSES: U.S. Army War College, 122 Forbes Avenue, Carlisle, PA, Command Conference Room, Root Hall, Carlisle Barracks, PA 17013.

FOR FURTHER INFORMATION CONTACT: Colonel David M. Fee, the Alternate Designated Federal Officer for the subcommittee, in writing at Department of Academic Affairs, 122 Forbes Avenue, Carlisle, PA 17013, by email at *david.m.fee2.mil@mail.mil,* or by telephone at (717) 245–4162.

SUPPLEMENTARY INFORMATION: The subcommittee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide the subcommittee with updates, discussion and overview of the U.S. Army War College Process for Joint Accreditation, the Academic Year 16 curriculum, and the USAWC Strategic Plan. The subcommittee will also discuss issues with leaders of the Faculty Council, as well as address other administrative matters.

Proposed Agenda: The subcommittee will review and evaluate information related to the continued academic growth, accreditation, and development of the U.S. Army War College. General deliberations leading to provisional findings will be referred to the Army Education Advisory Committee for deliberation by the Committee under the open-meeting rules.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Colonel Fee, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Because the meeting of the subcommittee will be held in a Federal Government facility on a military base, security screening is required. A photo ID is required to enter base. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. Root Hall is fully handicap accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Colonel Fee, the subcommittee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the subcommittee in response to the stated agenda of the open meeting or in regard to the subcommittee's mission in general. Written comments or statements should be submitted to Colonel Fee, the subcommittee Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Alternate Designated Federal Official will review all submitted written comments or statements and provide them to members of the subcommittee for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Alternate Designated Federal Official at least seven business days prior to the meeting to be considered by the subcommittee. Written comments or statements received after this date may not be

provided to the subcommittee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven business days in advance to the subcommittee's Alternate Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Alternate Designated Federal Official will log each request, in the order received, and in consultation with the Subcommittee Chair, determine whether the subject matter of each comment is relevant to the Subcommittee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three minutes during the period, and will be invited to speak in the order in which their requests were received by the Alternate Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–01905 Filed 1–30–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Inland Waterways Users Board Meeting Notice

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice; new meeting location.

SUMMARY: The hotel listed for the Inland Waterways Users Board meeting scheduled on February 25, 2015 that was published in the **Federal Register** on Wednesday, January 21, 2015 (80 FR 2921) has changed. The Board meeting will now be held at the Hampton Inn and Suites Birmingham-Downtown-Tutwiler, 2012 Park Place, Birmingham, AL 35203.

FOR FURTHER INFORMATION CONTACT: Mr. Mark R. Pointon, the Designated Federal Officer (DFO) for the committee, in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GM, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–6438; and by email at *Mark.Pointon@usace.army.mil.* Alternatively, contact Mr. Kenneth E. Lichtman, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GW, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–8083; and by email at *Kenneth.E.Lichtman@usace.army.mil.*

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–01910 Filed 1–30–15; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

North Atlantic Coast Comprehensive Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Report Availability.

SUMMARY: The Congressional response to the devastation in the wake of Hurricane Sandy included a mandate to collaborate with federal, state, tribal and local government agencies to regionally address the vulnerability of coastal populations at risk within the boundaries of the U.S. Army Corps of Engineers (USACE) North Atlantic Division. The goals of the North Atlantic Coast Comprehensive Study (NACCS), authorized under the Disaster Relief Appropriations Act, Public Law 113–2, were to: (1) Provide a risk management framework, consistent with National Oceanic and Atmospheric Administration/USACE Infrastructure Systems Rebuilding Principles; and (2) support resilient coastal communities and robust, sustainable coastal landscape systems, considering future sea level and climate change scenarios, to manage risk to vulnerable populations, property, ecosystems, and infrastructure. In addition, the NACCS evaluated institutional and other barriers to providing comprehensive coastal storm risk management, along with other activities warranting additional analysis. NACCS draft analyses were made available to stakeholders for review and validation in March 2014. Throughout the study process several additional opportunities for stakeholder input were made available, including a webinar collaboration series, agency and public engagements, and a feedback link on the NACCS Web page. Full NEPA and other environmental compliance would be required as part of future detailed evaluations and/or feasibility studies before any actions could be implemented. The final report was submitted to Congress and all associated documents and tools are now accessible on the NACCS Web page at: *https://www.nad.usace.army.mil/compstudy.*

ADDRESSES: For media contacts please contact Mr. Justin Ward, U.S. Army Corps of Engineers, Public Affairs, 302 General Lee Avenue, Brooklyn, NY 11252, at *justin.m.ward@usace.army.mil* or at (347) 370–4550.

FOR FURTHER INFORMATION CONTACT: Mr. Justin Ward, U.S. Army Corps of Engineers, Public Affairs.

SUPPLEMENTARY INFORMATION: The NACCS recommends the use of a nine-step Coastal Storm Risk Management Framework, which is customizable for any coastal watershed and is informed by several planning tools and models that are included in the report, among other resources. To further manage coastal flood risk, the report also recommends better institutional alignment and financing, better use of pre-storm planning and post-storm monitoring tools, and better education on flood risk and the availability of flood risk management solutions. The report recognizes the long-term challenges facing the area, which makes it clear that integrated solutions that promote sustainable communities and ecosystems will be needed. The report also identifies nine high-risk areas that warrant additional analysis. They are: Rhode Island Coastline; Connecticut Coastline; New York-New Jersey Harbor and Tributaries; Nassau County Back Bays, NY; New Jersey Back Bays, NJ; Delaware Inland Bays and Delaware Bay Coast, DE; City of Baltimore, MD; Washington, DC; and City of Norfolk, VA. The NACCS report represents a start in the direction of the new paradigm that accounts for new and changing conditions—this will need the attention and commitment of public, private and commercial interests in order to succeed.

Dated: January 28, 2015.

Amy M. Guise,

Chief, Planning Division, Baltimore District, U.S. Army Corps of Engineers.

[FR Doc. 2015–01901 Filed 1–30–15; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records—Study of Teacher Preparation Experiences and Early Teacher Effectiveness

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of an altered system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of an altered system of records entitled ''Study of Teacher Preparation Experiences and Early Teacher Effectiveness'' (18–13–29) (formerly, ''Study of Promising Features of Teacher Preparation Programs''). The National Center for Education Evaluation and Regional Assistance at the Department's Institute of Education Sciences (IES) awarded a contract in September 2011 to Abt Associates to conduct a rigorous study of the effect on student learning of teachers who have various experiences in their teacher preparation programs (*e.g.,* intensive clinical practice). The original system of records notice for this study was published in the **Federal Register** on June 28, 2012 (77 FR 38611). This altered system of records notice reflects changes to the study's design based on the infeasibility of efficiently identifying a sufficient number of teachers eligible for an impact study design.

DATES: Submit your comments on this notice of an altered system of records or before March 4, 2015.

The Department filed a report describing the altered system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on January 20, 2015. This altered system of records will become effective at the later date of: (1) The expiration of the 40-day period for OMB review on March 2, 2015, unless OMB waives 10 days of the 40-day review period for compelling reasons shown by the Department, or (2) March 4, 2015, unless the system of records needs to be changed as a result of public comment or OMB review. The Department will publish any changes to the system of records or routine uses that result from public comment or OMB review.

ADDRESSES: Address all comments about this notice of an altered system of records to Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001. Telephone: (202) 208–7078. If you prefer to send your comments through the Internet, use the following address: *comments@ed.gov.*

You must include the phrase ''Study of Teacher Preparation Experiences and Early Teacher Effectiveness'' in the subject line of the electronic message.

During and after the comment period, you may inspect all public comments about this notice at the Department in room 502D, 555 New Jersey Avenue NW., Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dr. Audrey Pendleton Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001. Telephone: (202) 208–7078. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act (5 U.S.C. 552a(e)(4) and (e)(11)) requires the Department to publish in the **Federal Register** this notice of an altered system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in part 5b of title 34 of the Code of Federal Regulations (CFR).

The Privacy Act applies to records about individuals that contain individually identifying information and that are retrieved by a unique identifier associated with each individual, such as a name or Social Security number (SSN). The information about each individual is called a ''record,'' and the system, whether manual or computer-based, is called a ''system of records.''

The Privacy Act requires each agency to publish a notice of a system of records in the **Federal Register** and to prepare and send a report to OMB whenever the agency publishes a new system of records or makes a significant change to an established system of records. Each agency is also required to send copies of the report to the Chair of the Senate Committee on Homeland Security and Governmental Affairs and the Chair of the House Committee on Oversight and Government Reform. These reports are inc1uded to permit an evaluation of the probable effect of the proposal on the privacy rights of individuals.

In response to expert feedback, this study will examine the relationship between student learning outcomes and teaching preparation experiences that vary in terms of type (*e.g.,* coursework, fieldwork, and intensive feedback in the field) and content (*e.g.,* classroom management and instructional strategies). District, teacher, and student sample sizes and teacher data elements have been revised to allow for this analysis.

Accordingly, the Department has retitled the system of records (now ''Study of Teacher Preparation Experiences and Early Teacher Effectiveness,'' instead of ''Study of Promising Features of Teacher Preparation Programs'') and updated the section of the system of records notice entitled ''CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM'' to reflect that the system of records will contain records on approximately 1,518,950 students and 8,000 novice teachers from up to 50 school districts. The system of records will include personally identifying information on novice teachers of fourth through sixth grade students in study

districts and on students in those grades. The Department also has updated the section of the system of records notice entitled ''CATEGORIES OF RECORDS IN THE SYSTEM.'' For students, the information in the system of records will include school name; student identification number; birth date; demographic information such as race, ethnicity, and gender; and educational background, including individualized education program status, primary disability code (if applicable), English language learner status, and English language proficiency level (if applicable); whether enrolled in the National School Lunch Program; and scores on reading and mathematics achievement tests. For teachers, the system of records will include name and contact information; teacher identification number; Social Security number; demographic information such as race and ethnicity; information on postsecondary institution attended and teaching preparation experiences; and scores on postsecondary entrance exams. Additionally, the Department has updated the section of the system of records notice entitled ''PURPOSE(S)'' to reflect the changes to the study's design and research questions. The Department has also updated the section of the notice entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES'' to include disclosure to researchers. Finally, the Department has made minor updates to other sections of the system notice entitled ''SYSTEM LOCATIONS,'' ''AUTHORITY FOR MAINTENANCE OF THE SYSTEM,'' ''STORAGE,'' and ''RECORD SOURCE CATEGORIES.''

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

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

Dated: January 28, 2015.

Sue Betka,

Acting Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Director of the Institute of Education Sciences, U.S. Department of Education (Department) publishes a notice of an altered system of records to read as follows:

SYSTEM NUMBER:

18–13–29

SYSTEM NAME:

Study of Teacher Preparation Experiences and Early Teacher Effectiveness.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences (IES), U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001.

(2) Abt Associates, 55 Wheeler Street, Cambridge, MA 02138–1168 (contractor).

(3) Education Analytics, 555 West Washington Avenue, Madison, WI 53703–2615 (subcontractor).

(4) Westat, 1600 Research Boulevard, Rockville, MD 20850–3129 (subcontractor).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will contain records on approximately 1,518,950 fourth through sixth grade students and 8,000 novice teachers from up to 50 school districts.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records will include information about the students and teachers who participate in the study. For students, this information will include, but will not necessarily be limited to, school name; student identification number; birth date; enrolled grade; demographic information such as race, ethnicity, and gender; and educational background information, including individualized education program status, primary disability code (if applicable), English language learner status, and English language proficiency level (if applicable); whether enrolled in the National School Lunch Program; and scores on reading and mathematics achievement tests. For teachers, this information will include, but will not necessarily be limited to, name and contact information; teacher identification number; Social Security number; demographic information such as race and ethnicity; information on postsecondary institution attended and teaching preparation experiences; scores on postsecondary entrance exams.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The study is authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA)(20 U.S.C. 9561(b) and 9563) and section 9601 of the Elementary and Secondary Education Act of 1965, as amended (ESEA)(20 U.S.C. 7941).

PURPOSE(S):

The information contained in the records maintained in this system will be used to conduct a rigorous study of the relationship between student learning outcomes and teachers' preparation experiences.

The study will address the following central research question: What are the relationships between teacher preparation experiences and teacher effectiveness?

Secondary research questions for the study are:

What are the relationships between teacher preparation experiences and teacher effectiveness with English learners? Do relationships between teachers' preparation experiences and teacher effectiveness differ depending on teachers' assessments of the usefulness of the preparation experiences?

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine use listed here without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these disclosures on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a), under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of ESRA (20 U.S.C. 9573), which provides confidentiality standards that apply to all collection, reporting, and publication of data by IES. In disclosing personally identifiable information from students' education records, the Department must also comply with the requirements of the Family Educational Rights and Privacy

Act (FERPA) (20 U.S.C. 1232g; 34 CFR part 99), which protects the privacy of students' education records.

1. *Contract Disclosure.* If the Department contracts with an entity to perform any function that requires disclosing records in this system to the contractor's employees, the Department may disclose the records to those employees who have received the appropriate level of security clearance from the Department. Before entering into such a contract, the Department will require the contractor to establish and maintain the safeguards required under the Privacy Act (5 U.S.C. 552a(m)) with respect to the records in the system.

2. *Research Disclosure.* The Director of IES may license confidential information from this system of records to qualified external researchers solely for the purpose of carrying out specific research that is compatible with the purpose(s) of this system of records. The researcher must maintain, under the Privacy Act and section 183(c) of the ESRA, safeguards with respect to such records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Department maintains records on CD–ROM, and the contractor (Abt Associates Inc.) and sub-contractors (Education Analytics, Westat) maintain data for this system on computers and in hard copy.

RETRIEVABILITY:

Records in this system are indexed and retrieved by a unique number assigned to each individual that is cross-referenced by the individual's name on a separate list.

SAFEGUARDS:

All physical access to the Department's site and to the sites of the Department's contractor and subcontractors, where this system of records is maintained, is controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know basis and controls individual users' ability to access and alter records within the system.

The contractor and subcontractors have established a similar set of procedures at their sites to ensure confidentiality of data. The contractor and subcontractors are required to ensure that print data identifying individuals are in files physically separated from other research data and electronic files identifying individuals are separated from other electronic research data files. The contractor and subcontractors maintain security of the complete set of all master data files and documentation. Access to individually identifiable data is strictly controlled. At each site, all hardcopy data are kept in locked file cabinets during nonworking hours and work on hardcopy data takes place in a single room, except for data entry.

Physical security of electronic data is also maintained. Security features that protect project data include: Password-protected accounts that authorize users to use the contractor's system but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The Department's, contractor's, and subcontractors' employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the Privacy Act, FERPA, and the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Department's Records Disposition Schedules (GRS 23, Item 8).

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to a record about you in this system of records, contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request for access to a record must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

This system will contain records on teachers, and students participating in a study of teaching preparation experiences and teacher effectiveness. Data will be obtained through human resource and student records maintained by the school districts and surveys of teachers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015–01932 Filed 1–30–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–405]

Application To Export Electric Energy; Del Norte Energy LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Del Norte Energy LLC (Del Norte or Applicant) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before March 4, 2015.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act

(42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. § 824a(e)).

On January 14, 2015, DOE received an application from Del Norte for authority to transmit electric energy from the United States to Mexico as a power marketer for a five-year term using existing international transmission facilities. The Applicant is also requesting an expedited review of the Application and for DOE to issue the requested authorization no later than and effective February 28, 2015.

In its application, Del Norte states that it does not own or control any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that Del Norte proposes to export to Mexico would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments on Del Norte's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–405. An additional copy is to be provided directly to Sergio Julian Carrasco Astorga, Del Norte Energy LLC, 163 Humphrey Street, New Haven, CT 06511 and to Daniel E. Frank, Sutherland Asbill & Brennan LLP, 700 Sixth Street NW., Suite 700, Washington, DC 20001.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available by request to the addresses provided above or by accessing the program Web site at *http://energy.gov/node/11845.*

Issued in Washington, DC, on January 27, 2015.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2015–01957 Filed 1–30–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a meeting of the President's Council of Advisors on Science and Technology (PCAST). Notice of this meeting is required under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2.

DATES: October 23, 2014.

ADDRESSES: The meeting was held at the White House, 1600 Pennsylvania Ave. NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Questions about the meeting should be directed to Dr. Ashley Predith at *apredith@ostp.eop.gov,* (202) 456–4444.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from inside the White House, cabinet departments, and other Federal agencies. See the Executive Order at *http://www.whitehouse.gov/ostp/pcast.* PCAST is consulted about and provides analyses and recommendations concerning a wide range of issues where understandings from the domains of science, technology, and innovation may bear on the policy choices before the President. PCAST is co-chaired by Dr. John P. Holdren, Assistant to the President for Science and Technology, and Director, Office of Science and Technology Policy, Executive Office of the President, The White House; and Dr. Eric S. Lander, President, Broad Institute of the Massachusetts Institute of Technology and Harvard.

Type of Meeting: Closed.

Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) met with the President of the United States from 1:45–2:45 p.m. ET on October 23, 2014 at the White House. The location was chosen for the President's scheduling convenience and to maintain Secret Service protection. This meeting was planned and held on short notice due to the urgency of the topic and a **Federal Register** Notice could not be published before the meeting. PCAST has the authority to hold closed meetings with the President.

Public Comments: It is the policy of the PCAST to accept written public comments of any length, and to accommodate oral public comments whenever possible. Written comments are accepted continuously. Information regarding how to submit comments and documents to PCAST is available at *http://whitehouse.gov/ostp/pcast* in the section entitled ''Connect with PCAST.''

Please note that because PCAST operates under the provisions of FACA, all public comments will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site.

Issued in Washington, DC on January 27, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–01931 Filed 1–30–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, February 19, 2015, 6:00 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, 1017 Majestic Drive, Suite 200, Lexington, Kentucky 40513, (270) 441–6820.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate.

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.pgdpcab.energy.gov/2014Meetings.html.*

Issued at Washington, DC, on January 27, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–01956 Filed 1–30–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Basic Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Basic Energy Sciences Advisory Committee (BESAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Thursday, February 26, 2015 8:00 a.m. to 5:15 p.m.

Friday, February 27, 2015 9:00 a.m. to 12:00 noon.

ADDRESSES: Bethesda North Hotel and Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

FOR FURTHER INFORMATION CONTACT: Katie Perine, Office of Basic Energy Sciences; U.S. Department of Energy; SC–22/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–6529.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of this Board is to make recommendation to DOE–SC with respect to the basic energy sciences research program.

Tentative Agenda:

- Annual Ethics Briefing (BESAC Members Only)
- Call to Order, Introductions, Review of the Agenda
- News from the Office of Science (Budget)
- News from the Office of Basic Energy Sciences (Budget)
- Report by the BESAC Subcommittee on Transformational Opportunities
- NSLS–II Update
- BES Nanocenters Update
- Committee of Visitors for the Materials Sciences and Engineering Division
- Public Comments
- Adjourn

Breaks Taken As Appropriate

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Katie Perine at (301) 903–6594 (fax) or *katie.perine@science.doe.gov* (email). Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 30 days by contacing Ms. Perine at the address listed above.

Issued in Washington, DC on January 27, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–01906 Filed 1–30–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Biological and Environmental Research Advisory Committee (BERAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, February 26, 2015, 9:00 a.m. to 5:30 p.m., Friday, February 27, 2015, 8:30 a.m. to 11:30 p.m.

ADDRESSES: Sheraton Tysons Hotel, 8661 Leesburg Pike, Tysons, VA 22182.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Kuperberg, Designated Federal Officer, BERAC, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC–23/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290. Phone 301–903–3511; fax (301) 903–5051 or email: *michael.kuperberg@science.doe.gov*. The most current information concerning this meeting can be found on the Web site: *http://science.energy.gov/ber/berac/meetings/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

Tentative Agenda Topics:

- Report from the Office of Science
- Report from the Office of Biological and Environmental Research
- News from the Biological Systems Science and Climate and Environmental Sciences Divisions
- Response to the Biological Systems Science Division Committee of Visitors Report
- Climate and Environmental Sciences Division data activities
- Climate modeling update
- Integrated Field Laboratory workshop report and discussion

- Bioenergy Research Centers updates
- Science Talk
- New Business
- Public Comment

Public Participation: The day and a half meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Michael Kuperberg at the address or telephone number listed above. You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 45 days at the BERAC Web site: *http://science.energy.gov/ber/berac/meetings/berac-minutes/.*

Issued in Washington, DC, on January 27, 2015.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–01935 Filed 1–30–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a teleconference call of the Secretary of Energy Advisory Board (SEAB). SEAB was reestablished pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (the Act). This notice is provided in accordance with the Act.

DATES: Tuesday, February 17, 2015 from 11:30 a.m. to 12:30 p.m. (ET). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer (DFO) using the contact information listed below.

FOR FURTHER INFORMATION CONTACT: Karen Gibson, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone: (202) 586–3787; email: *seab@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board was established to provide advice and recommendations to the Secretary on the Department's basic and applied research, economic and national security policy, educational issues, operational issues, and other activities as directed by the Secretary.

Purpose of the Meeting: This meeting is a public meeting of the Board.

Tentative Agenda: The meeting will start at 11:30 a.m. on February 17, 2015. The tentative meeting agenda includes deliberations on a SEAB letter to the Department regarding the Report of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise and comments from the public. The meeting will conclude at 12:30 p.m. Agenda updates and a draft of the letter will be posted on the SEAB Web site: *www.energy.gov/seab.*

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Karen Gibson at the address or email address listed above. Requests to make oral comments must be received two business days prior to the meeting. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Those not able to join the teleconference call or who have insufficient time to address the committee are invited to send a written statement to Karen Gibson, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, or email to: *seab@hq.doe.gov.*

Minutes: The minutes of the meeting will be available by contacting Ms. Gibson. She may be reached at the postal address or email address above, or by visiting SEAB's Web site at *www.energy.gov/seab.*

Issued in Washington, DC on January 27, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–01909 Filed 1–30–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–22–000; CP15–24–000]

Dominion Cove Point LNG, LP; Notice of Extension of Comment Period for the St. Charles Transportation and Keys Energy Projects

On January 5, 2015, the Federal Energy Regulatory Commission (FERC or Commission) issued a *Notice of Intent (NOI) to Prepare an Environmental Assessment for the Proposed St. Charles Transportation and Keys Energy Projects and Request for Comments on Environmental Issues.* The notice solicited comments on the potential environmental impacts of the planned project, and listed the close of the public comment period as February 4, 2015.

Due to a limited printing delay in the mailing of the notice, we are extending the comment period. Please note that the scoping period will now close on February 20, 2015.

Please refer to the NOI for how to participate in the environmental proceeding.

Dated: January 23, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–01731 Filed 1–30–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Defense Programs Advisory Committee

AGENCY: Department of Energy, National Nuclear Security Administration, Office of Defense Programs.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice announces a closed meeting of the Defense Programs Advisory Committee (DPAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**. Due to national security considerations, under section 10(d) of the Act and 5 U.S.C. 552b(c), the meeting will be closed to the public and matters to be discussed are exempt from public disclosure under Executive Order 13526 and the Atomic Energy Act of 1954, 42 U.S.C. 2161 and 2162, as amended.

DATES: February 23, 2015, 8:00 a.m. to 5:00 p.m., and February 24, 2014, 8:00 a.m. to 4:30 p.m.

ADDRESSES: Lawrence Livermore National Laboratory, 7000 East Avenue, Livermore, CA 94550.

FOR FURTHER INFORMATION CONTACT: Loretta Martin, Office of RDT&E (NA–113), National Nuclear Security Administration, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586–7996.

SUPPLEMENTARY INFORMATION:

Background: The DPAC provides advice and recommendations to the

Deputy Administrator for Defense Programs on the stewardship and maintenance of the Nation's nuclear deterrent.

Purpose of the Meeting: The purpose of this meeting of the Defense Programs Advisory Committee is to discuss topics and provide advice and guidance with respect to the National Nuclear Security Administration stockpile stewardship and stockpile maintenance programs.

Type of Meeting: In the interest of national security, the meeting will be closed to the public. The Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at 552b(c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters will be discussed. Such data and matters will be discussed in each session.

Tentative Agenda: Day 1—Welcome, Topic 1, Topic 2. Day 2—Topic 2 continued, Topic 3.

Public Participation: There will be no public participation in this closed meeting. Those wishing to provide written comments or statements to the Committee are invited to send them to Loretta Martin at the address listed above.

Minutes: The minutes of the meeting will not be available.

Issued in Washington, DC, on January 27, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–01948 Filed 1–30–15; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0298]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 3, 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: 3060–0298.

Title: Part 61, Tariffs (Other than the Tariff Review Plan).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 3,840 respondents; 10,190 responses.

Estimated Time per Response: 20 hours to 50 hours.

Frequency of Response: On occasion, annual, biennial and one time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 151–155, 201–205, 208, 251–271, 403, 502 and 503 of the Communications Act of 1934, as amended.

Total Annual Burden: 272,400 hours.

Total Annual Cost: $1,519,700.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Respondents are not being asked to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe are confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On November 18, 2011, the Commission adopted the USF/ICC Transformation Order, FCC 11–161, and on April 25, 2012, the Second Order on Reconsideration, FCC 12–47. Pursuant to these orders, incumbent local exchange carriers (LECs) and competitive local exchange carriers are required to submit certain information in the tariff filings implementing these orders.

The information collected through the carriers' tariffs is used by the Commission and state commissions to determine whether services offered are just and reasonable as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–01846 Filed 1–30–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1170]

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 April 3, 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 Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1170.

Title: Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees—Notice Requirement Section 90.209.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 26 respondents; 26 responses.

Estimated Time per Response: 0.5—4 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is 47 U.S.C. 151, 152, 154, 301, 302(a), 303, 307, and 308 unless otherwise noted.

Total Annual Burden: 22 hours.

Total Annual Cost: $50,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: 47 CFR 90.209(b)(7), requires EA-based 800 MHz SMR licensees authorized to exceed the standard channel spacing and authorized bandwidth under Section 90.209(b)(5) to provide at least 30 days written notice prior to initiating service in the 813.5–824/858.5–869 MHz band to every 800 MHz public safety licensee with a base station in the affected NPSPAC region, and every 800 MHz public safety licensee within 113 kilometers (70 miles) of the affected region.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary. Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–01845 Filed 1–30–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 3, 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 Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Section 73.1216, Licensee-Conducted Contests.

Form Number: None. (Complaints alleging violations of the Contest Rule generally are filed on FCC Forms 2000E, 2000A or 2000F (OMB Control Number 3060 0874)).

Type of Review: Existing information collection in use without an OMB Control Number.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 20,481 respondents; 20,481 responses.

Estimated Time per Response: .25–9 hours.

Frequency of Response: Third party disclosure requirement.

Total Annual Burden: 209,930 hours.

Total Annual Costs: $6,144,300.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 1, 4 and 303 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The Commission adopted the Contest Rule in 1976 to address concerns about the manner in which broadcast stations were conducting contests over the air. The Contest Rule generally requires stations to broadcast material contest terms fully and accurately the first time the audience is told how to participate in a contest, and periodically thereafter. In addition, stations must conduct contests

substantially as announced. These information collection requirements are necessary to ensure that broadcast licensees conduct contests with due regard for the public interest.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–01852 Filed 1–30–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10262, Woodlands Bank, Bluffton, South Carolina

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Woodlands Bank, Bluffton, South Carolina (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Woodlands Bank on July 16, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to:

Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: January 28, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–01889 Filed 1–30–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: January 26, 2015.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10511	Highland Community Bank	Chicago	IL	1/23/2015

[FR Doc. 2015–01888 Filed 1–30–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

January 29, 2015.

TIME AND DATE: 10:00 a.m., February 10, 2015.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Closed.

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of the Commissioners that the Commission consider and act upon the following in closed session: *Brody Mining, LLC* v. *Secretary of Labor,* Docket Nos. WEVA 2014–82–R, et al. (Issues include whether to grant or deny the Secretary of Labor's Emergency Motion for Stay of ALJ's Order Dismissing Pattern-of-Violations Notice.) A certification regarding the closure of the meeting will be placed on the Commission's Web site (*www.fmshrc.gov*). Commission employees shall not attend this meeting unless they have been assigned to work on this case with Commissioners.

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2015–02076 Filed 1–29–15; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of

the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Acting Clearance Officer —John Schmidt— Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed —Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW.,Washington, DC 20503.

Final Approval Under OMB Delegated Authority To Pretest and Execute the Following Information Collection

Report title: 2016 Survey of Consumer Finances (SCF).

Agency form number: FR 3059.

OMB Control number: 7100–0287.

Frequency: One-time survey.

Reporters: U.S. families.

Estimated annual reporting hours: Pretest: 188 hours and Main survey: 8,750 hours.

Estimated average hours per response: Pretest, 75 minutes; and Main survey, 75 minutes.

Number of respondents: Pretest, 150; and Main survey, 7,000.

General description of report: This information collection is voluntary (12 U.S.C. 225a. and 263). The information collected on the FR 3059 is exempt from disclosure in identifiable form under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) and section (b)(3) of the Freedom of Information Act. (44 U.S.C. 3501, note, and 5 U.S.C. 552(b)(3)).

Abstract: This would be the twelfth triennial SCF since 1983, the beginning of the current series. This survey is the only source of representative information on the structure of U.S. families' finances. The survey would collect data on the assets, debts, income, work history, pension rights, use of financial services, and attitudes of a sample of U.S. families. Because the ownership of some assets is relatively concentrated in a small number of families, the survey would make a special effort to ensure proper representation of such assets by systematically oversampling wealthier families.

Current Actions: On October 29, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 64388) requesting public comment for 60 days regarding the pretest and execution of the 2016 Survey of Consumer Finances (SCF). The comment period for this notice expired on December 29, 2014. The Federal Reserve did not receive any comments. The survey will be conducted as proposed.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: The Recordkeeping and Disclosure Requirements Associated with the Guidance on Response Programs for Unauthorized Access to Customer Information.

Agency form number: FR 4100.

OMB control number: 7100–0309.

Frequency: Develop customer notice, one-time; Incident notification, event-generated.

Reporters: Financial institutions.

Estimated annual reporting hours: Develop response program, 456 hours; Incident notification, 5,436 hours.

Estimated average hours per response: Develop response program, 24 hours; Incident notification, 36 hours.

Number of respondents: Develop response program, 19; Incident notification, 151.

General description of report: This information collection is mandatory (15 U.S.C. 6801(b)). Since the Federal Reserve does not collect information associated with the FR 4100, any issue of confidentiality would not generally be an issue. However, confidentiality may arise if the Federal Reserve were to obtain a copy of a customer notice during the course of an examination or were to receive a copy of a Suspicious Activity Report (SAR; FR 2230; OMB No. 7100–0212). In such cases the information would be exempt from disclosure to the public under the Freedom of Information Act (5 U.S.C 552(b)(3), (4), and (8)). Also, a federal employee is prohibited by law from disclosing a SAR or the existence of a SAR (31 U.S.C. 5318(g)).

Abstract: The FR 4100 is the information collection associated with the *Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice* (security guidelines), which was published in the **Federal Register** in March 2005 (70 FR 15736). Trends in customer information theft and the accompanying misuse of that information led to the issuance of these security guidelines applicable to financial institutions. The security guidelines are designed to facilitate timely and relevant notification to affected customers and the appropriate regulatory authority of the financial institutions. The security guidelines provide specific direction regarding the development of response programs and customer notifications.

Current Actions: On October 29, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 64388) requesting public comment for 60 days on the extension, without revision, of the Recordkeeping and Disclosure Requirements Associated with the Guidance on Response Programs for Unauthorized Access to Customer Information. The comment period for this notice expired on December 29, 2014. The Federal Reserve did not receive any comments. The information collection will be extended as proposed.

Board of Governors of the Federal Reserve System, January 28, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–01887 Filed 1–30–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested

persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 26, 2015.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Guaranty Bancshares, Inc.,* Mount Pleasant, Texas; to acquire 100 percent of the voting shares of DCB Financial Corp., and thereby indirectly acquire voting shares of Preston State Bank, both in Dallas, Texas.

Board of Governors of the Federal Reserve System, January 28, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–01902 Filed 1–30–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 26, 2015.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Live Oak Bancshares, Inc.,* Wilmington, North Carolina; to acquire 100 percent of the voting shares Independence Trust Company, Franklin, Tennessee, a limited purpose savings association, through the merger of its parent company, Independence Holding Corporation, Franklin, Tennessee, and thereby engage in operating a savings association, and providing trust company and financial advisory services, pursuant to sections 225.28(b)(4)(ii), (b)(5), and (b)(6)(ii), respectively.

Board of Governors of the Federal Reserve System, January 28, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–01903 Filed 1–30–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Announcement of Public Workshop, ''Examining Health Care Competition''

AGENCY: Federal Trade Commission.

ACTION: Notice of public workshop and opportunity for comment.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') will hold a second public workshop on February 24–25, 2015, as part of the workshop series, ''Examining Health Care Competition,'' [1] to study recent developments related to health care provider organization and payment models that may affect competition and consumer protection in the provision of health care services. The workshop will be co-hosted by the Department of Justice, Antitrust Division (''DOJ''). Specific topics for discussion may include: early observations regarding accountable care organizations; alternatives to traditional fee-for-service payment models; trends in provider consolidation; trends in provider network and benefit design strategies, as well as contracting practices and regulatory activity that may enhance or undermine these strategies; and early observations regarding health insurance exchanges. This notice invites public comments on a series of topics. The FTC and DOJ (the ''Agencies'') will consider these comments as they prepare for the workshop and may use them in subsequent reports or policy papers, if any. For additional information, visit the workshop Web site at *http://www.ftc.gov/news-events/events-calendar/2015/02/examining-health-care-competition* or *http://www.justice.gov/atr/public/workshops/healthcare/2015/02/index.html.*

DATES: The workshop will be held on February 24–25, 2015, in the Auditorium of the Constitution Center at 400 7th Street SW., Washington, DC 20024. To be considered for the workshop, comments in response to this notice should be submitted by February 16, 2015. In addition, any interested person may submit written comments in response to this notice and workshop discussions until April 30, 2015. Prior to the workshop, the Agencies will publish an agenda and additional information on their Web sites.

ADDRESSES: Interested parties may file a comment for this workshop at *https://ftcpublic.commentworks.com/ftc/examhealthcareworkshop* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Health Care Workshop, Project No. P131207,'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/examhealthcareworkshop* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Health Care Workshop, Project No. P131207,'' on your comment, and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex X), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex X), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Stephanie Wilkinson, Attorney Advisor, Office of Policy Planning, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, 202–326–2084, *examininghealthcareworkshop@ftc.gov.* For more detailed information about the workshop, including an agenda, please visit the workshop Web site: *http://www.ftc.gov/news-events/events-calendar/2015/02/examining-health-care-competition* or *http://www.*

[1] The first workshop in the *Examining Health Care Competition* series was held on March 20–21, 2014, and examined issues concerning occupational regulation, interstate licensure and telehealth, health information technology, and price and quality transparency. *See http://www.ftc.gov/news-events/events-calendar/2014/03/examining-health-care-competition.*

justice.gov/atr/public/workshops/healthcare/2015/02/index.html.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission and U.S. Department of Justice seek to better understand the competitive dynamics and effects of evolving health care provider and payment models. In recent years, changes in the way that health care services and products are delivered and reimbursed have been occurring in response to diverse market trends, including pressure to reduce costs and improve quality in the health care industry. The Patient Protection and Affordable Care Act (''ACA'') may have accelerated many of these changes. Providers are increasingly seeking ways to improve the coordination of health care services to patients. Meanwhile, payers are seeking ways to incentivize providers to practice more efficient, outcomes-based medicine and to avoid the overutilization of services and products. This workshop and comment process are expected to identify and examine strategies currently used by providers and payers seeking to reduce costs and improve quality, with a particular emphasis on the strategies' potential implications for competition and consumer protection. Information obtained during this workshop and through comments will enrich the Agencies' knowledge in this critical sector of the economy and thereby support their enforcement, advocacy, and consumer education efforts.

This Notice invites comments on a number of topics, including:

- The kinds of changes occurring with respect to health care provider organization and payment models;
- the economic, quality enhancing, technological, regulatory, and legislative factors that may be influencing such changes; and
- additional empirical research that would be helpful in evaluating these topics.

The Agencies are particularly interested in receiving comments on the specific topics discussed below, and this Notice includes questions as examples of the types of information that are likely to be helpful. Commenters should feel neither compelled to answer each question nor constrained by the questions listed.

1. Early Observations of Accountable Care Organizations

Accountable care organizations (''ACOs'') are networks formed by physicians, hospitals, and other health care providers to coordinate patient care. Although the term ACO is used to describe a wide range of provider collaboration, ACO members typically share clinical and financial responsibilities for designated patient populations, and are held accountable for the quality, appropriateness, and efficiency of the health care services they provide. ACOs can be structured to serve commercial patient populations, Medicare or Medicaid patient populations, or a combination of patient populations.

Some health policy experts and economists have raised concerns that ACOs might increase the ability of providers to obtain and exercise market power. For example, providers participating in ACOs may be able to exercise market power through collective negotiations with payers. Furthermore, in preparing to form ACOs, some providers argue that they need to consolidate through merger, claiming that increased scale and resources will better position them to achieve positive results as an ACO. However, this may lead to more concentrated provider markets.

In 2011, the FTC and DOJ issued a joint statement regarding the antitrust enforcement policy that would be applied to ACOs participating in the Medicare Shared Savings Program.[2] Since that time, the Agencies have continued to monitor developments within the Medicare ACO programs, not only to enhance their understanding of these programs, but also to assess how they may impact the formation and operation of ACOs in commercial markets. For example, some health policy experts have observed that the Medicare ACO programs may encourage the development of ACOs that operate in commercial markets. Also, some have warned about the potential for cost-shifting from Medicare ACOs to commercial ACOs, which could result in higher prices for commercial patients.

Comments regarding early observations of ACOs might address the following types of questions:

- How are ACOs defined, and what are some of the challenges associated with clearly defining an ACO?
- How do ACOs operate? Are ACOs an effective mechanism for aligning the clinical and financial incentives of providers, payers, and patients?
- What strategies do ACOs use when trying to achieve the goals of reducing costs, improving quality, and increasing patient satisfaction?
- What are some similarities and differences between ACOs and patient-centered medical homes? Are there potential benefits to using these provider models in combination with each other?
- What preliminary observations can be made regarding the success or failure of ACOs that operate in Medicare, Medicaid, or commercial markets?
  - Is there any evidence of efficiencies, cost savings, or quality improvements?
- What preliminary observations can be made regarding the competitive impact of ACOs, particularly in commercial markets?
  - Is there any evidence of cost reductions or quality improvements as a result of increased competition among providers participating in ACOs?
  - What spill-over effects, if any, have been observed between Medicare and commercial ACOs, both positive and negative?
  - Is there any evidence to suggest that ACO formation has been a mechanism for competing or non-competing providers to achieve and exercise market power?
- What impact, if any, has ACO formation had on patient referral patterns?
- Has the FTC–DOJ joint policy statement provided helpful guidance to market participants?

2. Alternatives to Traditional Fee-for-Service Payment Models

Traditional fee-for-service payment models reimburse health care providers for services rendered. Some have argued that traditional fee-for-service payment models have contributed to the high cost of health care in the United States because these models may create incentives to maximize the volume of health care services provided. In recent years, various health policy experts, providers, and payers have emphasized the importance of shifting away from traditional fee-for-service payment models toward alternative payment models that seek to use performance indicators and patient outcomes to reward higher quality and more efficient use of medical services.

Comments regarding alternatives to traditional fee-for-service payment models might address the following types of questions:

- What are the alternatives to traditional fee-for-service payment models, including either reforms to fee-for-service (*e.g.,* maintaining a fee-for-service model and adding bonus incentives for achieving certain cost and/or quality benchmarks) or replacing fee-for-service with some type of prospective payment approach (*e.g.,* global payment, bundled payment,

[2] *See FTC–DOJ Statement of Antitrust Enforcement Policy Regarding Accountable Care Organizations Participating in the Medicare Shared Savings Program,* 60 FR 67,026 (Oct. 28, 2011), *available at http://www.gpo.gov/fdsys/pkg/FR-2011-10-28/pdf/2011-27944.pdf.*

partial capitation)? How are these terms defined?

○ Who bears the financial risk in each model?

○ How are prices established in each model? Is competition a significant factor in establishing prices for these models?

• How does the use of alternative payment models affect the incentives of payers, providers, and patients? How does this differ from the incentives created by traditional fee-for-service payment models?

• What are the challenges of transitioning from traditional fee-for-service to an alternative payment model?

• What are the economic, quality, legal, or regulatory factors influencing this shift away from traditional fee-for-service reimbursement?

• What impact, if any, do alternative reimbursement methods have on efficient forms of provider organization?

• Is there a relationship between the size and scale of a provider organization and its capacity to bear financial risk? What size and scale is sufficient for a provider organization to participate in existing or future risk-bearing programs?

• What are the competitive implications of this shift away from traditional fee-for-service reimbursement?

• Is there any evidence that alternative payment models increase competition among providers?

• Is there any evidence that alternative payment models improve coordination and quality of care or reduce costs?

• Is there any evidence of alternative payment models leading to restrictions on the availability of, or patient use of, essential health care services?

3. Trends in Provider Consolidation

Over the last two decades, there has been significant consolidation among health care providers, particularly among hospitals. Some economists and health policy experts point to this consolidation as a contributor to the rise in health care costs in the United States. The Agencies have a long history of analyzing this consolidation and bringing enforcement actions against specific mergers and acquisitions when they believe an antitrust violation has occurred. Since the passage of the ACA, some providers have argued that further consolidation is necessary to achieve quality improvements and cost reductions through more efficient health care delivery systems. The Agencies have long observed that in many cases providers may achieve these benefits through various forms of collaboration rather than consolidation.

Comments regarding trends in provider consolidation might address the following types of questions:

a. Hospital-Physician Practice Consolidation

• What economic, quality, legal, or regulatory factors may be influencing consolidation between hospitals and physician practices?

• What factors should be considered when analyzing the competitive effects of mergers of complementary service providers?

• What evidence exists regarding the competitive effects of these arrangements, both positive and negative?

• What does evidence show regarding physician service fees and facility charges following the acquisition of physician practices by hospitals?

• Is there any evidence that merged hospital systems and physician practices have more bargaining power than they would have independently, thereby allowing them to negotiate higher reimbursement rates or otherwise increase prices?

• What does evidence demonstrate about the quality of health care services following the acquisition of physician practices by hospitals?

• Is there any evidence demonstrating that common ownership (*e.g.,* hospitals employing physicians or acquiring physician practices) produces better quality or cost outcomes than other forms of collaboration (*e.g.,* physicians of different specialties forming organizations that are not owned by hospitals, or virtual networks of physicians)?

b. ''Cross-Market'' Hospital Mergers

• Is there theory or evidence that mergers between hospitals that operate in different geographic or service markets may increase the combined entity's ability to negotiate higher reimbursement rates with health plans?

• If such mergers can lead to anticompetitive effects, what kinds of evidence and economic analysis would help to identify such effects?

• If traditional antitrust analysis of relevant product and geographic markets does not adequately identify anticompetitive harm in these situations, what other factors, if any, may help identify such harm?

c. Provider-Payer Consolidation

• What are the recent trends and some examples of providers and payers that have consolidated, or otherwise partnered, to offer integrated health care services and insurance plans to consumers?

• What are the competitive implications of such consolidation in both payer and provider markets?

○ Does this type of consolidation increase the incentives for exclusionary conduct or otherwise facilitate the exercise of market power? If so, under what circumstances?

○ Does this type of consolidation affect incentives to coordinate and improve the quality of health care, as well as reduce costs?

○ Does this type of consolidation increase competition in health insurance markets, by allowing providers to compete with payers?

4. Provider Network and Benefit Design

There are many ways for health plans to design provider networks and benefits packages for consumers, which range from individuals purchasing health insurance to large national employers contracting for health insurance coverage for their employees. Recent developments include strategies that limit the number of providers in a network. Certain contracting practices or regulatory activity may potentially enhance or undermine the use of these strategies to spur competition among providers and reduce health care costs.

Comments regarding provider network and benefit design might address the following types of questions:

• What types of provider network and benefit design strategies have been implemented recently or are under consideration?

• What are the competitive effects of network design strategies that limit the number of providers in a network (*e.g.,* narrow networks, tiered networks, reference pricing, etc.)?

○ Can these strategies lead to cost reductions or improved coordination and quality of care?

○ Are there circumstances under which they might create or facilitate the exercise of market power, or otherwise be anticompetitive?

• What is the relationship between market structure and network and benefit design?

○ Is robust provider competition a predicate for successful implementation of any of these designs?

○ Does concentration in health insurance markets impact provider network and benefit design strategies?

○ To what extent might some network and benefit designs enhance competition, even when provider or payer markets are highly concentrated?

• What types of provider-payer contracting practices may limit the

implementation of these types of network design strategies (*e.g.,* anti-tiering/anti-steering provisions, gag clauses, all-or-nothing contracting, and most-favored nation provisions)?

- How prevalent are these contracting practices and which parties seek to include them?
- What are the procompetitive rationales for adopting these provisions, and what are their potential anticompetitive effects?
- To what extent might these practices affect incentives for innovation in health plan pricing models?

• What types of regulatory or legislative interventions may enhance or undermine innovative network and benefit design strategies (*e.g.,* essential benefits and network adequacy requirements, any willing provider legislation, price transparency legislation, or prohibitions on certain provider-payer contracting practices)?

5. Early Observations of Health Insurance Exchanges

Most Americans receive health insurance through their employers. As a result of the ACA, individuals without employer-sponsored coverage can now purchase health insurance on public exchanges. Small group employers also can utilize public exchanges to make coverage available to their employees. In addition to public exchanges, private exchanges created by private sector companies, such as health insurance companies or consulting firms, also are emerging.

Comments regarding early observations of health insurance exchanges might address the following types of questions:

• How many and what types of plans are being offered on the exchanges?

• Who is buying on the exchanges and what types of plans are they choosing?

- Have actuarial values and other information created greater transparency and helped consumers make meaningful decisions about the health plans that they purchase?
- What does evidence demonstrate about the use of narrow provider networks in the exchange plan offerings?

• How do the state-based exchanges differ from the federally facilitated exchanges?

• How have the exchanges and related regulatory developments impacted competition in health insurance markets?

- Have the exchanges had any impact on the pricing of health insurance plans?
- Has there been entry or exit from the individual health insurance market as a result of the exchanges?
- Have incumbent health insurers offered new types of products or lowered their prices in response to competition from the exchanges?
- What has been the competitive impact of the multistate plans and cooperatives?
- Have there been any discernible changes to concentration levels in health insurance markets since the exchanges were introduced?
- Have requirements like minimum benefits, medical loss ratios, and guaranteed issue affected competition among health insurers?

• How do the exchanges impact antitrust enforcement?

- Is there potential for anticompetitive practices that may undermine competition on the exchanges?

• What are the recent trends in health insurance markets (*e.g.,* increased use of private exchanges, increasing self-insurance by employers, employers migrating employees to public or private exchanges, increased small-employer coverage)?

You can file a comment online or on paper. To be considered for the workshop, comments in response to this notice should be submitted by February 16, 2015. In addition, any interested person may submit written comments in response to this notice and workshop discussions until April 30, 2015. Comments should refer to ''Health Care Workshop, Project No. P131207.'' Comments filed in electronic form should be submitted using the following web link: *https://ftcpublic.commentworks.com/ftc/examhealthcareworkshop* and by following the instructions on the web-based form. If this notice appears at *http://www.regulations.gov,* you may also file an electronic comment through that Web site. The Agencies will consider all comments that regulations.gov forwards to them.

A comment filed in paper form should include the ''Health Care Workshop, Project No. P131207'' reference both in the text and on the envelope, and should be mailed to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex X), Washington, DC 20580, or delivered to the following address: Federal Trade Commission, Office of the Secretary, 400 7th Street SW., 5th Floor, Suite 5610 (Annex X), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Please note that your comment—including your name and state—will be placed on the public record of this proceeding, including on the publicly accessible FTC and DOJ Web sites, at *http://www.ftc.gov/os/publiccomments.shtm* and *http://www.justice.gov/atr/public/workshops/healthcare/2015/02/index.html.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission's Web site.

Because comments will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include ''trade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c). For any copyrighted material, please provide authorization (signed by the publisher or author if they retain the copyright) so that the material may be republished on the Agencies' Web sites.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, available at *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–01856 Filed 1–27–15; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) announces the next meeting of the Community Preventive Services Task Force (Task Force). The Task Force is an independent, nonpartisan, nonfederal, and unpaid panel. Its members represent a broad range of research, practice, and policy expertise in prevention, wellness, health promotion, and public health, and are appointed by the CDC Director. The Task Force was convened in 1996 by the Department of Health and Human Services (HHS) to identify community preventive programs, services, and policies that increase healthy longevity, save lives and dollars and improve Americans' quality of life. CDC is mandated to provide ongoing administrative, research, and technical support for the operations of the Task Force. During its meetings, the Task Force considers the findings of systematic reviews on existing research and issues recommendations. Task Force recommendations provide information about evidence-based options that decision makers and stakeholders can consider when determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents. The Task Force's recommendations, along with the systematic reviews of the scientific evidence on which they are based, are compiled in The *Guide to Community Preventive Services (Community Guide).*

DATES: The meeting will be held on Wednesday, February 25, 2015 from 8:30 a.m. to 6:00 p.m. EST and Thursday, February 26, 2015 from 8:30 a.m. to 1:00 p.m. EST.

ADDRESSES: The Task Force Meeting will be held at CDC Edward R. Roybal Campus, Tom Harkin Global Communications Center (Building 19), 1600 Clifton Road NE., Atlanta, GA 30333. You should be aware that the meeting location is in a Federal government building; therefore, Federal security measures are applicable. For additional information, please see Roybal Campus Security Guidelines under **SUPPLEMENTARY INFORMATION.** Information regarding meeting logistics will be available on the Community Guide Web site (*www.thecommunityguide.org*).

Meeting Accessibility: This meeting is open to the public, limited only by space availability in the meeting location. All meeting attendees must RSVP to ensure the required security procedures are completed to gain access to the CDC's Global Communications Center.

U.S. citizens must RSVP by 2/15/2015.

Non U.S. citizens must RSVP by 2/9/2015 due to additional security steps that must be completed.

In addition to in-person participation, individuals may view presentations via live video stream on the Internet. Those interested in accessing the live stream must also RSVP, and additional information will be sent to registrants requesting connectivity via the Internet in advance of the meeting. Failure to RSVP by the dates identified could result in an inability to attend the Task Force meeting due to the strict security regulations on federal facilities.

For Further Information and to RSVP Contact: Terica Scott, The Community Guide Branch; Division of Epidemiology, Analysis, and Library Services; Center for Surveillance, Epidemiology and Laboratory Services; Office of Public Health Scientific Services; Centers for Disease Control and Prevention, 1600 Clifton Road, MS–E–69, Atlanta, GA 30333, phone: (404) 498–6360, email: *CPSTF@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The purpose of the meeting is for the Task Force to consider the findings of systematic reviews and issue findings and recommendations. Task Force recommendations provide information about evidence-based options that decision makers and stakeholders can consider when determining what best meets the specific needs, preferences, available resources, and constraints of their jurisdictions and constituents.

Matters To Be Discussed: Vaccinations, Obesity, Cardiovascular Disease, and Health Equity. Topics are subject to change.

Roybal Campus Security Guidelines: The Edward R. Roybal Campus is the headquarters of the U.S. Centers for Disease Control and Prevention and is located at 1600 Clifton Road NE., Atlanta, Georgia. The meeting is being held in a Federal government building; therefore, Federal security measures are applicable.

All meeting attendees must RSVP by the dates outlined under *Meeting Accessability.* In planning your arrival time, please take into account the need to park and clear security. All visitors must enter the Roybal Campus through the entrance on Clifton Road. Your car may be searched, and the guard force will then direct visitors to the designated parking area. Upon arrival at the facility, visitors must present government issued photo identification (*e.g.,* a valid federal identification badge, state driver's license, state non-driver's identification card, or passport). Non-United States citizens must complete the required security paperwork prior to the meeting date and must present a valid passport, visa, Permanent Resident Card, or other type of work authorization document upon arrival at the facility. All persons entering the building must pass through a metal detector. Visitors will be issued a visitor's ID badge at the entrance to Building 19 and may be escorted to the meeting room. All items brought to HHS/CDC are subject to inspection.

Dated: January 27, 2015.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2015–01875 Filed 1–30–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9088–N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—October Through December 2014

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

ACTION: Notice.

SUMMARY: This quarterly notice lists CMS manual instructions, substantive and interpretive regulations, and other **Federal Register** notices that were published from October through December 2014, relating to the Medicare and Medicaid programs and other programs administered by CMS.

FOR FURTHER INFORMATION CONTACT: It is possible that an interested party may

need specific information and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing contact persons to answer general questions concerning each of the addenda published in this notice.

Addenda	Contact	Phone Number
I CMS Manual Instructions	Ismael Torres	(410) 786-1864
II Regulation Documents Published in the **Federal Register**	Terri Plumb	(410) 786-4481
III CMS Rulings	Tiffany Lafferty	(410)786-7548
IV Medicare National Coverage Determinations	Wanda Belle	(410) 786-7491
V FDA-Approved Category B IDEs	John Manlove	(410) 786-6877
VI Collections of Information	Mitch Bryman	(410) 786-5258
VII Medicare –Approved Carotid Stent Facilities	Lori Ashby	(410) 786-6322
VIII American College of Cardiology-National Cardiovascular Data Registry Sites	Marie Casey, BSN, MPH	(410) 786-7861
IX Medicare's Active Coverage-Related Guidance Documents	JoAnna Baldwin	(410) 786-7205
X One-time Notices Regarding National Coverage Provisions	JoAnna Baldwin	(410) 786-7205
XI National Oncologic Positron Emission Tomography Registry Sites	Stuart Caplan, RN, MAS	(410) 786-8564
XII Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities	Marie Casey, BSN, MPH	(410) 786-7861
XIII Medicare-Approved Lung Volume Reduction Surgery Facilities	Marie Casey, BSN, MPH	(410) 786-7861
XIV Medicare-Approved Bariatric Surgery Facilities	Jamie Hermansen	(410) 786-2064
XV Fluorodeoxyglucose Positron Emission Tomography for Dementia Trials	Stuart Caplan, RN, MAS	(410) 786-8564
All Other Information	Annette Brewer	(410) 786-6580

I. Background

The Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs and coordination and oversight of private health insurance. Administration and oversight of these programs involves the following: (1) Furnishing information to Medicare and Medicaid beneficiaries, health care providers, and the public; and (2) maintaining effective communications with CMS regional offices, state governments, state Medicaid agencies, state survey agencies, various providers of health care, all Medicare contractors that process claims and pay bills, National Association of Insurance Commissioners (NAIC), health insurers, and other stakeholders. To implement the various statutes on which the programs are based, we issue regulations under the authority granted to the Secretary of the Department of Health and Human Services under sections 1102, 1871, 1902, and related provisions of the Social Security Act (the Act) and Public Health Service Act. We also issue various manuals, memoranda, and statements necessary to administer and oversee the programs efficiently.

Section 1871(c) of the Act requires that we publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every 3 months in the **Federal Register**.

II. Format for the Quarterly Issuance Notices

This quarterly notice provides only the specific updates that have occurred in the 3-month period along with a hyperlink to the full listing that is available on the CMS Web site or the appropriate data registries that are used as our resources. This is the most current up-to-date information and will be available earlier than we publish our quarterly notice. We believe the Web site list provides more timely access for beneficiaries, providers, and suppliers. We also believe the Web site offers a more convenient tool for the public to find the full list of qualified providers for these specific services and offers more flexibility and ''real time'' accessibility. In addition, many of the Web sites have listservs; that is, the public can subscribe and receive immediate notification of any updates to the Web site. These listservs avoid the need to check the Web site, as notification of updates is automatic and sent to the subscriber as they occur. If assessing a Web site proves to be difficult, the contact person listed can provide information.

III. How To Use the Notice

This notice is organized into 15 addenda so that a reader may access the subjects published during the quarter covered by the notice to determine whether any are of particular interest. We expect this notice to be used in concert with previously published notices. Those unfamiliar with a description of our Medicare manuals should view the manuals at *http://www.cms.gov/manuals.*

Dated: January 23, 2015.

Kathleen Cantwell,

Director, Office of Strategic Operations and Regulatory Affairs.

BILLING CODE 4120–01–P

Publication Dates for the Previous Four Quarterly Notices

We publish this notice at the end of each quarter reflecting information released by CMS during the previous quarter. The publication dates of the previous four Quarterly Listing of Program Issuances notices are: January 31, 2014 (79 FR 5419), April 25, 2014 (79 FR 22976), July 25, 2014 (79 FR 43475) and November 14, 2014 (79 FR 68253). For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period along with a hyperlink to the website to access this information and a contact person for questions or additional information.

Addendum I: Medicare and Medicaid Manual Instructions (October through December 2014)

The CMS Manual System is used by CMS program components, partners, providers, contractors, Medicare Advantage organizations, and State Survey Agencies to administer CMS programs. It offers day-to-day operating instructions, policies, and procedures based on statutes and regulations, guidelines, models, and directives. In 2003, we transformed the CMS Program Manuals into a web user-friendly presentation and renamed it the CMS Online Manual System.

How to Obtain Manuals

The Internet-only Manuals (IOMs) are a replica of the Agency's official record copy. Paper-based manuals are CMS manuals that were officially released in hardcopy. The majority of these manuals were transferred into the Internet-only manual (IOM) or retired. Pub 15-1, Pub 15-2 and Pub 45 are exceptions to this rule and are still active paper-based manuals. The remaining paper-based manuals are for reference purposes only. If you notice policy contained in the paper-based manuals that was not transferred to the IOM, send a message via the CMS Feedback tool.

Those wishing to subscribe to old versions of CMS manuals should contact the National Technical Information Service, Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312 Telephone (703-605-6050). You can download copies of the listed material free of charge at: http://cms.gov/manuals.

How to Review Transmittals or Program Memoranda

Those wishing to review transmittals and program memoranda can access this information at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1,400 designated libraries throughout the United States. Some FDLs may have arrangements to transfer material to a local library not designated as an FDL. Contact any library to locate the nearest FDL. This information is available at http://www.gpo.gov/libraries/

In addition, individuals may contact regional depository libraries that receive and retain at least one copy of most federal government publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library. CMS publication and transmittal numbers are shown in the listing entitled Medicare and Medicaid Manual Instructions. To help FDLs locate the materials, use the CMS publication and transmittal numbers. For example, to find the Medicare Coverage of Ultrasound Screening for Abdominal Aortic Aneurysms (AAA) and Screening Fecal-Occult Blood Tests (FOBT) Coverage Criteria use CMS-Pub. 100-02, Transmittal No. 196.

Addendum I lists a unique CMS transmittal number for each instruction in our manuals or program memoranda and its subject number. A transmittal may consist of a single or multiple instruction(s). Often, it is necessary to use information in a transmittal in conjunction with information currently in the manual. For the purposes of this quarterly notice, we list only the specific updates to the list of manual instructions that have occurred in the 3-month period. This information is available on our website at www.cms.gov/Manuals.

Transmittal Number	Manual/Subject/Publication Number
	Medicare General Information (CMS-Pub. 100-01)
	None
	Medicare Benefit Policy (CMS-Pub. 100-02)
195	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
196	Medicare Coverage of Ultrasound Screening for Abdominal Aortic Aneurysms (AAA) and Screening Fecal-Occult Blood Tests (FOBT) Coverage Criteria
197	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
198	Medicare Coverage of Items and Services in Category A and B Investigational Device Exemption (IDE) Studies Coverage of Medical Devices Food and Drug Administration (FDA)-Approved Investigational Device Exemption (IDE) Studies

	Medicare Requirements for Coverage of Items and Services in FDA-Approved Category A and B IDE Studies Payment for Items and Services in Category A and B IDE Studies FDA Withdrawal of IDE Approval or Change in Categorization 16/10/General Exclusions from Coverage Re-evaluation of FDA-approved IDE Device Categorization Decision Hospital Institutional Review Board (IRB) Approved Non-significant Risk Devices 14/30.1/Payment for Hospital IRB Approved Non-significant Risk Devices Services Related to and Required as a Result of Services Which are Not Covered Under Medicare Confidentiality of IDE Information
199	Implementation of Changes in the End-Stage Renal Disease Prospective Payment System (ESRD PPS) for Calendar Year (CY) 2015 ESRD PPS Case-Mix Adjustments Renal Dialysis Items and Services Laboratory Services Drugs and Biologicals Definitions Relating to ESRD Home Dialysis Items and Services Equipment and Supplies Other Services ESRD Prospective Payment System (PPS) Base Rate Home Dialysis Training
200	Implementation of Changes in the End-Stage Renal Disease Prospective Payment System (ESRD PPS) for Calendar Year (CY) 2015 Definitions Relating to ESRD Renal Dialysis Items and Services Laboratory Services ESRD PPS Case-Mix Adjustments Equipment and Supplies Home Dialysis Items and Services Home Dialysis Training Other Services ESRD Prospective Payment System (PPS) Base Rate Drugs and Biologicals
201	Medicare Benefit Policy Manual - RHC and FQHC Update - Chapter 13 RHC General Information Copayment for FQHC Preventive Health Services Requirements FQHC Staffing RHC and FQHC Visits Location Hours of Operation Multiple Visits on Same Day and Exceptions Global Billing RHC Services FQHC Services Non RHC/FQHC Services Description of Non RHC/FQHC Services RHC and FQHC Payment Rates, Exceptions, and Adjustments
	RHCs and FQHCs Billing Under the AIR RHC Per-Visit Payment Limit and Exceptions FQHC Per-Visit Payment Limit FQHCs Billing Under the PPS Payment Rate and Adjustments Payment Codes for FQHCs Billing Under the PPS Cost Reports Productivity Standards RHC and FQHC Patient Charges, Coinsurance, Deductible and Waivers Charges and Waivers Graduate Medical Education Transitional Care Management (TCM) Services Services and Supplies Furnished Incident to Physician's Services Provision of Incident to Services and Supplies Payment for Incident to Services and Supplies Nurse Practitioner, Physician Assistant, and Certified Nurse Midwife Services Outpatient Mental Health Treatment Limitation Physical and Occupational Therapy Description of Visiting Nursing Services Requirements of Visiting Nursing Services Home Health Agency Shortage Area Telehealth Services Preventive Health Services Preventive Health Services in RHCs Copayment and Deductible for RHC Preventive Health Services Preventive Health Services in FQHCs FQHC General Information
202	Modifications to Medicare Part B Coverage of Pneumococcal Vaccinations Immunizations
Medicare National Coverage Determination (CMS-Pub. 100-03)	
175	Intensive Cardiac Rehabilitation Program - Benson-Henry Institute Cardiac Wellness Program
176	Medicare Coverage of Ultrasound Screening for Abdominal Aortic Aneurysms (AAA) and Screening Fecal-Occult Blood Tests (FOBT) Colorectal Cancer Screening Tests
177	Screening for Hepatitis C Virus (HCV) in Adults
178	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
Medicare Claims Processing (CMS-Pub. 100-04)	
3083	Form CMS-1500 Instructions: Revised for Form Version 02/12 Items 14-33 Provider of Service or Supplier Information Items 1-11 Patient and Insured Information Items11a-13 Patient and Insured Information Health Insurance Claim Form CMS-1500
3084	Intensive Cardiac Rehabilitation Program - Benson-Henry Institute Cardiac Wellness Program Requirements for CR and ICR Services on Institutional Claims
3085	Update to Pub. 100-04, Chapter 17 to Provide Language-Only Changes for Updating ICD-10 and ASC X12 Claims Processing Requirements - General Billing Drugs Electronically - NCPDP

	MSN/Claim Adjustment Message Codes for Oral Cancer Drug Denials HCPCD Codes for Oral Anti-Emetic Drugs Submitting the Prescription Order Numbers and No Pay Modifiers Billing and Payment Instructions for A/B MACs (A) Requirements for Billing A/B MAC (A) for Immunosuppressive Drugs MSN/Remittance Messages for Immunosuppressive Drugs Intravenous Immune Globulin Claims Processing Rules for ESAs Administered to Cancer Patients for Anti-Anemia Therapy Hospital Outpatient Payment Under OPPS for New, Unclassified Drugs and Biologicals After FDA Approval But Before Assignment of a Product-Specific Drug or Biological HCPCS Code Hospital Billing For Take-Home Drugs The Competitive Acquisition Program (CAP) for Drugs and Biologicals Not Paid on a Cost or Prospective Payment Basis Denial/Claim Adjustment and Remark Messages for Anti-Emetic Drugs
3086	Update to Pub. 100-04, Chapter 1 to Provide Language-Only Changes for Updating ICD-10 and ASC X12 Foreword Formats for Submitting Claims to Medicare Electronic Submission Requirements Paper Formats for Institutional Claims Paper Formats for Professional and Supplier Claims Remittance Advices Payment Jurisdiction Among Local A/B MACs for Services Paid Under the Physician Fee Schedule Claims Processing Instructions for Payment Jurisdiction Payment to Physician or Other Supplier for Diagnostic Tests Subject to the Anti-01/Markup Payment Limitation/ Claims Submitted to A/B MACs (B) Billing Procedures for Entities Qualified to Receive Payment on Basis of Reassignment/ for A/B MACs(B) Processed Claims Billing for Diagnostic Tests (Other Than Clinical Diagnostic Laboratory Tests) Subject to the Anti-Markup Payment Limitation/ Claims Submitted to AB/MACs(B) Billing Form as Request for Payment Beneficiary Request for Payment on Provider Record – Institutional Claims ASC X12 837 Institutional Claim Format and Form CMS 1450 Definition of a Claim for Payment Policy and Billing Instructions for Condition Code 44 General Information on Non-covered Charges on Institutional Claims Determining Start Date of Timely Filing Period -- Date of Service Form Prescribed by CMS In Accordance with CMS Instructions Handling Incomplete or Invalid Submissions Claims Forms CMS 1490S and CMS-1450 Conditional Data Element Requirements for A/B MACs (B) and DME MACs B MAC(B) Specific Requirements for Certain Specialties/ Services Payer Only Codes Utilized by Medicare Inpatient Part A Hospital Adjustment Bills Consistency Edits for Institutional Claims
3087	2015 Annual Update for the Health Professional Shortage Area (HPSA) Bonus Payments
3088	2015 Annual Update of Healthcare Common Procedure Coding System (HCPCS) Codes for Skilled Nursing Facility (SNF) Consolidated Billing (CB) Update
3089	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3090	Ambulance Inflation Factor for CY 2015 and Productivity Adjustment Ambulance Inflation Factor (AIF)
3091	Update to Pub. 100-04 Chapter 13 to Provide Language-Only Changes for Updating ICD-10 and ASC X12 ICD Coding for Diagnostic Tests A/B MAC (A)Payment for Low Osmolar Contrast Material (LOCM) (Radiology) Special Billing Instructions for RHCs Payment Requirements Medicare Summary Notices (MSN), Reason Codes, and Remark Codes Billing Instructions Coverage for PET Scans for Dementia and Neurodegenerative Diseases Payment Methodology and HCPCS Coding Billing and Coverage Changes for PET Scans Billing and Coverage Changes for PET Scans for Cervical Cancer Effective for Services on or After November 10, 2009 Billing and Coverage Changes for PET (NaF-18) Scans to Identify Bone Metastasis of Cancer Effective for Claims With Dates of Services on or After February 26, 2010 EMC Formats Billing Requirements for CMS - Approved Clinical Trials and Coverage With Evidence Development Claims for PET Scans for Neurodegenerative Diseases, Previously Specified Cancer Indications, and All Other Cancer Indications Not Previously Specified
3092	Annual Medicare Physician Fee Schedule (MPFS) Files Delivery and Implementation
3093	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3094	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3095	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3096	Medicare Coverage of Ultrasound Screening for Abdominal Aortic Aneurysms (AAA) and Screening Fecal-Occult Blood Tests (FOBT) Coverage Initial Preventive Physical Examination (IPPE) and Annual Wellness Visit (AWV) Initial Preventive Physical Examination (IPPE) Ultrasound Screening for Abdominal Aortic Aneurysm (AAA) Definitions HCPCS Codes, Frequency Requirements, and Age Requirements (If Applicable)
3097	October Update to the CY 2014 Medicare Physician Fee Schedule Database

	(MPFSDB)
3098	Reporting the Service Location National Provider Identifier (NPI) on Anti-Markup and Reference Laboratory Claims 3099Payment Jurisdiction for Services Subject to the Anti-Markup Payment Limitation Diagnostic Tests Subject to the Anti-Markup Payment Limitation Billing for Diagnostic Tests (Other Than Clinical Diagnostic Laboratory Tests) Subject to the Anti-Markup Payment Limitation/Claims Submitted to A/B MACs (B) Conditional Data Element Requirements for A/B MACs (B) and DMEMACs Carrier Specific Requirements for Certain Specialties/Services Paper Claim Submission To Carriers/B MACs (B) Electronic Claim Submission to Carriers/B MACs B) Items 14-33 - Provider of Service or Supplier Information Payment to Physician or Other Supplier for Diagnostic Tests Subject to the Anti-Markup Payment Limitation - Claims Submitted to A/B MACs (B)
3099	Instructions for Retrieving the 2015 Pricing and HCPCS Data Files through CMS' Mainframe Telecommunications Systems
3100	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3101	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3102	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3103	Reporting the Service Location National Provider Identifier (NPI) on Anti-Markup and Reference Laboratory Claims Payment Jurisdiction for Services Subject to the Anti-Markup Payment Limitation Diagnostic Tests Subject to the Anti-Markup Payment Limitation Billing for Diagnostic Tests (Other Than Clinical Diagnostic Laboratory Tests) Subject to the Anti-Markup Payment Limitation/Claims Submitted to A/B MACs (B) Conditional Data Element Requirements for A/B MACs (B) and DMEMACs Carrier Specific Requirements for Certain Specialties/Services Paper Claim Submission To Carriers/B MACs (B) Electronic Claim Submission to Carriers/B MACs B) Items 14-33 - Provider of Service or Supplier Information Payment to Physician or Other Supplier for Diagnostic Tests Subject to the Anti- Markup Payment Limitation - Claims Submitted to A/B MACs (B)
3104	Correction to Remittance Information When HIPPS Codes are Re-coded by Medicare Systems Decision Logic Used by the Pricer on Claims HH PPS Claims Adjustments of Episode Payment - Confirming OASIS Assessment Items
3105	Medicare Coverage of Items and Services in Category A and B Investigational Device Exemption (IDE) Studies Billing Requirements for Providers Billing for Category B IDE Devices and Routine Care Items and Services in Category B IDE Studies
	Billing Requirements for Providers Billing for Routine Care Items and Services in Category A IDE Studies Investigational Device Exemption (IDE) Studies
3106	Implementing the Payment Policies related to Patient Status from CMS-1599-F Inpatient Part B Hospital Services
3107	Medicare Shared Systems Modifications Necessary to Capture various HIPAA compliant fields Payments on the MPFS for Providers With Multiple Service Locations
3108	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3109	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3110	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3111	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3112	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3113	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3114	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3115	Modifications to the National Coordination of Benefits Agreement (COBA) Crossover Process Claims Crossover Disposition and Coordination of Benefits Agreement By-Pass Indicators
3116	Elimination of the 50/50 Payment Rule for Laboratory Services on End Stage Renal Disease (ESRD) Claims Lab Services Automated Multi-Channel Chemistry (AMCC) Tests for ESRD Beneficiaries
3117	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3118	Correction to Remittance Messages When Hospice Claims are Reduced Due to Late Filing of the Notice of Election. Data Required on the Institutional Claim to Medicare Contractor Notice of Election (NOE) - Form CMS 1450
3119	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3120	Therapy Cap Values for Calendar Year (CY) 2015
3121	2015 Annual Update to the Therapy Code List
3122	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3123	October Quarterly Update for 2014 Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Fee Schedule
3124	2015 Healthcare Common Procedure Coding System (HCPCS) Annual Update Reminder
3125	Implementation of Changes in the End-Stage Renal Disease Prospective Payment System (ESRD PPS) for Calendar Year (CY) 2015

	Required Information for In-Facility Claims Paid Under the Composite Rate and the ESRD PPS
3126	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3127	Screening for Hepatitis C Virus (HCV) in Adults Common Working File (CWF) Edits Institutional Billing Requirements Professional Billing Requirements Claim Adjustment Reason Codes (CARCs), Remittance Advice Remark Codes (RARCs), Group Codes, and Medicare Summary Notice (MSN) Messages Screening for Hepatitis C Virus (HCV
3128	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
3129	CY 2015 Update for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Fee Schedule
3130	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
3131	Common Edits and Enhancements Modules (CEM) Code Set Update
3132	Quarterly Update to the Correct Coding Initiative (CCI) Edits, Version 21.1, Effective April 1, 2015
3133	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
3134	Instructions for Downloading the Medicare ZIP Code File for April 2015
3135	Implement Operating Rules - Phase III ERA EFT: CORE 360 Uniform Use of Claim Adjustment Reason Codes (CARC) and Remittance Advice Remark Codes (RARC) Rule - Update from CAQH CORE
3136	Quarterly Update for the Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) - April 2015
3137	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
3138	Fiscal Year (FY) 2015 Inpatient Prospective Payment System (IPPS) and Long Term Care Hospital (LTCH) PPS Changes
3139	Implementation of Changes in the End-Stage Renal Disease Prospective Payment System (ESRD PPS) for Calendar Year (CY) 2015 Required Information for In-Facility Claims Paid Under the Composite Rate and the ESRD PPS
3140	Home Health Prospective Payment System (HH PPS) Rate Update for Calendar Year (CY) 2015
3141	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
3142	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity of Instruction
3143	Claim Status Category and Claim Status Codes Update
3144	Medicare Physician Fee Schedule Database (MPFSDB) 2015 File Layout Manual Addendum
3145	Home Health Prospective Payment System (HH PPS) Rate Update for Calendar Year (CY) 2015
3146	Preventive and Screening Services — Update - Intensive Behavioral Therapy for Obesity, Screening Digital Tomosynthesis Mammography, and Anesthesia Associated with Screening Colonoscopy
3147	Calendar Year (CY) 2015 Rural Health Clinic (RHC) and Federally Qualified Health Centers (FQHC) Updates: Payment Rate Increases for RHCs and FQHCs Billing Under the All-Inclusive Rate System (AIR) and Urban and Rural Designations for FQHCs Billing Under the AIR
3148	2015 Durable Medical Equipment Prosthetics, Orthotics, and Supplies Healthcare Common Procedure Coding System (HCPCS) Code Jurisdiction List
3149	New Waived Tests
3150	January 2015 Update of the Hospital Outpatient Prospective Payment System (OPPS) Billing for "Sometimes Therapy" Services that May be Paid as Non-Therapy Services for Hospital Outpatients Packaging Billing for Linear Accelerator (Robotic Image-Guided and Non-Robotic Image-Guided) SRS Planning and Delivery Comprehensive APCs
3151	Correction to Remittance Information When HIPPS Codes are Re-coded by Medicare Systems Adjustments of Episode Payment - Confirming OASIS Assessment Items HH PPS Claims Decision Logic Used by the Pricer on Claims
3152	Calendar Year (CY) 2015 Annual Update for Clinical Laboratory Fee Schedule and Laboratory Services Subject to Reasonable Charge Payment
3153	January 2015 Integrated Outpatient Code Editor (I/OCE) Specifications Version 16.0
3154	Automation of the Request for Reopening Claims Process Application to Special Claim Types
3155	Issued to a specific audience not posted to Internet/ Intranet due to Confidentiality of Instruction
3156	January 2015 Update of the Hospital Outpatient Prospective Payment System (OPPS) Billing for "Sometimes Therapy" Services that May be Paid as Non-Therapy Services for Hospital Outpatients Packaging Billing for Linear Accelerator (Robotic Image-Guided and Non-Robotic Image-Guided) SRS Planning and Delivery Comprehensive APCs
3157	Summary of Policies in the CY 2015 Medicare Physician Fee Schedule (MPFS) Final Rule and Telehealth Originating Site Facility Fee Payment Amount
3158	January 2015 Update of the Ambulatory Surgical Center (ASC) Payment System
3159	Modifications to Medicare Part B Coverage of Pneumococcal Vaccinations Roster Claims Submitted to Carriers/AB MACs for Mass Immunization Pneumococcal Vaccine
Medicare Secondary Payer (CMS-Pub. 100-05)	
105	Electronic Correspondence Referral System (ECRS) notification regarding Defense of Marriage Act (DOMA) and ICD-10 changes COBC Electronic Correspondence Referral System (ECRS)
106	Medicare Secondary Payer (MSP) Group Health Plan (GHP) Working Aged Policy -- Definition of "Spouse"; Same-Sex Marriages Definitions Working Aged

107	Update to Pub. 100-05, Chapters 05 and 06 to Provide Language-Only Changes for Updating ICD-10 and ASC X12 Medicare Secondary Payment Part A Claims Determination for Services Received on ASC X12 837 Institutional Electronic or Hard Copy Claim Formats Identification of Liability and No-Fault Situations Conditional Medicare Payment Medicare Secondary Payment Part B Claims Determination for Services Received on ASC X12 837 Professional Electronic Claims Sources That May Identify Other Insurance Coverage
108	Inpatient Hospital Claims and Medicare Secondary Payer (MSP) Claims with Medicare Coinsurance Days and/or Medicare Lifetime Reserve Days Occurring in the Seventh to Fifteenth Years Return Codes Payment Calculation for Inpatient Bills (MSPPAYAI Module)
109	Electronic Correspondence Referral System (ECRS) notification regarding Defense of Marriage Act (DOMA) and ICD-10 changes
Medicare Financial Management (CMS-Pub. 100-06)	
242	Medicare Financial Management Manual, Chapter 7, Internal Controls Certification Package for Internal Controls (CPIC) Requirements List of CMS Contractor Control Objectives Certification Statement CPIC - Report of Internal Control Deficiencies Statement on Standards for Attestation Engagements (SSAE) Number 16, Reporting on Controls at Service Providers Submission, Review, and Approval of Corrective Action Plans Corrective Action Plan (CAP) Reports CMS Finding Numbers Quarterly CAP Report OMB Circular A-123, Appendix A: Internal Controls Over Financial Reporting (ICOFR)
243	Notice of New Interest Rate for Medicare Overpayments and Underpayments - 1st Qtr Notfication for FY 2015
244	Treasury Report on Receivables (TROR) Reporting Debts RTA, Pending Final Disposition
245	Required Changes to the Company Entry Description Value in the Batch Header Record for Backup Withholding Files
246	Recovery Auditor Appeal Adjustments with "RI" Indicator Tracking Appeals and Reopenings
247	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
248	Revision of Pub. 100-06 - Medicare Financial Management Manual, Chapter 6 - Intermediary and Carrier Financial Reports, and Pub. 100-09 – Medicare Contractor Beneficiary and Provider Communications, Chapter 6 - Provider Customer Service Program Part B – Inquiries Body of Report
Medicare State Operations Manual (CMS-Pub. 100-07)	
123	Notice of New Interest Rate for Medicare Overpayments and Underpayments - 1st Qtr Notfication for FY 2015
124	Revisions to State Operations Manual (SOM), Appendix W, Interpretive Guidelines for Critical Access Hospitals
125	Revisions to State Operations Manual (SOM) Chapter 2
126	Revisions to State Operations Manual (SOM), Chapter 4 – "Program Administration and Fiscal Management"
127	Revisions to State Operations Manual (SOM), Chapter 4 – "Program Administration and Fiscal Management"
128	Revisions to State Operations Manual (SOM) Table of Contents Appendix J and Appendix Table of Contents Letter J Description
129	State Operations Manual (SOM) Appendix Y- Organ Procurement Organization (OPO) Interpretive Guidance Revisions to §486.318 Condition: Outcome Measures
130	Revisions to State Operations Manual (SOM), Appendix PP – "Guidance to Surveyors for Long Term Care Facilities"
Medicare Program Integrity (CMS-Pub. 100-08)	
546	Documentation for Durable Medical Equipment Prosthetics, Orthotics and Supplies (DMEPOS) Repair Claims. This CR rescinds and fully replaces CR 8843. Suppliers Documentation for DMEPOS Repair Claims
547	Review Timeliness Requirements for Complex Review Complex Medical Review Requesting Additional Documentation During Prepayment and Postpayment Review
548	Deletion of Program Integrity Manual Exhibit 34
549	Issued to a specific audience, not posted to Internet/ Intranet due to Sensitivity of Instruction
550	One on One Education
551	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
552	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
553	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
554	New Timeframe for Response to Additional Documentation Requests Time-Frames for Submission
555	Issued to a specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
556	Revisions to Pub. 100-08, Program Integrity Manual (PIM), Chapter 15 Background Owning and Managing Organizations End-Stage Renal Disease Facilities (ESRDs)
557	Update to CMS Publication 100-08, Chapter 3, Section 3.2.3.4 (Additional Documentation Request Required and Optional Elements) Additional Documentation Request Required and Optional Elements
558	Update to the Program Integrity Manual (Pub. 100-08) Exhibit 36 - Overview of the Comprehensive Error Rate Testing (CERT) Process CERT Formats for A/B MACs (B) and DME MACs and Shared Systems CERT Formats for A/B MAC (A) MACS and Shared Systems Overview of the CERT Process
559	Issued to a specific audience not, to Internet/Intranet due to Confidentiality of Instruction
560	Program Integrity Manual Chapter 12 Revision

	Contacting Non-Responders and Documentation Requests MAC Communication with the CERT Program Overview of the CERT Process Providing Sample Information to the CERT Review Contractor MAC Responsibility After Workload Transition Providing Feedback Information to the CERT Review Contractor Disputing/Disagreeing with a CERT Decision Handling Overpayments and Underpayments Resulting From the CERT Findings Disseminating CERT Information MAC Error Rate Reduction Plan (ERRPs) The Comprehensive Error Rate Testing (CERT) Program
561	Incorporation of Certain Provider Enrollment Policies in CMS-4159-F into Pub. 100-08, Program Integrity Manual (PIM), Chapter 15 Indian Health Services (IHS) Facilities Skilled Nursing Facilities (SNFs) Ambulatory Surgical Centers (ASCs) CLIA Labs Mammography Screening Centers Pharmacies 2/Revocations Radiation Therapy Centers Suppliers of Ambulance Services Intensive Cardiac Rehabilitation (ICR) Diabetes Self-Management Training (DSMT) Mass Immunizers Who Roster Bill Inter-Jurisdictional Reassignments Receiving Missing/Clarifying Data/Documentation Documentation Denials Non-Certified Suppliers and Individual Practitioners Certified Providers and Certified Suppliers Establishing an Effective Date of Medicare Billing Privileges Application Fees Claims against Surety Bonds Release of Information Deactivations Reactivations Reactivations - Deactivation for Reasons Other Than Non-Submission of a Claim/Reactivations - Deactivation for Non-Submission of a Claim Portable X-Ray Suppliers (PXRSs)
562	Issued to a specific audience not, to Internet/Intranet due to Confidentiality of Instruction
563	Issued to a specific audience not, to Internet/Intranet due to Confidentiality of Instruction
564	Issued to a specific audience not, to Internet/Intranet due to Confidentiality of Instruction
565	Update to CMS Publication 100-08, Chapter 3, Section 3.2.3.2 (Time Frames for Submission)

Medicare Contractor Beneficiary and Provider Communications (CMS-Pub. 100-09)	
30	None Revision of Pub. 100-06 - Medicare Financial Management Manual, Chapter 6 – Intermediary and Carrier Financial Reports, and Pub. 100-09 - Medicare Contractor Beneficiary and Provider Communications, Chapter 6 - Provider Customer Service Program Reporting Provider and Beneficiary Inquiry Workload Data in the Contractor Reporting of Operational Workload Data (CROWD)
Medicare Quality Improvement Organization (CMS- Pub. 100-10)	
	None
Medicare End Stage Renal Disease Network Organizations (CMS Pub 100-14)	
00	None
Medicaid Program Integrity Disease Network Organizations (CMS Pub 100-15)	
	None
Medicare Managed Care (CMS-Pub. 100-16)	
119	Chapter 16b: Special Needs Plans The majority of sections of the chapter were revised and rearranged. Additionally there are several sections with new content.
Medicare Business Partners Systems Security (CMS-Pub. 100-17)	
	None
Demonstrations (CMS-Pub. 100-19)	
109	Updates to the Model 4 Bundled Payment of Care Initiative (BPCI) Payment Calculation to Include Uncompensated Care Payment (UCP) and Reduction in Payment Due to Sequestration
110	Termination of Multi-Payer Advance Primary Care Practice (MAPCP) Demonstration in Minnesota and Pennsylvania
111	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
112	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
113	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
114	Affordable Care Act Bundled Payments for Care Improvement Initiative – Recurring File Updates Models 2 and 4 April 2015 Updates
One Time Notification (CMS-Pub. 100-20)	
1429	Fee for Service Beneficiary Data Streamlining (FFS BDS) Updates to Operational Issues
1430	Issued to a specific audience not posted to Internet/ Intranet due to Sensitivity of Instruction
1431	Issued to a specific audience not posted to Internet/ Intranet due to Sensitivity of Instruction
1432	Issued to a specific audience not posted to Internet/ Intranet due to Sensitivity of Instruction
1433	Additional Instruction on the Use of Claims Adjustment Reason Codes (CARCs) and Remittance Advice Remark Codes (RARCs) with Regard to Operating Rule: 360 Compliance
1434	Issued to a specific audience not posted to Internet/ Intranet due to Sensitivity of Instruction
1435	New Informational Unsolicited Response (IUR) Process for Durable Medical Equipment (DME) Items Furnished during a Part A Hospital Inpatient Stay

1436	Fee for Service Beneficiary Data Streamlining (FFS BDS) Phase II Analysis
1437	Data Quality Between the Multi Carrier System (MCS) and ViPS Medicare System (VMS) and the Common Working File (CWF)
1438	Data Quality between the Fiscal Intermediary Shared System (FISS) and the Common Working File (CWF)
1439	Issued to a specific audience not posted to Internet/ Intranet due to Sensitivity of Instruction
1440	Health Insurance Portability and Accountability Act (HIPAA) EDI Front End Updates for April 2015
1441	Implementation Instructions for the A/B and DME Medicare Administrative Contractors (MACs) and their Designated Shared Systems to Send the Correct Cost Avoided Indicator and Special Project Type to the Common Working File (CWF) To Ensure Correct Savings is Applied Both to the Medicare Secondary Payer (MSP) Savings Report and the Originating Contractor
1442	Issued to a specific audience not posted to Internet/ Intranet due to Sensitivity of Instruction
1443	Issued to a specific audience not posted to Internet/ Intranet due to Sensitivity of Instruction
1444	Analysis and Design to Automate Adjustments That Are Completed In The Common Working File (CWF) When Inpatient (INP) Or Skilled Nursing Facility (SNF) Claims Are Processed Out Of Sequence
1445	Rescind and Replace of CR 8409: Reclassification of Certain Durable Medical Equipment from the Inexpensive and Routinely Purchased Payment Category to the Capped Rental Payment Category
1446	IDR Shared Systems Daily Claims Feeds Expansion to Accommodate Medical Review Data Elements
1447	Rescind and Replace of CR 8409: Reclassification of Certain Durable Medical Equipment from the Inexpensive and Routinely Purchased Payment Category to the Capped Rental Payment Category
1448	Fee for Service Beneficiary Data Streamlining (FFS BDS) Updates to Operational Issues
1449	2015 Electronic Health Record System Payment Adjustment Letter
Medicare Quality Reporting Incentive Programs (CMS- Pub. 100-22)	
35	Issued to a specific audience not posted to Internet/ Intranet due to Confidentiality of Instructions
36	Issued to a specific audience not posted to Internet/ Intranet due to Confidentiality of Instructions
37	Issued to a specific audience not posted to Internet/ Intranet due to Confidentiality of Instructions
38	Issued to a specific audience not posted to Internet/ Intranet due to Confidentiality of Instructions

Addendum II: Regulation Documents Published in the Federal Register (October through December 2014)

Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. To purchase individual copies or subscribe to the **Federal Register,** contact GPO at www.gpo.gov/fdsys. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The **Federal Register** is available as an online database through GPO Access. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) through the present date and can be accessed at http://www.gpoaccess.gov/fr/index.html. The following website http://www.archives.gov/federal-register/ provides information on how to access electronic editions, printed editions, and reference copies.

This information is available on our website at: http://www.cms.gov/quarterlyproviderupdates/downloads/Regs-4Q14QPU.pdf

For questions or additional information, contact Terri Plumb (410-786-4481).

Addendum III: CMS Rulings

CMS Rulings are decisions of the Administrator that serve as precedent final opinions and orders and statements of policy and interpretation. They provide clarification and interpretation of complex or ambiguous provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters.

The rulings can be accessed at http://www.cms.gov/Regulations-and-Guidance/Guidance/Rulings. For questions or additional information, contact Tiffany Lafferty (410-786-7548).

Addendum IV: Medicare National Coverage Determinations (October through December 2014)

Addendum IV includes completed national coverage determinations (NCDs), or reconsiderations of completed NCDs, from the quarter covered by this notice. Completed decisions are identified by the section of the NCD Manual (NCDM) in which the decision appears, the title, the date the publication was issued, and the effective date of the decision. An NCD is a determination by the Secretary for whether or not a particular item or service is covered nationally under the Medicare Program (title XVIII of the Act), but does not include a determination of the code, if any, that is assigned to a particular covered item or service, or payment determination for a particular covered item or service. The entries below include information concerning completed decisions, as well as sections on program and decision memoranda, which also announce decisions or, in

some cases, explain why it was not appropriate to issue an NCD. Information on completed decisions as well as pending decisions has also been posted on the CMS website. For the purposes of this quarterly notice, we list only the specific updates that have occurred in the 3-month period. This information is available at: www.cms.gov/medicare-coverage-database/. For questions or additional information, contact Wanda Belle (410-786-7491).

Title	NCDM Section	Transmittal Number	Issue Date	Effective Date
Medicare Coverage of Ultrasound Screening for Abdominal Aortic Aneurysms (AAA) and Screening Fecal-Occult Blood Tests (FOBT)	NCD210.3	R176	10/17/2014	01/24/2014
Screening Hepatitis C Virus in Adults	NCD210.13	R177	11/19/2014	06/02/2014
Transcatheter Mitral Valve Repair (TMVR)-National Coverage Determination (NCD)	NCD20.33	R178	12/05/2014	08/07/2014

Addendum V: FDA-Approved Category B Investigational Device Exemptions (IDEs) (October through December 2014)

Addendum V includes listings of the FDA-approved investigational device exemption (IDE) numbers that the FDA assigns. The listings are organized according to the categories to which the devices are assigned (that is, Category A or Category B), and identified by the IDE number. For the purposes of this quarterly notice, we list only the specific updates to the Category B IDEs as of the ending date of the period covered by this notice and a contact person for questions or additional information. For questions or additional information, contact John Manlove (410-786-6877).

Under the Food, Drug, and Cosmetic Act (21 U.S.C. 360c) devices fall into one of three classes. To assist CMS under this categorization process, the FDA assigns one of two categories to each FDA-approved investigational device exemption (IDE). Category A refers to experimental IDEs, and Category B refers to non-experimental IDEs. To obtain more information about the classes or categories, please refer to the notice published in the April 21, 1997 **Federal Register** (62 FR 19328).

IDE	Device	Start Date
G140170	Syncardia Temporary Total Artificial Heart (TAH-T) System	10/03/2014
G140120	Revanesse Ultra	10/08/2014
G140171	Juvederm Voluma XC Gel Implant	10/08/2014
G140174	Spiration Valve System Model PIV-C26N	10/08/2014
G140175	IlluminOss Bone Stabilization System	10/08/2014
G140177	Tiara Valve; Tiara Delivery System	10/08/2014
G140172	AMICUS Separator System	10/09/2014
G130249	Rodo Abutment System	10/15/2014
G140055	Oncozene Microspheres	10/16/2014
G140104	Celotres	10/17/2014
G140173	A Randomize Trial Comparing Use of Continuous Glucose Monitoring with and without Routine Blood Glucose Monitoring in Adults with Type 1 Diabetes	10/20/2014
G140181	Medtronic Activa PC+S	10/29/2014
G140074	TriGuard HDH Embolic Deflection Device	10/29/2014
G140184	NovoTTF-100A System	10/30/2014
G140185	CompuFlo Epidural Computer Controlled Anesthesia System EPI 6000	10/31/2014
G140187	Medtronic Activa PC+S	10/31/2014
G140189	ThermoCool SmartTouch SF Catheter D-1347-XX-SI And D-1348-XX-SI	10/31/2014
G140188	Ventana PD-L1 (SP263) Rabbit Monoclonal Primary Antibody	10/31/2014
G140158	aura6000 Targeted Hypoglossal Neurostimulation (THN) System	11/06/2014
G140194	Lumifi With Crux Vena Cava Filter System Model 7070	11/07/2014
G140198	Vysis Egfr CDx Fish Kit (LISZT NO. 08N75)	11/07/2014
G140199	Brainsway Deep TMS Device For The Treatment of Post-Traumatic Stress Disorder (PTSD)	11/07/2014
G140200	Activa PC+S Neurostimulation System	11/13/2014
G140203	Activa PC+S Neurostimulation System and Neurostimulation Systems for DBS	11/14/2014
G140201	Pediatric Cystoscope For Use in Fetal Neural Tube Defect Repair	11/14/2014
G140207	TAAA Debranching Stent Graft System	11/20/2014
G140107	Bionir Ridaforolimus Eluting Coronary Stent System	11/21/2014
G140190	EXALENZ BREATHID LF System 13C-Methacetin Breath Test	11/24/2014
G140212	Self Expanding Mitral Transcatheter Heart Valve System, Model 9800	11/25/2014
G130285	Magnap (Magnetic Apnea Prevention) Device	11/28/2014
G140214	XprESS Device for Eustachian Tube Dilation	12/03/2014
G140215	Ventana PD-L1 (SP263) Rabbit Monoclonal Primary Antibody	12/03/2014
G140219	Cervical Pessary	12/04/2014
G140226	Med-El Maestro Cochlear Implant System	12/10/2014
G140223	Acell Matristem SurgicalMatrix PSMX-6 Layers-10cm x 15cm (Acell, Inc.); Boston Scientific Wallflex Fully Covered Esophageal Stent	12/11/2014
G140126	Alfapump	12/12/2014
G140225	Early Feasibility Study of The Networked Neuroprosthesis for Grasp and Trunk Function in Spinal Cord Injury	12/12/2014

IDE	Device	Start Date
G140230	Gore Tag Thoracic Branch Endoprosthesis	12/17/2014
G140235	Exalenz BreathID For Use With C-Laeled Palmitate	12/18/2014
G140229	Juvederm Voluma (Allergan)	12/19/2014
G140233	2008K@home Nocturnal Hemodialysis Indication	12/19/2014
G140234	1.5T And 3.0T MRI Scanners	12/19/2014
G140240	Bioprosthetic Mitral Valve System	12/19/2014
G140193	Starflo Glaucoma Implant Model 92101	12/19/2014
G140239	Doctormate Renqiao Remote Ischemic Conditioning Device Type: IPC-906X	12/21/2014

Addendum VI: Approval Numbers for Collections of Information (October through December 2014)

All approval numbers are available to the public at Reginfo.gov. Under the review process, approved information collection requests are assigned OMB control numbers. A single control number may apply to several related information collections. This information is available at www.reginfo.gov/public/do/PRAMain. For questions or additional information, contact Mitch Bryman (410-786-5258).

Addendum VII: Medicare-Approved Carotid Stent Facilities, (October through December 2014)

Addendum VII includes listings of Medicare-approved carotid stent facilities. All facilities listed meet CMS standards for performing carotid artery stenting for high risk patients. On March 17, 2005, we issued our decision memorandum on carotid artery stenting. We determined that carotid artery stenting with embolic protection is reasonable and necessary only if performed in facilities that have been determined to be competent in performing the evaluation, procedure, and follow-up necessary to ensure optimal patient outcomes. We have created a list of minimum standards for facilities modeled in part on professional society statements on competency. All facilities must at least meet our standards in order to receive coverage for carotid artery stenting for high risk patients. For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period. This information is available at: http://www.cms.gov/MedicareApprovedFacilitie/CASF/list.asp#TopOfPage For questions or additional information, contact Lori Ashby (410-786-6322).

Facility	Provider Number	Effective Date	State
The following facilities are new listings for this quarter.			
Los Alamitos Medical Center 3751 Katella Avenue Los Alamitos, CA 90720	050551	10/10/2014	CA
Walnut Hill Medical Center 7502 Greenville Avenue Dallas, TX 75231	670092	10/30/2014	TX
Einstein Medical Center Montgomery 559 West Germantown Pike East Norriton, PA 19403	390329	12/15/2014	PA
Editorial changes (in bold) for this quarter.			
Physicians Regional Healthcare System, Collier Boulevard 8300 Collier Boulevard Naples, FL 34114	100286	04/12/2012	FL
Physicians Regional Healthcare System, Pine Ridge 6101 Pine Ridge Road Naples, FL 34119	100286	11/16/2006	FL
FROM: Heart Hospital of New Mexico **TO: Heart Hospital of New Mexico at Lovelace Medical Center** 504 Elm Street N.E. Albuquerque, NM 87102	**32009**	06/20/2005	NM
FROM: Swedish Medical Center-Providence Campus **TO: Swedish Medical Center- Cherry Hill** **500 17th Avenue Seattle WA 98122**	500025	05/23/2005	WA
FROM: The Indiana Heart Hospital, LLC **TO: Community Heart and Vascular Hospital** 1500 N. Ritter Indianapolis, IN 46219	**15-0074**	08/04/2005	IN

Addendum VIII: American College of Cardiology's National Cardiovascular Data Registry Sites (October through December 2014)

Addendum VIII includes a list of the American College of Cardiology's National Cardiovascular Data Registry Sites. We cover implantable cardioverter defibrillators (ICDs) for certain clinical indications, as long as information about the procedures is reported to a central registry. Detailed descriptions of the covered indications are available in the NCD. In January 2005, CMS established the ICD Abstraction Tool through the Quality Network Exchange (QNet) as a temporary data collection mechanism. On October 27, 2005, CMS announced that the American College of Cardiology's National Cardiovascular Data Registry (ACC-NCDR) ICD Registry satisfies the data reporting requirements in the NCD. Hospitals needed to transition to the ACC-NCDR ICD Registry by April 2006.

Effective January 27, 2005, to obtain reimbursement, Medicare NCD policy requires that providers implanting ICDs for primary prevention clinical indications (that is, patients without a history of cardiac arrest or spontaneous arrhythmia) report data on each primary prevention ICD procedure. Details of the clinical indications that are covered by Medicare and their respective data reporting requirements are available in the Medicare NCD Manual, which is on the CMS website at http://www.cms.hhs.gov/Manuals/IOM/itemdetail.asp?filterType=none&filterByDID=99&sortByDID=1&sortOrder=ascending&itemID=CMS014961

A provider can use either of two mechanisms to satisfy the data reporting requirement. Patients may be enrolled either in an Investigational Device Exemption trial studying ICDs as identified by the FDA or in the ACC-NCDR ICD registry. Therefore, for a beneficiary to receive a Medicare-covered ICD implantation for primary prevention, the beneficiary must receive the scan in a facility that participates in the ACC-NCDR ICD registry. The entire list of facilities that participate in the ACC-NCDR ICD registry can be found at www.ncdr.com/webncdr/common

For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period. This information is available by accessing our website and clicking on the link for the American College of Cardiology's National Cardiovascular Data Registry at: www.ncdr.com/webncdr/common. For questions or additional information, contact Marie Casey, BSN, MPH (410-786-7861).

Facility	City	State
The following facilities are new listings for this quarter.		
University of Arkansas Medical Sciences Physician	Little Rock	AR
Verdugo Hills Hospital	Glendale	CA
Morris Hospital	Morris	IL
Truman Medical Centers	Kansas City	MO
Great Plains Health	North Platte	NE
St. Vincent Blount	Oneonta	AL
Citizens Medical Center	Victoria	TX
Hilo Medical Center	Hilo	HI
Seton Medical Center Hays	Kyle	TX
The following facilities are terminations for this quarter.		
Watsonville Community Hospital	Watsonville	CA
Owensboro Health Regional Hospital	Owensboro	KY
Bartow Regional Medical Center	Bartow	FL
Camden Clark Medical Center-St Joseph Campus	Parkersburg	WV
Carlsbad Medical Center	Carlsbad	NM
Bayfront Health Spring Hill	Spring Hill	FL

Addendum IX: Active CMS Coverage-Related Guidance Documents (October through December 2014)

CMS issued a guidance document on November 20, 2014 titled "Guidance for the Public, Industry, and CMS Staff: Coverage with Evidence Development Document". Although CMS has several policy vehicles relating to evidence development activities including the investigational device exemption (IDE), the clinical trial policy, national coverage determinations and local coverage determinations, this guidance document is principally intended to help the public understand CMS's implementation of coverage with evidence development (CED) through the national coverage determination process. The document is available at http://www.cms.gov/medicare-coverage-database/details/medicare-coverage-document-details.aspx?MCDId=27. For questions or additional information, contact JoAnna Baldwin (410-786-7205).

Addendum X: List of Special One-Time Notices Regarding National Coverage Provisions (October through December 2014)

There were no special one-time notices regarding national coverage provisions published in the October through December 2014 quarter. This information is available at www.cms.hhs.gov/coverage. For questions or additional information, contact JoAnna Baldwin (410-786 7205).

Addendum XI: National Oncologic PET Registry (NOPR) (October through December 2014)

Addendum XI includes a listing of National Oncologic Positron Emission Tomography Registry (NOPR) sites. We cover positron emission tomography (PET) scans for particular oncologic indications when they are performed in a facility that participates in the NOPR.

In January 2005, we issued our decision memorandum on **positron emission tomography** (PET) scans, which stated that CMS would cover PET scans for particular oncologic indications, as long as they were performed in the context of a clinical study. We have since recognized the National Oncologic PET Registry as one of these clinical studies. Therefore, in order for a beneficiary to receive a Medicare-covered PET scan, the beneficiary must receive the scan in a facility that participates in the registry. There were no additions, deletions, or editorial changes to the listing of National Oncologic Positron Emission Tomography Registry (NOPR) in the October through December 2014 quarter. This information is

available at http://www.cms.gov/MedicareApprovedFacilitie/NOPR/list.asp#TopOfPage. For questions or additional information, contact Stuart Caplan, RN, MAS (410-786-8564).

Addendum XII: Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities (October through December 2014)

Addendum XII includes a listing of Medicare-approved facilities that receive coverage for ventricular assist devices (VADs) used as destination therapy. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy. On October 1, 2003, we issued our decision memorandum on VADs for the clinical indication of destination therapy. We determined that VADs used as destination therapy are reasonable and necessary only if performed in facilities that have been determined to have the experience and infrastructure to ensure optimal patient outcomes. We established facility standards and an application process. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy.

For the purposes of this quarterly notice, we are providing only the specific updates that have occurred to the list of Medicare-approved facilities that meet our standards in the 3-month period. This information is available at http://www.cms.gov/MedicareApprovedFacilitie/VAD/list.asp#TopOfPage. For questions or additional information, contact Marie Casey, BSN, MPH (410-786-7861).

Facility	Provider Number	Date Approved	State
The following facility was de-certified this quarter.			
Rush University Medical Center 1653 West Congress Parkway Chicago, IL 60612	140119	12/18/2014	IL

Addendum XIII: Lung Volume Reduction Surgery (LVRS) (October through December 2014)

Addendum XIII includes a listing of Medicare-approved facilities that are eligible to receive coverage for lung volume reduction surgery. Until May 17, 2007, facilities that participated in the National Emphysema Treatment Trial were also eligible to receive coverage. The following three types of facilities are eligible for reimbursement for Lung Volume Reduction Surgery (LVRS):

- National Emphysema Treatment Trial (NETT) approved (Beginning 05/07/2007, these will no longer automatically qualify and can qualify only with the other programs);
- Credentialed by the Joint Commission (formerly, the Joint Commision on Accreditation of Healthcare Organizations (JCAHO)) under their Disease Specific Certification Program for LVRS; and
- Medicare approved for lung transplants.

Only the first two types are in the list. There were no updates to the listing of facilities for lung volume reduction surgery published in the October through December 2014 quarter. This information is available at www.cms.gov/MedicareApprovedFacilitie/LVRS/list.asp#TopOfPage. For questions or additional information, contact Marie Casey, BSN, MPH (410-786-7861).

Addendum XIV: Medicare-Approved Bariatric Surgery Facilities (October through December 2014)

Addendum XIV includes a listing of Medicare-approved facilities that meet minimum standards for facilities modeled in part on professional society statements on competency. All facilities must meet our standards in order to receive coverage for bariatric surgery procedures. On February 21, 2006, we issued our decision memorandum on bariatric surgery procedures. We determined that bariatric surgical procedures are reasonable and necessary for Medicare beneficiaries who have a body-mass index (BMI) greater than or equal to 35, have at least one co-morbidity related to obesity and have been previously unsuccessful with medical treatment for obesity. This decision also stipulated that covered bariatric surgery procedures are reasonable and necessary only when performed at facilities that are: (1) certified by the American College of Surgeons (ACS) as a Level 1 Bariatric Surgery Center (program standards and requirements in effect on February 15, 2006); or (2) certified by the American Society for Bariatric Surgery (ASBS) as a Bariatric Surgery Center of Excellence (BSCOE) (program standards and requirements in effect on February 15, 2006).

There were no additions, deletions, or editorial changes to Medicare-approved facilities that meet CMS's minimum facility standards for bariatric surgery that have been certified by ACS and/or ASMBS in the October through December 2014 period. This information is available at www.cms.gov/MedicareApprovedFacilitie/BSF/list.asp#TopOfPage. For questions or additional information, contact Jamie Hermansen (410-786-2064).

Addendum XV: FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials (October through December 2014)

There were no FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials published in the October through December 2014 quarter.

This information is available on our website at www.cms.gov/MedicareApprovedFacilitie/PETDT/list.asp#TopOfPage. For questions or additional information, contact Stuart Caplan, RN, MAS (410-786-8564).

[FR Doc. 2015–01904 Filed 1–30–15; 8:45 am]

BILLING CODE 4120–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6059–N2]

Medicare, Medicaid, and Children's Health Insurance Programs: Announcement of the Extended Temporary Moratoria on Enrollment of Ambulance Suppliers and Home Health Agencies in Designated Geographic Locations

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

ACTION: Extension of temporary moratoria.

SUMMARY: This document announces the extension of temporary moratoria on the enrollment of new ambulance suppliers and home health agencies (HHAs) in specific locations within designated metropolitan areas in Florida, Illinois, Michigan, Texas, Pennsylvania, and New Jersey to prevent and combat fraud, waste, and abuse.

DATES: *Effective Dates:* January 29, 2015.

FOR FURTHER INFORMATION CONTACT: Belinda Gravel, (410) 786–8934.

News media representatives must contact CMS' Public Affairs Office at (202) 690–6145 or email them at *press@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. CMS' Imposition of Temporary Enrollment Moratoria

Section 6401(a) of the Affordable Care Act added a new section 1866(j)(7) to the Social Security Act (the Act) to provide the Secretary with authority to impose a temporary moratorium on the enrollment of new Medicare, Medicaid or CHIP providers and suppliers, including categories of providers and suppliers, if the Secretary determines a moratorium is necessary to prevent or combat fraud, waste, or abuse under these programs. For a more detailed explanation of these authorities, please see the July 31, 2013 notice (78 FR 46339) or February 4, 2014 extension and establishment of a temporary moratoria document (hereinafter referred to as the February 4, 2014 moratoria document or notice) (79 FR 6475).

Based on this authority and our regulations at § 424.570, we have implemented three phases of the moratoria to date. In the notice issued on July 31, 2013 (78 FR 46339), we imposed moratoria on the enrollment of home health agencies in Miami-Dade County, Florida and Cook County, Illinois and surrounding counties and on the enrollment of ground ambulance suppliers in the Harris County, Texas area and surrounding counties. Then, in the notice published on February 4, 2014 (79 FR 6475), we extended the initial moratoria and imposed moratoria on the enrollment of home health agencies in Broward County, Florida, Dallas County, Texas, Harris County, Texas and Wayne County, Michigan and surrounding counties and on the enrollment of ground ambulance suppliers in Philadelphia, PA and surrounding counties. In the notice published on August 1, 2014 (79 FR 44702), CMS extended all of the above-mentioned moratoria.

B. Determination of the Need for Extending a Moratorium

In extending these enrollment moratoria, CMS considered both qualitative and quantitative factors suggesting a high risk of fraud, waste, or abuse. CMS relied on law enforcement's longstanding experience with ongoing and emerging fraud trends and activities through civil, criminal, and administrative investigations and prosecutions. CMS' determination of a high risk of fraud, waste, or abuse in these provider and supplier types within these geographic locations was then confirmed by CMS' data analysis, which relied on factors the agency identified as strong indicators of risk. (For a more detailed explanation of this determination process and of these authorities, see the July 31, 2013 notice (78 FR 46339) or February 4, 2014 moratoria document (79 FR 6475)).

1. Consultation With Law Enforcement

In consultation with the HHS-Office of Inspector General (OIG) and the Department of Justice (DOJ), CMS identified two provider and supplier types in nine geographic locations that warrant a temporary enrollment moratorium. For a more detailed discussion of this consultation process, see the July 31, 2013 notice (78 FR 46339) or February 4, 2014 moratoria document (79 FR 6475).

2. Beneficiary Access to Care

Beneficiary access to care in Medicare, Medicaid, and CHIP is of critical importance to CMS and its state partners, and CMS carefully evaluated access for the target moratorium locations. Prior to imposing and extending these moratoria, CMS consulted with the appropriate State Medicaid Agencies and with the appropriate State Department of Emergency Medical Services to determine if the moratoria would create an access to care issue for Medicaid and CHIP beneficiaries in the targeted locations and surrounding counties. All of CMS' state partners were supportive of CMS analysis and proposals, and together with CMS, determined that these moratoria will not create access to care issues for Medicaid or CHIP beneficiaries. CMS also reviewed Medicare data for these areas and found there are no current problems with access to HHAs or ground ambulance suppliers.

3. Lifting a Temporary Moratorium

In accordance with § 424.570(b), a temporary enrollment moratorium imposed by CMS will remain in effect for 6 months. (For a more detailed explanation of how CMS can lift a temporary moratorium, see the July 31, 2013 notice (78 FR 46339) or February 4, 2014 moratoria document (79 FR 6475)). If CMS deems it necessary, the moratorium may be extended in 6-month increments. CMS will evaluate whether to extend or lift the moratorium before any subsequent moratorium periods. If one or more of the moratoria

announced in this document are extended or lifted, CMS will publish a document to that effect in the **Federal Register**.

Once a moratorium is lifted, the provider or supplier types that were unable to enroll because of the moratorium will be designated to CMS' high screening level under § 424.518(c)(3)(iii) and § 455.450(e)(2) for 6 months from the date the moratorium was lifted.

II. Extension of Home Health and Ambulance Moratoria—Geographic Locations

As noted earlier, we previously imposed moratoria on the enrollment of new HHAs in Broward county, Miami-Dade and Monroe in Florida, the Illinois counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Michigan counties of Macomb, Monroe, Oakland, Washtenaw, and Wayne and the Texas counties of Brazoria, Chambers, Collin, Fort Bend, Galveston, Dallas, Harris, Liberty, Denton, Ellis, Kaufman, Montgomery, Rockwall, Tarrant, and Waller. Further, we previously imposed moratoria on the enrollment of new ground ambulance suppliers in the Texas Counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller and the Pennsylvania counties of Bucks, Delaware, Montgomery; and Philadelphia and the New Jersey counties of Burlington, Camden, and Gloucester. These moratoria became effective upon publication in the **Federal Register** of a notice on July 31, 2013 (78 FR 46339), a moratoria notice on February 4, 2014 (79 FR 6475) and a moratoria notice on August 1, 2014 (79 FR 44702).

In accordance with § 424.570(b), CMS may deem it necessary to extend previously-imposed moratoria in 6-month increments. Under its authority at § 424.570(b), CMS is extending the temporary moratoria on the Medicare enrollment of HHAs and ground ambulance suppliers in the geographic locations discussed herein. Under regulations at § 455.470 and § 457.990, these moratoria also apply to the enrollment of HHAs and ground ambulance suppliers in Medicaid and CHIP. Under § 424.570(b), CMS is required to publish a document in the **Federal Register** announcing any extension of a moratorium, and this extension of moratoria document fulfills that requirement.

CMS consulted with both the HHS–OIG and DOJ regarding the extension of the moratoria on new HHAs and ground ambulance suppliers in all of the moratoria counties, and both HHS–OIG and DOJ agree that a significant potential for fraud, waste, and abuse continues to exist in these geographic areas. The circumstances warranting the imposition of the moratoria have not yet abated, and CMS has determined that the moratoria are still needed as we monitor the indicators and continue with administrative actions such as payment suspensions and revocations of provider/supplier numbers. (For more information regarding the monitored indicators, see the February 4, 2014 moratoria document (79 FR 6475)).

Based upon CMS' consultation with the relevant State Medicaid Agencies, CMS has concluded that extending these moratoria will not create an access to care issue for Medicaid or CHIP beneficiaries in the affected counties at this time. CMS also reviewed Medicare data for these areas and found there are no current problems with access to HHAs or ground ambulance suppliers. Nevertheless, the agency will continue to monitor these locations to ensure that no access to care issues arise in the future.

Based upon our consultation with law enforcement and consideration of the factors and activities described previously, CMS has determined that the temporary enrollment moratoria should be extended for an additional 6 months.

III. Summary of the Moratoria Locations

CMS is executing its authority under sections 1866(j)(7), 1902(kk)(4), and 2107(e)(1)(D) of the Act to extend these moratoria in the following counties for these providers and suppliers:

TABLE 1—HHA MORATORIA

State	City/Metro area	Counties.
FL	Fort Lauderdale	Broward.
FL	Miami	Monroe. Miami-Dade.
IL	Chicago	Cook. DuPage. Kane. Lake. McHenry. Will.
MI	Detroit	Macomb. Monroe. Oakland. Washtenaw. Wayne.
TX	Dallas	Collin. Dallas. Denton. Ellis. Kaufman. Rockwall. Tarrant.
TX	Houston	Brazoria. Chambers. Fort Bend. Galveston. Harris. Liberty. Montgomery. Waller.

TABLE 2—PART B AMBULANCE MORATORIA

State	City/Metro area	Counties
PA/NJ	Philadelphia	Bucks. Burlington (NJ). Camden (NJ). Delaware. Gloucester (NJ). Montgomery. Philadelphia.
TX	Houston	Brazoria. Chambers. Fort Bend. Galveston. Harris. Liberty. Montgomery. Waller.

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).

VI. Regulatory Impact Statement

CMS has examined the impact of this document as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major regulatory actions with economically significant effects ($100 million or more in any 1 year). This document will prevent the enrollment of new home health providers and ambulance suppliers in Medicare, and new home health providers and ambulance suppliers in Medicaid and CHIP. Though savings may accrue by denying enrollments, the monetary amount cannot be quantified. After the imposition of the moratoria on July 31, 2013, 231 HHAs and 7 ambulance companies in all geographic areas affected by the moratoria had their applications denied. We have found the number of applications that are denied after 60 days declines dramatically, as most providers and suppliers will not submit applications during the moratoria period. Therefore, this document does not reach the economic threshold and thus is not considered a major action.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $7.0 million to $35.5 million in any one year. Individuals and states are not included in the definition of a small entity. CMS is not preparing an analysis for the RFA because it has determined, and the Secretary certifies, that this document will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if an action may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, CMS defines a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. CMS is not preparing an analysis for section 1102(b) of the Act because it has determined, and the Secretary certifies, that this document will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any regulatory action whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2014, that threshold is approximately $141 million. This document will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed regulatory action (and subsequent final action) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this document does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, the Office of Management and Budget reviewed this document.

Authority: Sections 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35; Sec. 1103 of the Social Security Act (42 U.S.C. 1302).

Dated: December 19, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2015–01696 Filed 1–29–15; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Interstate Referral Guide (IRG)
OMB No.: 0970–0209
Description: The Intergovernmental Reference Guide (IRG) is a centralized and automated repository of state and tribal profiles, which contains high-level descriptions of each state and tribe's child support enforcement (CSE) program. These profiles provide state and tribal CSE agencies, and foreign countries with an effective and efficient method for updating and accessing information needed to process intergovernmental child support cases.

The IRG information collection activities are authorized by: (1) 42 U.S.C. 652(a)(7), which requires OCSE to provide technical assistance to state child support enforcement agencies to help them establish effective systems for collecting child and spousal support; (2) 42 U.S.C. 666(f), which requires states to enact the Uniform Interstate Family Support Act; and (3) 45 CFR 303.7, which requires state child support agencies to provide services in intergovernmental cases.

Respondents: All States and Territories and tribal CSE agencies.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Intergovernmental Reference Guide: State Profile Guidance—(States and Territories)	54	18	0.3	291.60
Intergovernmental Reference Guide: Tribal Profile Guidance	62	18	0.3	334.80

Estimated Total Annual Burden Hours: 624.40.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–01855 Filed 1–30–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.567]

Announcing the Award of Nine Single-Source Grants Under the Voluntary Agencies Matching Grant Program

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

ACTION: Announcing the Award of Nine Single-Source Grants under the Voluntary Agencies Matching Grant Program.

SUMMARY: The Voluntary Agencies Matching Grant Program was created by Congress in 1979. The program is intended to work in consort with the Refugee and Cuban & Haitian Entrant Reception and Placement (R&P) programs. Thus, competition under the Voluntary Agency Matching Grant Program has historically been limited to those voluntary agencies providing R&P services through cooperative agreements with the Department of State or the Department of Homeland Security. Congress confirmed this approach to the program in the 1986 Refugee Assistance Extension Act. The Administration for Children and Families (ACF) has determined that using the solicited single-source application process is in the best interest of the government as it will achieve the same result and is more cost effective than the published Funding Opportunity Announcement process.

DATES: October 1, 2014 through September 30, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Giossi, Program Manager, Division of Refugee Services, Office of Refugee Resettlement, 370 L'Enfant Promenade SW., Washington, DC 20447. Telephone: 202–401–5720. Email: *Thomas.Giossi@acf.hhs.gov* .

SUPPLEMENTARY INFORMATION: The Voluntary Agencies Matching Grant Program, under the Office of Refugee Resettlement (ORR), is an alternative to public cash assistance designed to enable refugees, asylees, and other ORR eligible populations, to become self-sufficient through employment within 120 to 180 days from date of arrival into the United States (U.S.) and/or the date of eligibility for ORR services; however, clients must be enrolled within 31 days of becoming eligible to ensure that adequate services are provided and self-sufficiency is achieved and maintained within the period of eligibility. Services provided include, but are not limited to, case management, employment services, housing and utilities, food, transportation, cash allowance, health and medical, English language training, social adjustment, and other support services. In all cases, self-sufficiency must be achieved without accessing public cash assistance and all program services cease at 180 days from program eligibility.

The Voluntary Agencies Matching Grant Program was designed to work directly with Reception and Placement (R&P) programs. Congress confirmed this approach to the program in the 1986 Refugee Assistance Extension Act. Therefore, funding under this program is open only to those nine voluntary agencies that already provide R&P services through a cooperative agreement with the U.S. Department of

State (DOS) or the U.S. Department of Homeland Security (DHS).

Participating voluntary agencies agree to match the ORR grant with cash and in-kind contributions of goods and services from the community. Currently, ORR awards $2 for every $1 raised by the agency up to a maximum of $2,200 in federal funds per client.

Single-source awards are made to the following organizations:

Grantee name	Location	Total federal annual award
Church World Service/Immigration & Refugee Program	New York, NY	$5,885,000
Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the U.S.A	New York, NY	4,241,600
Ethiopian Community Development Council/Refugee Resettlement Program	Arlington, VA	2,059,200
HIAS, Inc. (Hebrew Immigrant Aid Society)/Refugee and Immigrant Services	New York, NY	1,566,400
International Rescue Committee/Resettlement	New York, NY	9,143,200
Lutheran Immigration & Refugee Service	Baltimore, MD	7,530,600
United States Conference of Catholic Bishops	Washington, DC	18,977,200
US Committee for Refugees and Immigrants	Arlington, VA	11,501,600
World Relief Corporation of National Association of Evangelicals/Refugee & Immigration Programs.	Baltimore, MD	4,404,400

Statutory Authority: Section 412(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(A); Section 7(a) and (b) of the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605) (8 U.S.C. 1522 note).

Christopher Beach,

Senior Grants Policy Specialist, Office of Administration.

[FR Doc. 2015–01841 Filed 1–30–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Termination of the Commonwealth of Puerto Rico's Protection and Advocacy for Persons With Developmental Disabilities Award

AGENCY: Administration for Community Living, HHS.

ACTION: *Notice of Hearing:* Termination of PADD funding. Action to Terminate the Commonwealth of Puerto Rico's Protection and Advocacy for Persons with Developmental Disabilities (PADD) Award.

SUMMARY: Pursuant to regulations at 45 CFR part 1386, subpart D, this notice announces an administrative hearing regarding termination of Federal funding (that is, ''the allotment'') for the Protection and Advocacy for Persons with Developmental Disabilities (PADD) Award to the designated Protection and Advocacy agency in the Commonwealth of Puerto Rico: Oficina del Procurador de las Personas con Impedimentos (OPPI) (Ombudsman for Persons with Disabilities). This notice includes the following information: Who will preside at the hearing, the organizations or entities that are parties to the hearing without making a specific request to participate, the due dates for those who are not parties as of right to file a petition to participate as a party or as an amicus curiae, the date and place of the hearing, how certain procedural provisions in the applicable regulations have been modified, and a description of the issues to be considered at the hearing.

FOR FURTHER INFORMATION CONTACT: Carolyn Reines-Graubard, Director, Appellate Division, Departmental Appeals Board, Cohen Building, Rm. G–644, MS 6127, 330 Independence Ave. SW., Washington, DC 20201, 202–565–0116.

Background: The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) (codified at 42 U.S.C. 15001 *et seq.*) provides states and territories with federal money for the purpose of assuring that ''individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized'' by the Act. DD Act § 101(b) (42 U.S.C. 15001(b)). While a number of programs are authorized under the DD Act, the relevant program for this proceeding is the Protection and Advocacy (P&A) system, described in Subtitle C of Title I of the DD Act and, relatedly, the State Council on Developmental Disabilities (SCDD), described in Subtitle B of such Title.

P&A systems are to ''protect the legal and human rights of individuals with developmental disabilities.'' DD Act § 101(b)(2) (42 U.S.C. 15001(b)(2)). State Councils are to engage in ''advocacy, capacity building, and systemic change activities that are consistent with the purpose and policies of the Act,'' DD Act § 101(b)(1)(A) (42 U.S.C. 15001(b)(1)(A)), and that ''contribute[] to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families.'' DD Act § 101(b)(1)(B) (42 U.S.C. 15001(b)(1)(B)). As a condition of funding the SCDD, the State must establish a P&A system to ''to protect and advocate the rights of individuals with developmental disabilities.'' DD Act § 143(a)(1) (42 U.S.C. 15043(a)(1)).

Under the DD Act, a P&A system must have certain powers. Such powers include, but are not limited to, the authority to ''pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups,'' as well as to ''investigate incidents of abuse and neglect . . . if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred.'' DD Act § 143(a)(2)(A)(i) and (B) (42 U.S.C. 15043(a)(2)(A)(i) and (B)).

Pertinent regulations implementing the DD Act are contained in 45 CFR parts 1385 and 1386. Part 1385 includes general requirements applicable to most programs and projects authorized under the DD Act, including both the SCDDs and P&A systems. Part 1386 is specific to SCDDs and P&A systems. Subpart A of Part 1386 contains regulations applicable to both programs; Subpart B

is specific to P&A systems; Subpart C is specific to SCDDs, and Subpart D contains the practices and procedures for administrative hearings, such as the hearing in this proceeding.

Designation of Presiding Officer: Section 1386.100(a) of 45 CFR states that the ''presiding officer at a hearing must be the Assistant Secretary''—defined in section 1386.80 as the Assistant Secretary for Children and Families—''or someone designated by the Assistant Secretary.'' In 2013, the Assistant Secretary for Children and Families delegated his authorities under the DD Act to the Administrator, Administration for Community Living (ACL). 78 FR 16510 (Mar. 15, 2013). The Administrator, ACL, has designated Leslie A. Sussan, a member of the Departmental Appeals Board (DAB), as the Presiding Officer at the hearing. The Presiding Officer will certify the entire record, including recommended findings and a proposed decision, to the Administrator, ACL, who will issue a decision in accordance with 45 CFR 1386.111.

Requests for Participation: Pursuant to 45 CFR 1386.94(a), the Administration for Intellectual and Developmental Disabilities (AIDD) within ACL; OPPI; the Puerto Rico Developmental Disabilities Council (PRDDC); and the Office of the Governor, on behalf of the Commonwealth of Puerto Rico, are parties to the hearing without making a specific request to participate. Any individual or group not a party as of right under section 1386.94(a) that wishes to participate as a party must file a petition containing the information required by section 1386.94(b)(2)(i)–(iv) with the Presiding Officer no later than 15 days after the date of publication of this notice in the **Federal Register**.

Any interested person or organization that wishes to participate as an amicus curiae must file a petition that contains the information required by section 1386.94(c)(1)(i)–(iii). The petition must also state whether the interested person or organization will submit a written statement of position prior to the hearing and whether it wishes to present a brief oral statement at the hearing and/or to submit a brief or written statement at such time as the parties submit briefs. The petition must be filed with the Presiding Officer at least 15 days before the scheduled hearing date below in order to facilitate hearing arrangements.

If the deadline for filing a petition falls on a federal non-workday (a Saturday, Sunday, legal holiday, or a day which by statute or Executive Order is declared to be a non-workday for federal employees), the submission may be filed on the next federal workday.

Effect of a Final Determination: The decision of the Presiding Officer will be reviewed by the Administrator of ACL, in accordance with 45 CFR 1386.111. If the Administrator reaches a final determination that OPPI does not comply with Federal requirements, and determines that Federal funding (*i.e.,* allotments) will not be made pursuant to such decision, thus terminating the PADD grant, such decision will also terminate funding for the Commonwealth's SCDD in addition to the P&A. Pursuant to section 143(a) of the DD Act (42 U.S.C. 15043(a)), as well as 45 CFR 1386.21(a), in order for a State to receive an allotment for its SCDD, the State must have in effect a P&A system meeting Federal requirements.

Other HHS programs providing grants to P&A organizations incorporate the DD Act. These programs are:

(a) The Protection and Advocacy for Individuals with Mental Illness (PAIMI) program. Specifically, 42 U.S.C. 10802(2) defines an eligible system as a system ''established in a State to protect and advocate the rights of persons with developmental disabilities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''

(b) The Protection and Advocacy for Voting Access (PAVA) program under the Help America Vote Act of 2002. Specifically, 42 U.S.C. 15461(a) states that the Secretary of Health and Human Services ''shall pay the protection and advocacy system (as defined in section 15002 of this title) of each state . . . .''

(c) The Protection and Advocacy for Traumatic Brain Injury (PATBI) program. Specifically, 42 U.S.C. 300d–53(m) defines a ''protection and advocacy system'' as a ''protection and advocacy system established under part C of the Developmental Disabilities Assistance and Bill of Rights Act. . . .''

Such programs either require the existence of a P&A under the DD Act or define the P&A with reference to such Act. Therefore, a final decision that the Commonwealth of Puerto Rico does not have a system in effect to protect and advocate the rights of individuals with developmental disabilities because OPPI does not meet the statutory and regulatory requirements to serve as a P&A may also result in suspension or termination of grant funding under these programs based on ineligibility.

Federal programs outside HHS (such as the Protection and Advocacy for Individual Rights (PAIR) program under section 509 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794e)) also refer to the DD Act. However, this Notice does not address the effect of a final decision in this case on those programs.

Date, Time and Place Of Hearing: Pursuant to 45 CFR 1386.84, the Administrator, ACL, modifies the requirements for the notice of hearing in section 1386.90 as follows, having determined that this modification will serve justice and will not unduly prejudice any party.

Rather than setting an exact time and a specific calendar date for the hearing, this Notice announces that the hearing will commence 45 days from the date this notice is published in the **Federal Register** (or the first federal workday thereafter, if the 45th day falls on a federal non-workday) at a time to be determined by the Presiding Officer. If the Presiding Officer reschedules the hearing pursuant to 45 CFR 1386.101(a)(1), the Presiding Officer will notify all parties and amici curiae.

The hearing is expected to be conducted using videoconference. A non-federal party (including a non-federal party under section 1396.94(a)) that believes an in-person hearing is necessary because it is incapable of reasonably presenting its case by videoconference must submit a statement to that effect with supporting reasons no later than the date specified above for filing a petition to participate as a party. If the Presiding Officer determines that an in-person hearing is warranted, the Presiding Officer will notify the parties of the hearing location after consulting with the parties. Otherwise, the Departmental Appeals Board will arrange for appropriate videoconference facilities for the non-federal parties in Puerto Rico. Because it is based in Washington, DC, AIDD will participate in person, rather than by videoconference. A party may also request that an individual witness's testimony be taken by telephone if it is not feasible for the witness to appear by videoconference or in person.

The Presiding Officer will schedule a pre-hearing conference after ruling on any petitions to participate as a party pursuant to section 1386.94(b)(2). The pre-hearing conference will be held by teleconference or by videoconference.

Filing and Service Requirements: Pursuant to 45 CFR 1386.84, the Administrator, ACL, modifies the requirements for filing and service of papers in section 1386.85 as follows, having determined that this modification will serve justice and will not unduly prejudice any party.

Parties as of right under section 1386.94(a) are required to use the Departmental Appeals Board's

electronic filing system (DAB E-File) for all submissions. Instructions for using DAB E-File are at *https://dab.efile.hhs.gov/appeals/Board/Appellate_Div_instructions.* Any other party, as well as any amicus curiae, must file its petition to participate by paper and must use DAB E-File for all submissions that are filed after its petition to participate has been granted unless the party or amicus files with its petition an explanation of why it is unable to file submissions electronically and the Presiding Officer permits the party or amicus to file paper submissions.

A submission will be deemed to have been filed with the Presiding Officer on a given day if it is uploaded to DAB E-File on or before 11:59 p.m. eastern time of that day. A submission filed by paper will be deemed to have been filed with the Presiding Officer on the postmark date, the date sent by registered or certified mail, or the date deposited with a commercial delivery service. A party using DAB E-File must serve a paper copy of its submissions on any party or amicus curiae permitted by the Presiding Officer to file submissions by paper.

All submissions should be addressed to Leslie A. Sussan, Presiding Officer. The mailing address for paper submissions to the Presiding Officer is Departmental Appeals Board, Appellate Division, Cohen Building, Room G–644, MS6127, 330 Independence Ave. SW., Washington, DC 20201.

In order to facilitate compliance with section 1386.82 (providing that all documents filed are subject to public inspection), parties and amici curiae should redact all briefs, exhibits, and other written submissions in order to avoid the disclosure of any personally identifiable information (PII) and other information the disclosure of which might violate the Health Insurance Portability and Accountability Act (HIPAA), the Privacy Act of 1974, or State or other privacy or confidentiality requirements.

Discovery Procedures: Pursuant to 45 CFR 1386.84, the Administrator, ACL, modifies the provisions for discovery in section 1386.103 as follows, having determined that this modification will serve justice and will not unduly prejudice any party, as it conforms to the discovery procedures already used in other HHS administrative proceedings.

AIDD and OPPI, as the parties named in the notice issued under 45 CFR 1386.90, have the right to conduct discovery, but the Presiding Officer will not necessarily follow the Federal Rules of Civil Procedure, which do not by their own terms apply to administrative proceedings. Before filing a discovery motion, a party should seek voluntary production from the other party. Any motion should describe specifically the information sought and state how this information is relevant and necessary to the party's case. The Presiding Officer will order production of specific items of information if the Presiding Officer determines that the party needs that information to address a dispositive issue in the case. Neither interrogatories nor depositions will be permitted unless the Presiding Officer determines that these are the only means to adequately develop the record on a dispositive issue.

Issues To Be Considered at the Hearing: The issues to be considered at the hearing are:

- *Whether the Commonwealth of Puerto Rico has in effect a system to protect and advocate the rights of individuals with developmental disabilities that meets the definition in section 102 of the DD Act (42 U.S.C. 15002) and that complies with sections 143(a) and 144 of such Act (42 U.S.C. 15043(a) and 15044), as well as regulations at 45 CFR part 1386, subpart B.* It is the position of AIDD that OPPI has failed to demonstrate that OPPI, as the Commonwealth's designated P&A system, has sufficient operations, independence, staff, and expertise to exercise the authorities necessary and required under the DD Act to protect the legal and human rights of people with developmental disabilities. The following sub-issues are considered:

○ *Whether OPPI exercises the authorities of the P&A as required by sections 143(a)(2)(A) and (B)*[1] *of the DD Act and 45 CFR 1386.21(a)&(c).* OPPI has failed to demonstrate that the P&A is pursuing legal, administrative, and other appropriate remedies or approaches, such as individual legal advocacy, individual case representation, and systemic litigation, to ensure the protection of, and advocacy for, the rights of individuals with developmental disabilities. OPPI documentation provides for an administrative hearing process, but not other litigation, legal action or advocacy that would ensure the protection and advocacy envisioned by the statute and regulations. 45 CFR 1386.21(c) states that a P&A system ''shall not implement a policy or practice restricting the remedies which may be sought on behalf of the individuals with developmental disabilities or compromising the authority of the . . . P&A . . . system to pursue such remedies through litigation, legal action or other forms of advocacy.'' Because OPPI has a policy for only one type of remedy (an administrative remedy) and does not have policies regarding other types of legal remedies, OPPI has not provided sufficient assurances or evidence that the P&A is not de facto restricted from pursuing appropriate legal remedies to ensure the protection of, and advocacy for, the rights of individuals with developmental disabilities. OPPI also has failed to demonstrate that the P&A is providing information and referral services consistent with the DD Act. OPPI has an information and referral form to document the nature of an individual's disability, but it has not provided any other document, policy or evidence for how it carries out information and referral consistent with the requirements in the DD Act. OPPI has failed to demonstrate that the P&A is conducting investigations of incidents of abuse and neglect of individuals with developmental disabilities.

○ *Whether OPPI, as a government agency, exercises the authorities of the P&A as required by sections 143(a)(2)(A), (B) and (G) of the DD Act and 45 CFR 1386.21(a)&(c).* OPPI does not have sufficient independence from the Governor for the P&A to adequately pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with developmental disabilities. Specifically, OPPI lacks the financial, structural, and leadership independence necessary to adequately carry out the requirements of a P&A system. With respect to financial independence, OPPI is a government agency and subject to the budgeting priorities and processes of other government agencies. OPPI has repeatedly informed AIDD that it does not have access to PADD funds to hire new attorneys or to travel to receive training related to the PADD grant. With respect to structural independence, as a government agency, the P&A must follow certain requirements that interfere with its ability to carry out the functions of the DD Act, such as maintaining a minimum amount of administrative staff. Limits on financial and structural independence also result in OPPI not maintaining necessary staff. Currently, only two attorneys are employed by OPPI, and such attorneys

[1] Although 45 CFR 1386.21(a) cites to section 142 of the DD Act, section 143 of DD Act of 2000 superseded such section. Section 401 of the DD Act of 2000 (Pub. L. 106–402) repealed the prior version of the Developmental Disabilities Assistance and Bill of Rights Act, codified at 42 U.S.C. 6000 *et seq.* System requirements for the P&A previously included in section 142 of the Act are now included in section 143 of the Act (compare 42 U.S.C. 6042 (1999) with 42 U.S.C. 15043 (2014)).

serve at the pleasure of the Governor; as state-funded employees, they are at risk of losing their positions, thus implicating the ability to truly investigate and bring cases against State-run institutions. With respect to independent leadership, both the OPPI Ombudsman, who is the Executive Director of the P&A, and the Advisory Council are appointed by the Governor, and the Ombudsman can be removed by the Governor. As such, OPPI fails to operate free of influence from the Governor. Section 143(a)(2)(G) requires that the P&A be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities. Act 78, Article 6 requires that the Advisory Council have members representing service-providing entities making it unclear whether this supports P&A independence as required in the DD Act.

○ *Whether OPPI maintains sufficient numbers and types of staff (qualified by training and experience) to carry out the P&A system's functions, as required by section 143(a)(2)(K) of the DD Act and 45 CFR 1386.21(e), and is free from any State policies which prevent the P&A from carrying out its authorities and other mandates under the Act, including whether the P&A is exempt from hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the system, to the extent that such policies would impact the staff or functions of the system funded with Federal funds or would prevent the system from carrying out the functions of the system, as required by section 143(a)(2)(K) of the DD Act and 45 CFR 1386.21(d).* OPPI has only two attorneys on its staff of more than 70 employees. Neither attorney is authorized to practice before the Federal courts in the Commonwealth. This is a barrier to the P&A being able to preserve and exercise its authority to pursue legal, administrative, and other appropriate remedies or approaches authorized under the DD act, as cases invoking the authority of a Federal statute would be brought in Federal court. Further, two attorneys is an insufficient number for a P&A to preserve and exercise its authority to pursue legal, administrative, and other appropriate remedies or approaches. The P&A has an administrative staff of over 50 people; however, it is unclear what role and activities this staff is performing related to the PADD grant. All P&A staff are subjected to state hiring practices, including hiring freezes, which prevents the P&A from obtaining appropriate staffing to carry out its mandates, and in violation of the above-cited regulations (45 CFR 1386.21(d) and (e)). The P&A lost advocate positions under the re-organization plan implemented in 2012 and was not able to replace those positions. OPPI has repeatedly informed AIDD that it does not have access to PADD funds to hire new attorneys or to travel to receive training related to the PADD grant.

○ *Whether the individuals served by the P&A are individuals with developmental disabilities as defined in section 102(8) and whether the P&A takes action with regard to goals and priorities, developed through data driven strategic planning, for the system's activities as required by section 143(a)(1) and (a)(2)(C) and (D) of the DD Act and in keeping with 45 CFR 1386.21(c) and 45 CFR 1386.23.* OPPI has a form to determine eligibility for the PADD program; however, the 2012 AIDD Monitoring and Technical Assistance Review System (MTARS) report states that OPPI had a poor understanding of the difference between developmental disabilities and other disabilities and seemed unclear about which clients of the P&A qualify for PADD funding. Therefore, this form does not provide adequate assurances that the people served with PADD funding are people with developmental disabilities. Furthermore, this form does not include information about whether the individual's issues fall within the P&A's priorities. The 2012 MTARS report states: ''OPPI receives all complaints that include people with disabilities, regardless of the relativity of the complaint. Based on the limited resources available, OPPI is unable to handle every meritorious complaint. Therefore, OPPI needs to clarify the organizational structure and framework, then redevelop and apply the Goals and Priorities to determine which cases they may take, and which to refer out.'' OPPI has not presented evidence that it has a statement of goals and priorities (SGP) unique to the PADD program or that anticipates priorities for selecting specific cases or determining an individual advocacy caseload, systemic advocacy work and training activities, and outcomes it wishes to accomplish. OPPI submitted a Fiscal Year 2014 SGP to AIDD. However, the AIDD review of the SGP found it to be inadequate, as it was not based on any public comment, as required under the DD Act, and its goals lacked the specificity necessary to provide meaningful direction for the use of PADD funds and PADD case selection. As a result, AIDD did not approve the SGP. OPPI took minimal action to correct the SGP by submitting commentary on its goal setting process, but it did not change the goals, or provide record of public comment. AIDD determined OPPI's minimal action was not sufficient to address the deficiencies. Failure to have an adequate SGP in place to guide the P&A activities means that OPPI is likely failing to meet the necessary priorities and mandates of the DD Act.

○ *Whether the P&A exercises the authority to access all records and individuals with developmental disabilities as required by Section 143(a)(2)(H–J) of the DD Act and 45 CFR 1386.22.* The 2012 MTARS identified that OPPI has the authority to access and conduct on-site monitoring visits of any individual with a developmental disability in Puerto Rico where services are provided. However, OPPI staff is generally unaware of their authority to access residential facilities and community settings. Therefore OPPI did not exercise this authority. Without fully exercising the P&A access authority, OPPI cannot fulfill its statutory mandate to protect the legal and human rights of individuals with developmental disabilities, in accordance with the purposes of the DD Act (section 101(b)(2) of the DD Act). The P&A is limited in its ability to carry out the legal, administrative, and other appropriate remedies in accordance with sections 143(a)(1) and (a)(2)(A) of the DD Act, if it does not demonstrate that it accesses records and/or individuals in accordance with sections 143(a)(2)(H)–(J) and 45 CFR 1386.22.

○ *Whether the P&A meets the requirements in Section 144(a)(5) that the majority of the members of an advisory council shall be individuals with disabilities, including individuals with developmental disabilities who are eligible for, have received or are receiving services through the system; or parents, family members, guardians, advocates, or authorized representatives of such individuals.* Act 78, Article 6 requires that the Advisory Council have 9 members: 1 person with a disability; 1 parent of a person with a disability; 1 legal advisor with experience in the field of disability rights; 1 vocational rehabilitation professional; 1 special education professional; 1 healthcare professional; and 2 people committed to fulfilling the principles outlined in the law creating OPPI. This does not guarantee that the Advisory Council meets the majority requirements in the DD Act.

○ *Whether the P&A is conducting PADD activities since they have not utilized FY2014 funds.* The PADD grant to OPPI is classified as high risk with restrictions on the funds. Payment is

made to OPPI on a reimbursement basis. OPPI has not submitted a request for reimbursement under the FY 2014 PADD grant award leaving the entire amount of the award unspent. It is unclear, then, how OPPI is exercising the P&A authorities and conducting P&A activities without utilizing the federal financial assistance.

Dated: January 27, 2015.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2015–01857 Filed 1–30–15; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1497]

Toxicological Principles for the Safety Assessment of Food Ingredients; Public Meeting on Updates and Safety and Risk Assessment Considerations; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public meeting; request for comments; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the notification of public meeting and request for comments that appeared in the **Federal Register** of October 30, 2014. The notification requested comments on certain topics related to our guidance titled ''Toxicological Principles for the Safety Assessment of Food Ingredients,'' known less formally as the ''Redbook''. We are taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the notification of public meeting and request for comments published October 30, 2014 (79 FR 64603). Submit either electronic or written comments by May 11, 2015.

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

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

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

Instructions: All submissions received must include the Docket No. (FDA–2014–N–1497) for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

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

FOR FURTHER INFORMATION CONTACT: Jeremiah Fasano, Center for Food Safety and Applied Nutrition (HFS–255), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1173, *jeremiah.fasano@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 30, 2014 (79 FR 64603), we published a notification of public meeting and requested comments on certain topics related to the Redbook. The Redbook provides guidance to industry and other stakeholders (*e.g.,* academia and other regulatory groups) regarding the information used by FDA's Center for Food Safety and Applied Nutrition to evaluate the safety of food additives and color additives. The Redbook is intended to help interested parties understand FDA's expectations regarding:

- Determining the human exposure that will occur from the use of the ingredient in foods;
- Determining which toxicity studies are appropriate;
- Designing, conducting, and reporting the results of toxicity studies; and
- Submitting the information to FDA as part of a safety assessment.

Comments on the Redbook will inform our future efforts on what should be included, changed, or even excluded from the updated Redbook. We are interested in expanding the scope of the Redbook to emphasize the principles of safety and risk assessment that are shared across different regulatory contexts for foods and cosmetics, while still providing specific guidance for applying these principles in particular contexts such as the requirements for premarket safety submissions or for risk assessments conducted on foods and cosmetics already on the market.

We have received a request for a 90-day extension of the comment period for the notification of public meeting and request for comments. The request conveyed-concern that the current 90-day comment period (which would otherwise expire on February 9, 2015) does not allow sufficient time to develop meaningful or thoughtful responses to the notification of public meeting and request for comments.

We have considered the request and are extending the comment period for 90 days, until May 10, 2015. We believe that a 90-day extension allows adequate time for interested persons to submit comments without significantly delaying further action on these important issues.

II. Request for 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 27, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–01858 Filed 1–30–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–2031]

For Nominations on the Food Advisory Committee; Extension of Closing Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of closing date.

SUMMARY: The Food and Drug Administration (FDA) is extending the closing date for the notice that appeared

in the **Federal Register** of December 8, 2014. In the notice, FDA requested that any industry organizations interested in participating in the selection of a nonvoting industry representative to serve on the Food Advisory Committee (the Committee) for the Center for Food Safety and Applied Nutrition (CFSAN) notify FDA in writing. FDA is also requesting nominations for a nonvoting industry representative(s) to serve on the Committee. The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit letters of interests and nominations.

DATES: FDA is extending the closing date in the notice published December 8, 2014 (79 FR 72690). Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests must send a letter stating that interest to FDA by February 27, 2015. Concurrently, nomination materials for prospective candidates should be sent to FDA by February 27, 2015.

ADDRESSES: All statements of interest from industry organizations interested in participating in the selection process of nonvoting industry representative nomination should be sent to Karen Strambler (see **FOR FURTHER INFORMATION CONTACT**). All nominations for nonvoting industry representatives may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Karen Strambler, Office of Regulations, Policy, and Social Science, Center for Food Safety and Applied Nutrition, 5100 Paint Branch Pkwy., Rm. 1C–016, College Park, MD 20740, 240–402–2589, *karen.strambler@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency intends to add a nonvoting industry representative(s) to the following advisory committee:

I. CFSAN Advisory Committee, Food Advisory Committee

The Committee reviews and evaluates emerging food safety, nutrition and other food- or cosmetic-related health issues that FDA considers of primary importance for its food and cosmetics programs. The Committee may be charged with reviewing and evaluating available data and making recommendations on matters such as those relating to: (1) Broad scientific and technical food- or cosmetic-related issues; (2) the safety of food ingredients and new foods; (3) labeling of foods and cosmetics; (4) nutrient needs and nutritional adequacy; and (5) safe exposure limits for food contaminants. The Committee may also be asked to provide advice and make recommendations on ways of communicating to the public the potential risks associated with these issues and on approaches that might be considered for addressing the issues.

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations; and a list of all nominees along with their current curriculum vitae. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

III. Application Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Contact information, a current curriculum vitae, and the name of the committee of interest should be sent to the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process).

FDA seeks to include the views of women, and men, members of all racial and ethnic groups and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: *January 26, 2015.*

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–01881 Filed 1–30–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0175]

Determination That LYMPHAZURIN (Isosulfan Blue) Injectable and Other Drug Products Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that the drug products listed in this document were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs that refer to the products as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Amy Hopkins, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6223, Silver Spring, MD 20993–0002, 301–796–5418, *Amy.Hopkins@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as

the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, a drug is removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

Under § 314.161(a) (21 CFR 314.161(a)), the Agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness: (1) Before an ANDA that refers to that listed drug may be approved, (2) whenever a listed drug is voluntarily withdrawn from sale and ANDAs that refer to the listed drug have been approved, and (3) when a person petitions for such a determination under 21 CFR 10.25(a) and 10.30. Section 314.161(d) provides that if FDA determines that a listed drug was withdrawn from sale for safety or effectiveness reasons, the Agency will initiate proceedings that could result in the withdrawal of approval of the ANDAs that refer to the listed drug.

FDA has become aware that the drug products listed in the table in this document are no longer being marketed. (As requested by the applicants, FDA withdrew approval of NDA 018310 for LYMPHAZURIN (isosulfan blue) Injectable in the **Federal Register** of December 5, 2014 (79 FR 72186) and NDA 020151 for EFFEXOR (venlafaxine HCl) Tablets in the **Federal Register** of July 19, 2013 (78 FR 43210).)

Application No.	Drug	Applicant
NDA 018310	LYMPHAZURIN (isosulfan blue) Injectable; Injection, 1%	Covidien, 60 Middletown Ave., North Haven, CT 06473.
NDA 019966	TEMOVATE (clobetasol propionate) Solution; Topical, 0.05%.	Fougera Pharmaceuticals Inc., 1 Health Plaza, Bldg. 434, East Hanover, NJ 07936.
NDA 020151	EFFEXOR (venlafaxine hydrochloride (HCl)) Tablet; Oral, Equivalent to (EQ) 12.5 milligram (mg) Base; EQ 25 mg Base; EQ 37.5 mg Base; EQ 50 mg Base; EQ 75 mg Base; EQ 100 mg Base.	Wyeth Pharmaceuticals Inc., 235 East 42nd St., New York, NY 10017.
NDA 020214	ZEMURON (rocuronium bromide) Injectable; Injection 100 mg/10 milliliter (mL); 50 mg/5 mL; 10 mg/mL.	Organon USA Inc., 351 North Sunmeytown Pike, North Wales, PA 19454.
NDA 021040	PREFEST (estradiol; norgestimate) Tablet; Oral, 1 mg, 1 mg/0.09 mg.	Teva Branded Pharmaceutical Products R&D, Inc., 41 Moores Rd., P.O. Box 4011, Frazer, PA 19355.
NDA 021621	CHILDREN'S ZYRTEC ALLERGY (cetirizine HCl) and CHILDREN'S ZYRTEC HIVES RELIEF (cetirizine HCl) Chewable Tablet; Oral, 5 mg; 10 mg.	McNeil Consumer Healthcare, 7050 Camp Hill Rd., Fort Washington, PA 19034.
NDA 050783	PERIOSTAT (doxycycline hyclate) Tablet; Oral, EQ 20 mg Base.	Galderma Laboratories, L.P., 14501 North Freeway, Fort Worth, TX 76177.

FDA has reviewed its records and, under § 314.161, has determined that the drug products listed in this document were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the Agency will continue to list the drug products listed in this document in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness.

Approved ANDAs that refer to the NDAs listed in this document are unaffected by the discontinued marketing of the products subject to those NDAs. Additional ANDAs that refer to these products may also be approved by the Agency if they comply with relevant legal and regulatory requirements. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: January 26, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–01859 Filed 1–30–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than March 4, 2015.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Evaluation and Initial Assessment of the HRSA Teaching Health Centers Graduate Medical Education Program.

OMB No. 0906–xxxx—New.

Abstract: Section 5508 of the Affordable Care Act of 2010 amended section 340H of the Public Health Service Act to establish the Teaching Health Center Graduate Medical Education (THCGME) program to provide funding support for new and

the expansion of existing primary care residency training programs in community-based settings. The primary goals of this program are to increase the production of primary care providers who are better prepared to practice in community settings, particularly with underserved populations, and improve the geographic distribution of primary care providers.

Statute requires the Secretary to determine an appropriate THCGME program payment for indirect medical expenses (IME) as well as to update, as deemed appropriate, the per resident amount used to determine the Program's payment for direct medical expenses (DME). To inform these determinations and to increase understanding of this model of residency training, the George Washington University (GW) is conducting an evaluation of the costs associated with training residents in the Teaching Health Center (THC) model. GW has developed a standardized costing instrument to gather data from all THCGME programs. The information gathered in the standardized costing instrument includes, but is not limited to, resident and faculty full-time equivalents, salaries and benefits, residency administration costs, educational costs, residency clinical operations and administrative costs, and patient visits and clinical revenue generated by medical residents.

Need and Proposed Use of the Information: HRSA is collecting costing information related to both DME and IME in an effort to establish a THC's total cost of running a residency program, to assist the Secretary in determining an appropriate update to the per resident amount used to calculate the payment for DME and an appropriate IME payment. The described data collection activities will serve to inform these statutory requirements for the Secretary in a uniform and consistent manner.

Likely Respondents: THCGME grantees.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Teaching Health Center Costing Instrument	60	1	60	10	600
Total	60	1	60	10	600

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–01882 Filed 1–30–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[CFDA Number: 93.164]

Loan Repayment Program for Repayment of Health Professions Educational Loans Announcement Type: Initial

DATES: *Key Dates:* February 13, 2015 first award cycle deadline date; August 14, 2015 last award cycle deadline date; September 11, 2015 last award cycle deadline date for supplemental loan repayment program funds; September 30, 2015 entry on duty deadline date.

I. Funding Opportunity Description

The Indian Health Service (IHS) estimated budget request for Fiscal Year (FY) 2015 includes $16,721,135 for the IHS Loan Repayment Program (LRP) for health professional educational loans (undergraduate and graduate) in return for full-time clinical service as defined in the IHS LRP policy clarifications at *http://www.ihs.gov/loanrepayment/documents/LRP_Policy_Updates.pdf* in Indian health programs.

This program announcement is subject to the appropriation of funds. This notice is being published early to coincide with the recruitment activity of the IHS which competes with other Government and private health management organizations to employ qualified health professionals.

This program is authorized by the Indian Health Care Improvement Act (IHCIA) Section 108, codified at 25 U.S.C. 1616a.

II. Award Information

The estimated amount available is approximately $16,721,135 to support approximately 387 competing awards averaging $43,182 per award for a two year contract. One year contract extensions will receive priority consideration in any award cycle. Applicants selected for participation in the FY 2015 program cycle will be expected to begin their service period no later than September 30, 2015.

III. Eligibility Information

A. Eligible Applicants

Pursuant to 25 U.S.C. 1616(b), to be eligible to participate in the LRP, an individual must:

(1)(A) Be enrolled —

(i) In a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or

(ii) In an approved graduate training program in a health profession; or

(B) Have a degree in a health profession and a license to practice in a State; and

(2)(A) Be eligible for, or hold an appointment as a commissioned officer in the Regular Corps of the Public Health Service (PHS); or

(B) Be eligible for selection for service in the Regular Corps of the PHS; or

(C) Meet the professional standards for civil service employment in the IHS; or

(D) Be employed in an Indian health program without service obligation; and

(E) Submit to the Secretary an application for a contract to the LRP. The Secretary must approve the contract before the disbursement of loan repayments can be made to the participant. Participants will be required to fulfill their contract service agreements through full-time clinical practice at an Indian health program site determined by the

Secretary. Loan repayment sites are characterized by physical, cultural, and professional isolation, and have histories of frequent staff turnover. Indian health program sites are annually prioritized within the Agency by discipline, based on need or vacancy. The IHS LRP's ranking system gives high site scores to those sites that are most in need of specific health professions. Awards are given to the applications that match the highest priorities until funds are no longer available.

Any individual who owes an obligation for health professional service to the Federal Government, a State, or other entity is not eligible for the LRP unless the obligation will be completely satisfied before they begin service under this program.

25 U.S.C. 1616a authorizes the IHS LRP and provides in pertinent part as follows:

(a)(1) The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (hereinafter referred to as the Loan Repayment Program) in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

25 U.S.C. 1603(10) provides that:

''Health Profession'' means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social work, marriage and family therapy, chiropractic medicine, environmental health and engineering, an allied health profession, or any other health profession.

For the purposes of this program, the term ''Indian health program'' is defined in 25 U.S.C. 1616a(a)(2)(A), as follows:

(A) The term Indian health program means any health program or facility funded, in whole or in part, by the Service for the benefit of Indians and administered—

(i) Directly by the Service;

(ii) By any Indian Tribe or Tribal or Indian organization pursuant to a contract under—

(I) The Indian Self-Determination Act, or

(II) Section 23 of the Act of April 30, 1908, (25 U.S.C. 47), popularly known as the Buy Indian Act; or

(iii) By an urban Indian organization pursuant to Title V of this Act.

25 U.S.C. 1616a, authorizes the IHS to determine specific health professions for which IHS LRP contracts will be awarded. Annually, the Director, Division of Health Professions Support, sends a letter to the Director, Office of Public Health, Tribal leaders, and urban Indian health programs directors to request a list of positions for which there is a need or vacancy. The list of priority health professions that follows is based upon the needs of the IHS as well as upon the needs of American Indians and Alaska Natives.

(a) Medicine: Allopathic and Osteopathic.

(b) Nurse: Associate, B.S. and M.S. Degree.

(c) Clinical Psychology: Ph.D. and Psy.D.

(d) Counseling Psychology: Ph.D.

(e) Social Work: Licensed Clinical Social Worker or Licensed Master Social Worker; Masters level only.

(f) Chemical Dependency Counseling: Baccalaureate and Masters level.

(g) Counseling: Masters level only.

(h) Dentistry: DDS and DMD.

(i) Dental Hygiene.

(j) Dental Assistant: Certified.

(k) Pharmacy: B.S., Pharm.D.

(l) Optometry: O.D.

(m) Physician Assistant: Certified.

(n) Advanced Practice Nurses: Nurse Practitioner, Certified Nurse Midwife, Doctor of Nursing, Registered Nurse Anesthetist (Priority consideration will be given to Registered Nurse Anesthetists.).

(o) Podiatry: D.P.M.

(p) Physical Rehabilitation Services: Physical Therapy, Occupational Therapy, Speech-Language Pathology, and Audiology: M.S. and D.P.T.

(q) Diagnostic Radiology Technology: Certificate, Associate, and B.S.

(r) Medical Laboratory Scientist, Medical Technology, Medical Laboratory Technician: Associate and B.S.

(s) Public Health Nutritionist/ Registered Dietitian.

(t) Engineering (Environmental): B.S. (Engineers must provide environmental engineering services to be eligible.).

(u) Environmental Health (Sanitarian): B.S. and M.S.

(v) Health Records: R.H.I.T. and R.H.I.A.

(w) Certified Professional Coder: AAPC or AHIMA.

(x) Respiratory Therapy.

(y) Ultrasonography.

(z) Chiropractors: Licensed.

(aa) Naturopathic Medicine: Licensed.

(bb) Acupuncturists: Licensed.

B. Cost Sharing or Matching

Not applicable.

C. Other Requirements

Interested individuals are reminded that the list of eligible health and allied health professions is effective for applicants for FY 2015. These priorities will remain in effect until superseded.

IV. Application and Submission Information

A. Content and Form of Application Submission

Each applicant will be responsible for submitting a complete application. Go to *http://www.ihs.gov/loanrepayment* for more information on how to apply electronically. The application will be considered complete if the following documents are included:

- Employment Verification—Documentation of your employment with an Indian health program as applicable:
  - Commissioned Corps orders, Tribal employment documentation or offer letter, or Notification of Personnel Action (SF–50)—For current Federal employees.
- License to Practice—A photocopy of your current, non-temporary, full and unrestricted license to practice (issued by any state, Washington, DC or Puerto Rico).
- Loan Documentation—A copy of all current statements related to the loans submitted as part of the LRP application.
- If applicable, if you are a member of a Federally recognized Tribe or Alaska Native (recognized by the Secretary of the Interior), provide a certification of Tribal enrollment by the Secretary of the Interior, acting through the Bureau of Indian Affairs (BIA) (Certification: Form BIA—4432 Category A—Members of Federally-Recognized Indian Tribes, Bands or Communities or Category D—Alaska Native).

B. Submission Dates and Address

Applications for the FY 2015 LRP will be accepted and evaluated monthly beginning February 13, 2015 and will continue to be accepted each month thereafter until all funds are exhausted for FY 2015. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month until August 14, 2015.

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date; or

(2) The documentation is received after the deadline date, but has a legible postmark dated on or before the deadline date. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing).

Applications submitted after the monthly closing date will be held for consideration in the next monthly

funding cycle. Applicants who do not receive funding by September 30, 2015, will be notified in writing.

Application documents should be sent to: IHS Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852.

C. Intergovernmental Review

This program is not subject to review under Executive Order 12372.

D. Funding Restrictions

Not applicable.

E. Other Submission Requirements

New applicants are responsible for using the online application. Applicants requesting a contract extension must do so in writing by January 1, 2015 to ensure the highest possibility of being funded a contract extension.

V. Application Review Information

A. Criteria

The IHS has identified the positions in each Indian health program for which there is a need or vacancy and ranked those positions in order of priority by developing discipline-specific prioritized lists of sites. Ranking criteria for these sites may include the following:

(1) Historically critical shortages caused by frequent staff turnover;

(2) Current unmatched vacancies in a health profession discipline;

(3) Projected vacancies in a health profession discipline;

(4) Ensuring that the staffing needs of Indian health programs administered by an Indian Tribe or Tribal health organization or urban Indian organization receive consideration on an equal basis with programs that are administered directly by the Service; and

(5) Giving priority to vacancies in Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached LRP contracts entered into under this section.

Consistent with this priority ranking, in determining applications to be approved and contracts to accept, the IHS will give priority to applications made by American Indians and Alaska Natives and to individuals recruited through the efforts of Indian Tribes or Tribal or Indian organizations.

B. Review and Selection Process

Loan repayment awards will be made only to those individuals serving at facilities which have a site score of 70 or above during the first quarter of FY 2015, if funding is available.

One or all of the following factors may be applicable to an applicant, and the applicant who has the most of these factors, all other criteria being equal, will be selected.

(1) An applicant's length of current employment in the IHS, Tribal, or urban program.

(2) Availability for service earlier than other applicants (first come, first served).

(3) Date the individual's application was received.

C. Anticipated Announcement and Award Dates

Not applicable.

VI. Award Administration Information

A. Award Notices

Notice of awards will be mailed on the last working day of each month. Once the applicant is approved for participation in the LRP, the applicant will receive confirmation of his/her loan repayment award and the duty site at which he/she will serve his/her loan repayment obligation.

B. Administrative and National Policy Requirements

Applicants may sign contractual agreements with the Secretary for two years. The IHS may repay all, or a portion, of the applicant's health profession educational loans (undergraduate and graduate) for tuition expenses and reasonable educational and living expenses in amounts up to $20,000 per year for each year of contracted service. Payments will be made annually to the participant for the purpose of repaying his/her outstanding health profession educational loans. Payment of health profession education loans will be made to the participant within 120 days, from the date the contract becomes effective. The effective date of the contract is calculated from the date it is signed by the Secretary or his/her delegate, or the IHS, Tribal, urban, or Buy Indian health center entry-on-duty date, whichever is more recent.

In addition to the loan payment, participants are provided tax assistance payments in an amount not less than 20 percent and not more than 39 percent of the participant's total amount of loan repayments made for the taxable year involved. The loan repayments and the tax assistance payments are taxable income and will be reported to the Internal Revenue Service (IRS). The tax assistance payment will be paid to the IRS directly on the participant's behalf. LRP award recipients should be aware that the IRS may place them in a higher tax bracket than they would otherwise have been prior to their award.

C. Contract Extensions

Any individual who enters this program and satisfactorily completes his or her obligated period of service may apply to extend his/her contract on a year-by-year basis, as determined by the IHS. Participants extending their contracts may receive up to the maximum amount of $20,000 per year plus an additional 20 percent for Federal withholding.

VII. Agency Contact

Please address inquiries to Ms. Jacqueline K. Santiago, Chief, IHS Loan Repayment Program, 801 Thompson Avenue, Suite 120, Rockville, Maryland 20852, Telephone: 301/443–3396 [between 8:00 a.m. and 5:00 p.m. (EST) Monday through Friday, except Federal holidays].

VIII. Other Information

IHS Area Offices and Service Units that are financially able are authorized to provide additional funding to make awards to applicants in the LRP, but not to exceed $35,000 a year plus tax assistance. All additional funding must be made in accordance with the priority system outlined below. Health professions given priority for selection above the $20,000 threshold are those identified as meeting the criteria in 25 U.S.C. 1616a(g)(2)(A) which provides that the Secretary shall consider the extent to which each such determination:

(i) Affects the ability of the Secretary to maximize the number of contracts that can be provided under the LRP from the amounts appropriated for such contracts;

(ii) Provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

(iii) Provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the LRP.

Contracts may be awarded to those who are available for service no later than September 30, 2015 and must be in compliance with any limits in the appropriation and 25 U.S.C. 1616a not to exceed the amount authorized in the IHS appropriation (up to $36,000,000 for FY 2015). In order to ensure compliance with the statutes, Area Offices or Service Units providing additional funding under this section are responsible for notifying the LRP of

such payments before funding is offered to the LRP participant.

Should an IHS Area Office contribute to the LRP, those funds will be used for only those sites located in that Area. Those sites will retain their relative ranking from the national site-ranking list. For example, the Albuquerque Area Office identifies supplemental monies for dentists. Only the dental positions within the Albuquerque Area will be funded with the supplemental monies consistent with the national ranking and site index within that Area.

Should an IHS Service Unit contribute to the LRP, those funds will be used for only those sites located in that Service Unit. Those sites will retain their relative ranking from the national site-ranking list. For example, Whiteriver Service Unit identifies supplemental monies for nurses. The Whiteriver Service Unit consists of two facilities, namely the Whiteriver PHS Indian Hospital and the Cibecue Indian Health Center. The national ranking will be used for the Whiteriver PHS Indian Hospital (Score = 79) and the Cibecue Indian Health Center (Score = 95). With a score of 95, the Cibecue Indian Health Center would receive priority over the Whiteriver PHS Indian Hospital.

Dated: January 20, 2015.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2015–01958 Filed 1–30–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Technology Transfer; Notice of meetings

ACTION: Notice of meetings.

SUMMARY: Notice is hereby given that the Office of Intramural Research (OIR), National Institutes of Health (NIH), will host two webinars to enable public discussion of its proposal to reorganize the OIR Office of Technology Transfer (OTT). The proposal seeks to align authority and responsibility for the implementation and execution of patenting and licensing (P&L) functions within the NIH Institutes and Centers.

DATES: The first webinar will be held on February 13th from 9:30 to 10:00 a.m. The second webinar will be held on February 13th from 10:00 to 10:30 a.m. Members of the public wishing to join a webinar must register via the webinar link provided. Any interested person may also file written comments by sending an email to Deborah Kassilke, *kassilked@mail.nih.gov* by Tuesday, February 17th, 2015. The written comment should include the commenter's name and, when applicable, professional affiliation.

ADDRESSES: Session 1: February 13, 2015 from 9:30 to 10:00 a.m. *https://nih.webex.com/nih/j.php?MTID=m2a6eb40ebe096afad861f0b5e941f9bc.*

Session 2: February 13, 2015 from 10:00 to 10:30 a.m. *https://nih.webex.com/nih/j.php?MTID=m8c50a9e8b5454a39b4fa24d9df412fab.*

FOR FURTHER INFORMATION CONTACT: Deborah Kassilke, *kassilked@mail.nih.gov,* 301–435–2950.

SUPPLEMENTARY INFORMATION: The background of the proposed OTT reorganization is as follows.

The Advisory Committee to the NIH Deputy Director for Intramural Research, and the Technology Transfer Steering Committee (TTSC) recently assessed OTT to determine how it services the overall technology transfer needs of the NIH. The committees recommended that the authority and responsibility for the implementation and execution of patenting and licensing should be decentralized from OTT and distributed throughout the NIH Institutes and Centers (ICs). In September 2014, the NIH Steering Committee accepted this recommendation.

Dated: January 27, 2015.

Lawrence Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2015–01964 Filed 1–30–15; 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, Muscular Dystrophy Coordinating Committee Call for Committee Membership Nominations

SUMMARY: The Office of the Secretary of the Department of Health and Human Services (HHS) is seeking nominations of individuals to serve as non-federal public members on the Muscular Dystrophy Coordinating Committee.

DATES: Nominations are due by close of business, February 27, 2015.

ADDRESSES: Nominations must be sent to Glen Nuckolls, Ph.D., by email to *nuckollg@ninds.nih.gov.*

FOR FURTHER INFORMATION CONTACT: Glen Nuckolls, Ph.D., by email to *nuckollg@ninds.nih.gov.*

SUPPLEMENTARY INFORMATION: The Muscular Dystrophy Coordinating Committee (MDCC) is a federal advisory committee established in accordance with the Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2001 (MD–CARE Act; Public Law 107–84. The MD–CARE Act was reauthorized in 2008 by Public Law 110–361, and again in 2014 by Public Law 113–166. The 2014 reauthorization mandated changes to the membership of the MDCC, resulting in the addition of one public member. Nominations of non-federal public members will be accepted between January 30, 2015 and February 27, 2015.

Who is Eligible: Nominations of new non-federal public members interested in advancing muscular dystrophy research and reducing the burden of disease are encouraged. Self-nominations and nominations of other individuals are both permitted. Only one nomination per individual is required. Multiple nominations for the same individual will not increase likelihood of selection. Non-federal public members may be selected from the pool of submitted nominations and other sources as needed to meet statutory requirements and to form a balanced committee that represents the diversity within the muscular dystrophy community. Those eligible for nomination include leaders or representatives of major muscular dystrophy research, advocacy, and service organizations, parents or guardians of individuals with muscular dystrophy, individuals with muscular dystrophy and service providers, educators, researchers, and other individuals with professional or personal experience with muscular dystrophy. In accordance with White House Office of Management and Budget guidelines (FR Doc. 2014–19140), federally-registered lobbyists are not eligible.

Committee Composition: In accordance with the Committee's authorizing statute, ⅔ of members of the Coordinating Committee shall represent government agencies and ⅓ of members shall be public members ''including a broad cross section of persons affected with muscular dystrophies including parents or legal guardians, affected individuals, researchers, and clinicians.''

The Department strives to ensure that the membership of HHS Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that the views of women, all ethnic and racial groups,

and people with disabilities are represented on HHS Federal advisory committees and, therefore, the Department encourages nominations of qualified candidates from these groups. The Department also encourages geographic diversity in the composition of the Committee. Appointment to this Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. Requests for reasonable accommodation to enable participation on the Committee should be indicated in the nomination submission.

Member Terms: Non-Federal public members of the Committee serve for a term of 3 years, and may serve for an unlimited number of terms if reappointed. Members may serve after the expiration of their terms, until their successors have taken office.

Meetings and Travel: As specified by Public Law 113–166, the MDCC ''shall meet no fewer than two times per calendar year.'' Travel expenses are provided for non-federal public Committee members to facilitate attendance at in-person meetings. Members are expected to make every effort to attend all full committee meetings, twice per year, either in person or via remote access. Participation in relevant subcommittee, working and planning group meetings, and workshops, is also encouraged.

Submission Instructions and Deadline: Nominations are due by COB February 27, 2015, and should be sent to Glen Nuckolls, Ph.D., by email to *nuckollg@ninds.nih.gov.* Nominations must include contact information for the nominee, a current curriculum vitae or resume of the nominee and a paragraph describing the qualifications of the person to represent some portion(s) of the muscular dystrophy research and patients communities.

More information about the MDCC is available at *http://www.ninds.nih.gov/about_ninds/groups/mdcc/.*

Dated: January 25, 2015.

Walter J. Koroshetz,

Acting Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health.

[FR Doc. 2015–01960 Filed 1–30–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://beta.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 7–1051, One Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Gamma-Dynacare Medical Laboratories, 6628 50th Street NW., Edmonton, AB Canada T6B 2N7, 780–784–1190.

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264.

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories).

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Fortes Laboratories, Inc., 25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023.
Gamma-Dynacare Medical Laboratories,* A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630.
Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.
Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.).
Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).
Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).
LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).
MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.
MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295.
Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088.
National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.
One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).
Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory).
Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.
Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840.
Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).
Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).
Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories).
Redwood Toxicology Laboratory, 3700650 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159.
Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027.
STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438.
US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085.

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 30, 2010 (75 FR 22809). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Janine Denis Cook,

Chemist, Division of Workplace Programs, Center for Substance Abuse Prevention, SAMHSA.

[FR Doc. 2015–01883 Filed 1–30–15; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0003; OMB No. 1660–0068]

Agency Information Collection Activities: Proposed Collection; Comment Request; Federal Hotel and Motel Fire Safety Declaration Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, 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 an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of information regarding the existence of smoke detectors and sprinkler systems within hotels and motels.

DATES: Comments must be submitted on or before April 3, 2015.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2015–0003. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal

information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Teressa Kaas, Fire Program Specialist, FEMA/U.S. Fire Administration, (301) 447–1263 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: *The Hotel and Motel Fire Safety Act of 1990,* Public Law 101–391, requires FEMA to establish and maintain a list of hotels, motels, and similar places of public accommodation meeting minimum requirements for protection of life from fire; the list is known as the National Master List (NML). This law resulted from a series of deadly fires in hotels and motels, occurring in the late 1970's and 1980's, with high loss of life. The legislative intent of this public law is to provide all travelers the assurance of fire-safety in accommodations identified on the National Master List. *The Hotel and Motel Fire Safety Act of 1990* further stipulates that Federal employees on official travel stay in properties approved by the authority having jurisdiction (AHJ) and listed on the current NML. For statutory reference see Title 15 U.S.C. ¶¶ 2224–26.

Collection of Information

Title: Federal Hotel and Motel Fire Safety Declaration Form.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0068.

Form Titles and Numbers: FEMA Form 516–0–1, Federal Hotel and Motel Fire Safety Declaration Form.

Abstract: Applicants complete and submit the Hotel-Motel Declaration Form online through the USFA Web site (*http://www.usfa.dhs.gov/applications/hotel/*) or they may request a paper-based version. Applications submitted through the Web site are reviewed and, if approved, the applicant will receive a FEMA ID Number for their facility. Online submission is the preferred method selected by the majority applicants. Paper-based forms returned by traditional methods (USPS mail, special delivery, or facsimile) receive the same review process as those submitted online. Lodging establishments must meet a certain level of life-safety from fire, as defined in Public Law 101–391, to become eligible for listing on the NML. Federal employees use the NML to select lodging while traveling on government-related business, but the list is also accessible to the general public.

Affected Public: Business or other for-profit; State, local or Tribal Government.

Number of Respondents: 2,294.

Number of Responses: 2,655.

Estimated Total Annual Burden Hours: 696 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost
Business or other For-Profit.	Federal Hotel and Motel Fire Safety Declaration Form/FEMA Form 516–0–1.	2,275	1	2,275	0.25 (15 mins.).	569	$52.79	$30,038
State, local or Tribal Government.	Review of FEMA Form 516–0–1.	19	20	380	0.333 (20 mins.).	127	39.10	4,966
Total	.....	2,294	.....	2,655	.....	696	.....	35,004

Note: The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $35,004. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $50,053.00.

Comments

Comments may be submitted as indicated in the ADDRESSES caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: January 22, 2015.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–01840 Filed 1–30–15; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: [FEMA–2015–0005; OMB No. 1660–0038]

Agency Information Collection Activities: Proposed Collection; Comment Request; Write Your Own (WYO) Company Participation Criteria; New Applicant

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, 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 an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning information collected from new applicants to the National Flood Insurance Program (NFIP), Write-Your-Own (WYO) Program.

DATES: Comments must be submitted on or before April 3, 2015.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2015–0005. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Bernstein, Program Specialist, FEMA, Federal Insurance and Mitigation Administration (FIMA), 202–212–2113 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Under the National Flood Insurance Program's (NFIP) Write Your Own (WYO) Program, the Federal Emergency Management Agency may enter into arrangements authorized by the National Flood Insurance Act of 1968, as amended (the Act) with individual private sector insurance companies that are licensed to engage in the business of property insurance. These companies may offer flood insurance coverage to eligible property owners utilizing their customary business practices. To facilitate the marketing of flood insurance, the Federal Government will be a guarantor of flood insurance coverage for WYO companies policies issued under the WYO arrangement. To ensure that a company seeking to return or participate in the WYO program is qualified, FEMA is requiring a one-time submission of information to determine the company's qualifications, as set forth in 44 CFR 62.24.

Collection of Information

Title: Write Your Own (WYO) Company Participation Criteria; New Applicant.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0038.

FEMA Forms: None.

Abstract: New insurance companies that seek to participate in the WYO program, as well as former WYO companies seeking to return, must meet standards for WYO Financial Control Plan (approved under OMB Control# 1660–0020). Private Insurance Companies and/or public entity risk-sharing organizations wishing to enter or reenter the WYO program must demonstrate the ability to meet the financial requirements. The information allows FEMA to determine the applicant's capability of meeting program goals including marketing of flood insurance, training agents and staff in the program rules, and its capabilities for claims handling and disaster response.

Affected Public: Business of other for-profit.

Number of Respondents: 5.

Number of Responses: 5.

Estimated Total Annual Burden Hours: 35.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form No.	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost
Business or Other for-profit (Insurance Industry).	Application Process/No Form.	5	1	5	7 hours	35	$64.28	$2,249.80
Total	.....	5	.....	5	.....	35	.....	2,249.80

Note: The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $2,249.80. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $5,409.18.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: January 22, 2015

Charlene D. Myrthil,

Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security

[FR Doc. 2015–01933 Filed 1–30–15; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–04]

30-Day Notice of Proposed Information Collection: Application for Fee or Roster Personnel (Appraisers and Inspectors) Designation and Appraisal Reports

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* March 4, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard* @hud.gov or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 21, 2014.

A. Overview of Information Collection

Title of Information Collection: Application for Fee or Roster Personnel (Appraisers and Inspectors) Designation and Appraisal Reports.

OMB Approval Number: 2502–0538.

Type of Request: Extension.

Form Number: HUD 92563A, HUD 92563I, HUD 92564–CN Fannie Mae Forms: 1004, 1004c, 1025, 1073, 1075, 2055 and 1004MC.

Description of the need for the information and proposed use: Accurate and thorough appraisal reporting is critical to the accuracy of underwriting for the mortgage insurance process. The need for accuracy is increased for FHA insured mortgages since buyers tend to have more limited income and lower equity in the properties. This collection of information provides a more thorough and complete appraisal of prospective HUD-insured single-family properties ensuring that mortgages are acceptable for FHA insurance and thereby protect the interest of HUD, the taxpayers, and the FHA insurance fund. The collection allows HUD to maintain an effective appraisal program with the ability to discipline appraisers and inform potential homeowners of the benefits of purchasing an independent home inspection.

Respondents: Business or other for profit.

Estimated Number of Respondents: 17,162.

Estimated Number of Responses: 467,162.

Frequency of Response: On occasion.

Average Hours per Response: .05.

Total Estimated Burdens: 24,783.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 23, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–01968 Filed 1–30–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–03]

30-Day Notice of Proposed Information Collection: National Disaster Resilience Competition (NDRC) Phase 1 and Phase 2 Application and Community Development Block Grant National Disaster Resilience (CDBG–NDR) Pre- and Post-Award Planning and Reporting Requirements in the Disaster Recovery Grant Reporting (DRGR) System

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: March 4, 2015.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard @hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 20, 2014.

A. Overview of Information Collection

Title of Information Collection: National Disaster Resilience Competition (NDRC) and Community

Development Block Grant National Disaster Recovery (CDBG–NDR) Pre- and Post-Award planning and reporting requirements in the Disaster Recovery Grant Reporting (DRGR) system.

OMB Approval Number: 2506–0203.

Type of Request: Revision of a currently approved collection.

Form Number: Application for Federal Assistance (SF–424). Applicants must include the nine digit zip code (zip code plus four digits) associated to the applicant address in box 8d of the SF424. The DUNS number used must have an active registration in SAM.

Disclosure of Lobbying Activities (SF–LLL). If this form does not apply, applicants will indicate that (*e.g.,* writing ''N/A'') on the form and submit it with their applications.

Applicant/Recipient Disclosure/ Update Report (form HUD–2880) (''HUD Applicant Recipient Disclosure Report'');

Facsimile Transmittal Form on Grants.gov (HUD–96011). Third Party Documentation Facsimile Transmittal, if applicable.

Description of the need for the information and proposed use: This information describes the application requirements of National Disaster Resilience Competition (NDRC) Notice of Funding Availability (NOFA). The data required includes narratives, attachments and standard forms needed to respond to thresholds, rating factors, and other criteria in the Phase 1 and 2 NOFA applications. Successful Phase 1 applicants will be invited to submit more detailed Phase 2 applications, which will determine Community Development Block Grant National Disaster Resilience (CDBG–NDR) funding awards. CDBG–NDR awardees will be required to submit Action Plans, Quarterly Performance Reports (QPRs) and vouchers for payment in HUD's Disaster Recovery Grants Reporting (DRGR) system.

In response to comments received during the 60-day **Federal Register** notice for this Submission, HUD has added a new checklist for the Most-Impacted and Distressed Threshold response to the NDRC NOFA application requirements. An additional 2 hours were added to the burden hours for the Threshold response in each of Phase 1 and Phase 2.

Respondents are eligible local and State governments that experienced a presidentially-declared major disaster during 2011–2013 as identified in the CDBG–NDR NOFA.

Total Estimated Burdens:

Full NDRC Phase 1 application

Description of information collection	Number of respondents	Number of responses	Total number of responses	Hours per response	Total hours	Cost per response	Total cost
Phase 1 Threshold Determination	67	1	67	37	2,479	$1,288	$86,269
Factor Narratives and Attachments	67	1	67	120	8,040	4,176	279,792
SF–424	67	0	0	0	0	0	0
SF–LLL	67	0	0	0	0	0	0
HUD–2880	67	1	67	4	268	96	25,835
HUD–96011	67	1	67	0.03	2	1	67
Total Phase 1 Paperwork Burden	67	4	268	161	10,789	5,561	391,963

Full NDRC Phase 2 application

Description of information collection	Number of respondents**	Number of responses	Total number of responses	Hours per response	Total hours	Cost per response	Total cost
Phase 2 Threshold Determination	67	1	69	35	2,415	1,218	84,042
Factor Narratives and Attachments	67	1	67	150	10,050	5,220	349,740
SF–424	67	0	0	0	0	0	0
SF–LLL	67	0	0	0	0	0	0
HUD–2880	67	1	67	4	268	96	25,835
HUD–96011	67	1	67	0.03	2	1	67
Total Phase 2 Paperwork Burden	67	4	270	189	12,735	6,535	459,684

*Based number of hours per response at GS–13 salary of $34.80/hr.
**Maximum if all eligible Phase 1 Applicants apply and are invited to submit Phase 2 applications.

CDBG–NDR Information collection in DRGR

Description of information collection	Number of respondents*	Number of responses	Total number of responses	Hours per response	Total hours	Cost per response**	Total cost
PRE-AWARD SUBMISSION REQUIREMENTS							
Non-recurring:							
Published Action Plan	67	1	67	40	2,680	$1,392	$93,264
SF 424	67	1	67	1	67	35	2,345

CDBG–NDR Information collection in DRGR

Description of information collection	Number of respondents *	Number of responses	Total number of responses	Hours per response	Total hours	Cost per response **	Total cost
Procurement, Financial Controls and DOB documentation	67	1	67	6	402	209	14,003
Performance and Financial Projections	67	1	67	8	536	278	18,626
POST-AWARD							
Grant Agreement (HUD 40092)	67	1	67	1	67	35	2,345
Grantee's Written Agreements	67	1	67	5	335	174	11,658
DRGR Activation, Activity Set-Up and Completion	67	1	67	10	670	348	23,316
Total Pre- And Post-Award Paperwork Burden	67	7	469	71	4,757	2,471	165,557
REPORTING (Annual)							
Recurring:							
Average Sized Grants Online Quarterly Reporting via DRGR	67	4	268	9	2,412	313	83,884
Average-Sized Grants Online Voucher Submissions	67	19	1,273	0.22	280	8	10,184
Total Annual Reporting Paperwork Burden	67	23	1,541	9.22	14,208	349	537,809
Total CDBG–NDR Paperwork Burden (Pre- and Post- Award and Reporting)	67	30	2,010	N/A	18,965	N/A	703,366

* Maximum if all eligible Phase 1 Applicants apply and are invited to submit Phase 2 applications.
** Based number of hours per response at GS–13 salary of $34.80/hr.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 23, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–01965 Filed 1–30–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FW–HQ–R–2015–N024; FXRS12630900000–156–FF09R81000]

Proposed Information Collection; Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and

as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on April 30, 2015. We 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: To ensure that we are able to consider your comments on this IC, we must receive them by April 3, 2015.

ADDRESSES: Send your comments on the IC to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *hope_grey@fws.gov* (email). Please include ''1018–0140'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended (Administration Act), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and uses of national wildlife refuges and wetland management districts. The Administration Act consolidated all the different refuge areas into a single Refuge System. It also authorizes us to permit public uses, including hunting and fishing, on lands of the Refuge System when we find that the activity is compatible and appropriate with the purpose for which the refuge was established. The Recreation Act allows the use of refuges for public recreation when the use is not inconsistent or does not interfere with the primary purpose(s) of the refuge.

We administer 373 hunting programs and 271 fishing programs on 408 refuges and wetland management districts. We only collect user information at about 20 percent of these refuges. Information that we plan to collect will help us:

- Administer and monitor hunting and fishing programs on refuges.
- Distribute hunting and fishing permits in a fair and equitable manner to eligible participants.

We use nine application and report forms associated with hunting and fishing on refuges. We may not allow all opportunities on all refuges; therefore, we developed different forms to simplify the process and avoid confusion for applicants. The currently approved forms are available online at *http://www.fws.gov/forms/.* Not all refuges will use each form and some refuges may collect the identical information in a nonform format.

We use the following application forms when we assign areas, dates, and/or types of hunts via a drawing because of limited resources, high demand, or when a permit is needed to hunt. We issue application forms for specific periods, usually seasonally or annually.

- FWS Form 3–2354 (Quota Deer Hunt Application).
- FWS Form 3–2355 (Waterfowl Lottery Application).
- FWS Form 3–2356 (Big/Upland Game Hunt Application).
- FWS Form 3–2357 (Migratory Bird Hunt Application).
- FWS Form 3–2358 (Fishing/Shrimping/Crabbing Application).

We collect information on:

- Applicant (name, address, phone number) so that we can notify applicants of their selection.
- User preferences (dates, areas, method) so that we can distribute users equitably.
- Whether or not the applicant is applying for a special opportunity for disabled or youth hunters.
- Age of youth hunter(s) so that we can establish eligibility.

We ask users to report on their success after their experience so that we can evaluate hunting/fishing quality and resource impacts. We use the following activity reports, which we distribute during appropriate seasons, as determined by State or Federal regulations.

- FWS Form 3–2359 (Big Game Harvest Report).
- FWS Form 3–2360 (Fishing Report).
- FWS Form 3–2361 (Migratory Bird Hunt Report).
- FWS Form 3–2362 (Upland/Small Game/Furbearer Report).

We collect information on:

- Names of users so we can differentiate between responses.
- City and State of residence so that we can better understand if users are local or traveling.
- Dates, time, and number in party so we can identify use trends and allocate staff and resources.
- Details of success by species so that we can evaluate quality of experience and resource impacts.

II. Data

OMB Control Number: 1018–0140.

Title: Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges; 50 CFR 25, 26, 27, 30, 31, and 32.

Service Form Number(s): FWS Forms 3–2354, 3–2355, 3–2356, 3–2357, 3–2358, 3–2359, 3–2360, 3–2361, 3–2362.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Individuals and households.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion (for applications, usually once per year at the beginning of the hunting season; for activity reports, once at the conclusion of the hunting/fishing experience).

Activity	Number of respondents	Number of responses	Completion time per response	Total annual burden hours
FWS Form 3–2354	180,000	180,000	30 minutes	90,000
FWS Form 3–2355	93,000	93,000	30 minutes	46,500
FWS Form 3–2356	2,600	2,600	30 minutes	1,300
FWS Form 3–2357	5,200	5,200	30 minutes	2,600
FWS Form 3–2358	2,600	2,600	30 minutes	1,300
FWS Form 3–2359	88,000	88,000	15 minutes	22,000
FWS Form 3–2360	412,000	412,000	15 minutes	103,000
FWS Form 3–2361	31,000	31,000	15 minutes	7,750
FWS Form 3–2362	26,000	26,000	15 minutes	6,500
Totals	840,400	840,400		280,950

Estimated Annual Nonhour Burden Cost: We estimate the annual nonhour cost burden to be $60,000 for hunting application fees at some refuges.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 28, 2015.

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2015–01897 Filed 1–30–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–R–2015–N018; FF07R08000FXRS–1263–0700000–156]

Proposed Information Collection; Alaska Guide Service Evaluation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on May 31, 2015. We 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: To ensure that we are able to consider your comments on this IC, we must receive them by April 3, 2015.

ADDRESSES: Send your comments on the IC to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *hope_grey@fws.gov* (email). Please include ''1018–0141'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

We collect information on FWS Form 3–2349 (Alaska Guide Service Evaluation) to help us evaluate commercial guide services on our national wildlife refuges in the State of Alaska (State). The National Wildlife Refuge Administration Act of 1966, as amended (16 U.S.C. 668dd–ee), authorizes us to permit uses, including commercial visitor services, on national wildlife refuges when we find the activity to be compatible with the purposes for which the refuge was established. With the objective of making available a variety of quality visitor services for wildlife-dependent recreation on National Wildlife Refuge System lands, we issue permits for commercial guide services, including big game hunting, sport fishing, wildlife viewing, river trips, and other guided activities. We use FWS Form 3–2349 as a method to:

- Monitor the quality of services provided by commercial guides.
- Gauge client satisfaction with the services.
- Assess the impacts of the activity on refuge resources.

The client is the best source of information on the quality of commercial guiding services. We collect:

- Client name.
- Guide name(s).
- Type of guided activity.
- Dates and location of guided activity.
- Information on the services received such as the client's expectations, safety, environmental impacts, and client's overall satisfaction.

We encourage respondents to provide any additional comments that they wish regarding the guide service or refuge experience, and ask whether or not they wish to be contacted for additional information.

The above information, in combination with State-required guide activity reports and contacts with guides and clients in the field, provides a comprehensive method for monitoring permitted commercial guide activities. A regular program of client evaluation helps refuge managers detect potential problems with guide services so that we can take corrective actions promptly. In addition, we use this information during the competitive selection process for big game and sport fishing guide permits to evaluate an applicant's ability to provide a quality guiding service.

II. Data

OMB Control Number: 1018–0141.

Title: Alaska Guide Service Evaluation.

Service Form Number: 3–2349.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Clients of permitted commercial guide service providers.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time, following use of commercial guide services.

Estimated Annual Number of Respondents: 158.

Estimated Total Annual Responses: 158.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 40.

Estimated Annual Nonhour Burden Cost: None.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request

to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 27, 2015.

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2015–01849 Filed 1–30–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–17478; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before January 3, 2015. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by February 17, 2015. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 15, 2015.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

MASSACHUSETTS

Hampshire County

Nashawannuck Mills Historic District, 1–15 Cottage St., Easthampton, 15000001

NEVADA

Clark County

Harrison's Guest House, 1001 F St., Las Vegas, 15000009

White Pine County

Nevada Northern Railway—McGill Depot, 1 N. Ave. K, McGill, 15000010

NEW JERSEY

Monmouth County

Arburtus Cottage, 508 4th Ave., Asbury Park, 15000003

Navesink Military Reservation, Grand Tour & Portland Rds., Hartshorne Woods Park, Middletown Township, 15000011

NEW YORK

Allegany County

Cuba Cemetery, Medbury Ave. opposite Union St., Cuba, 15000004

Erie County

Broadway Historic District, 5423–5658 Broadway, Lancaster, 15000005

Hamilton County

Grace Methodist Church Complex, 2895 NY 8, Speculator, 15000006

Monroe County

Cox—Budlong House, 4396 River Rd., Scottsville, 15000007

Schuyler County

Watkins Glen High School, 900 N. Decatur St., Watkins Glen, 15000008

VIRGINIA

Amherst County

Kenmore Farm, 369 Kenmore Rd., Amherst, 15000012

Buckingham County

Buckingham Training School, (Rosenwald Schools in Virginia MPS), 245 Camden St., Dillwyn, 15000013

Harrisonburg Independent city

Newtown Cemetery, Roughly bounded by Kelley, Hill, Sterling & Gay Sts., Harrisonburg (Independent City), 15000014

Henrico County

Farmer's Rest, 9341 Varina Rd., Henrico, 15000015

James City County

Amblers, 2205 Jamestown Rd., Jamestown, 15000016

Lee County

Sayers, William, Homestead, 110 Mabel Parkey Dr., Ewing, 15000017

Pittsylvania County

Creasy, Thomas Claiborne, House, 415 S. Main St., Gretna, 15000018

Russell County

Gilmer, Samuel, House, 2410 E. Main St., Lebanon, 15000019

Tazewell County

Tazewell Depot, 135 Railroad Ave., Tazewell, 15000020

WISCONSIN

Outagamie County

Eagle Paper and Flouring Mill, 600 Thilmany Rd., Kakauna, 15000021

[FR Doc. 2015–01860 Filed 1–30–15; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0040

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request for the requirements for permit applications for special categories of mining has been submitted to the Office of Management and Budget (OMB) for review and renewed approval. This information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by March 4, 2015, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240, or electronically

to *jtrelease@osmre.gov.* Please reference 1029–0040 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review this information collection request by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted a request to OMB to renew its approval of the collection of information contained in 30 CFR part 785—Requirements for permits for special categories of mining. OSMRE is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for 30 CFR part 785 is 1029–0040. Responses are required to obtain a benefit.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments for this collection of information was published on November 12, 2014 (79 FR 67190). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR part 785—Requirements for permits for special categories of mining.

OMB Control Number: 1029–0040.

Summary: The information is being collected to meet the requirements of sections 507, 508, 510, 515, 701 and 711 of Public Law 95–87, which require applicants for special types of mining activities to provide descriptions, maps, plans and data of the proposed activity. This information will be used by the regulatory authority in determining if the applicant can meet the applicable performance standards for the special type of mining activity.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for coalmine permits and state regulatory authorities.

Total Annual Responses: 189 permit applicants and 189 state regulatory authorities.

Total Annual Burden Hours: 18,820.

Total Annual Non-Wage Costs: $0.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the offices listed in **ADDRESSES**. Please refer to OMB control number 1029–0040 in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 27, 2015.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2015–01847 Filed 1–30–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0036

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request for Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by March 4, 2015, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please reference 1029–0036 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, contact John Trelease at (202) 208–2783, or electronically to *jtrelease@osmre.gov.* You may also review this information collection request by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted a request to OMB to renew its approval of the collection of information contained in 30 CFR part 780—Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan. OSMRE is requesting a 3-year term of approval for the information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0036, and is displayed in 30 CFR 780.10.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on this collection of information was published on November 12, 2014 (79 FR 67190). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activities:

Title: 30 CFR part 780—Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

OMB Control Number: 1029–0036.

Summary: Sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of Public Law 95–87 require applicants to submit operations and reclamation plans for coal mining activities. Information collection is needed to determine whether the plans will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for surface coal mine permits and State regulatory authorities.

Total Annual Respondents: 116 coal mine applicants and 24 State regulatory authorities.

Total Annual Burden Hours for All Respondents: 54,267.

Total Annual Burden Costs for All Respondents: $1,034,231.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the individual listed in **ADDRESSES**. Please refer to OMB control number 1029–0036 in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment–including your personal identifying information–may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 22, 2015.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2015–01843 Filed 1–30–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request Comments for 1029–0112

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing that the information collection request for the requirements for coal exploration has been submitted to the Office of Management and Budget (OMB) for review and approval. This information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by March 4, 2015, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB Control Number 1029–0112 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review this information collection request by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSMRE has submitted a request to OMB to renew its approval of the collection of information contained in 30 CFR part 772—Requirements for Coal Exploration. OSMRE is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for 30 CFR part 772 is 1029–0112.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments for this collection of information was published on November 12, 2014 (79 FR 67189). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR part 772—Requirements for Coal Exploration.

OMB Control Number: 1029–0112.

Summary: OSMRE and state regulatory authorities use the information collected under 30 CFR part 772 to gather information on coal exploration activities, evaluate the need for an exploration permit, and ensure that exploration activities comply with the environmental protection and reclamation requirements of 30 CFR part 772 and section 512 of SMCRA (30 U.S.C. 1262).

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: 1,023 operators planning to conduct coal exploration and 24 state regulatory authorities.

Total Annual Responses: 2,156.

Total Annual Burden Hours: 7,644.

Total Annual Non-Wage Burden Costs: $2,408.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the offices listed in **ADDRESSES**. Please refer to OMB control number 1029–0112 in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 27, 2015.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2015–01848 Filed 1–30–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF JUSTICE

Community Oriented Policing Services;

Public Meetings with Members of the Research Community, Subject-Matter Experts and the Public to Discuss Topics Relating to Policing

AGENCY: Community Oriented Policing Services, Justice.

ACTION: Notice of meeting.

SUMMARY: On December 18, 2014, President Barack Obama signed Executive Order 13684 titled ''Establishment of the President's Task Force on 21st Century Policing'' establishing the President's Task Force on 21st Century Policing (''Task Force''). The Task Force seeks to identify best practices and make recommendations to the President on how policing practices can promote effective crime reduction while building public trust and examine, among other issues, how to foster strong, collaborative relationships between local law enforcement and the communities they protect. The Task Force will be holding a public meeting to address the topic of Officer Safety & Wellness. The meeting agenda is as follows:

Call to Order
Invited witness testimony on Officer Safety & Wellness
Break
Discussion

DATES: The meeting date is: February 23, 2015, 9:00 a.m. to 5:00 p.m. Eastern Standard Time, Washington, DC.

ADDRESSES: The meeting location is the Newseum, 555 Pennsylvania Avenue, NW., Washington, DC, 20001. In order to be considered by the Task Force in advance of the meeting, comments relating to the topic area of Officer Safety & Wellness should be emailed in Adobe Acrobat format to *Comment@taskforceonpolicing.us* by Saturday, February 14, 2015. Written comments should be no more than five pages in length and no smaller than 12 point font. Citations should be put in an ''endnote'' format and do not count towards the page limit. Recommendations should be clearly identified in the text of the testimony. The public may also submit comments via U.S. Mail to: President's Task Force on Policing in the 21st Century, Office of Community Oriented Policing Services, U.S. Department of Justice, 145 N Street NE., 11th Floor, Washington, DC 20530

FOR FURTHER INFORMATION CONTACT: Director, Ronald L. Davis, 202–514–4229 or *PolicingTaskForce@usdoj.gov.*

Address all comments concerning this notice to *PolicingTaskForce@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public with limited seating. Time will be allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Accommodations requests: To request accommodation of a disability, please contact Jessica Drake at 202–457–7771, at least 10 days prior to the meeting, to give the Department of Justice as much time as possible to process your request.

Electronic Access and Filing Addresses

The Task Force is interested in receiving written comments including proposed recommendations from individuals, groups, advocacy organizations, and professional communities. Additional information on how to provide your comments will be posted to *www.cops.usdoj.gov/policingtaskforce.*

Availability of Meeting Materials: The agenda and other materials in support of the meeting will be available on the Task Force Web site at *www.cops.usdoj.gov/policingtaskforce* in advance of the meeting.

Ronald L. Davis,

Director, Office of Community Oriented Policing Services.

[FR Doc. 2015–01854 Filed 1–30–15; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On January 28, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Wisconsin in the lawsuit entitled *United States* v. *Soo Line Railroad Company and Wisconsin Central, Ltd.,* Civil Action No. 15–59.

This action involves recovery of costs associated with the release and threatened release of hazardous substances from facilities at and near the Ashland/Northern States Power Lakefront Superfund Site in northwestern Wisconsin (hereinafter the ''Site''), pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* (''CERCLA''). The Site consists of land in Ashland, Wisconsin and lakebed sediments along the shore of Lake Superior's Chequamegon Bay. The United States has filed a complaint seeking response costs from Defendants Soo Line Railroad Company and Wisconsin Central, Ltd. (''Defendants''). The proposed Consent Decree requires Defendants to pay a total of $10.5 million to the United States and Northern States Power-Wisconsin (''NSPW''). Under an earlier consent decree, NSPW has agreed to perform the on-land remedy at the Site under the direction of the United States EPA.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Soo Line Railroad Company and Wisconsin Central, Ltd.,* D.J. Ref. No. 90–11–2–08879/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Under section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area by email or mail to the addresses above by no later than 30 days after the publication of this notice.

During the public comment period, the proposed 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 proposed 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 $9.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–01919 Filed 1–30–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Consent To Receive Employee Benefit Plan Disclosures Electronically

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Consent To Receive Employee Benefit Plan Disclosures Electronically,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 4, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201412-1210-006* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Consent to Receive Employee Benefit Plan Disclosures Electronically information collection requirements codified in regulations at 29 CFR 2520.104b–1 and 2520.107–1, which govern the use of electronic technologies to satisfy information disclosure and recordkeeping requirements under Employee Retirement Income Security Act of 1974 (ERISA) Title I. Generally, consent is required to be obtained prior to providing disclosures electronically to participants and beneficiaries at a location other than the workplace. ERISA section 104(b) authorizes this information collection. (*See* 29 U.S.C. 1024(b).)

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0121.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on January 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 15, 2014 (79 FR 61903).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0121. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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.

Agency: DOL–EBSA.

Title of Collection: Consent to Receive Employee Benefit Plan Disclosures Electronically.

OMB Control Number: 1210–0121.

Affected Public: Private sector—businesses or other for-profits.

Total Estimated Number of Respondents: 35,000.

Total Estimated Number of Responses: 4,305,000.

Total Estimated Annual Time Burden: 15,000 hours.

Total Estimated Annual Other Costs Burden: $215,000.

Dated: January 21, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–01885 Filed 1–30–15; 8:45 am]

BILLING CODE 4510–29–P

NUCLEAR REGULATORY COMMISSION

[Docket ID NRC–2014–0192]

Agency Information Collection Activities: Submission for the Office of Management and Budget Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget (OMB) review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 9, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Form 313, ''Application for Materials License'' and NRC Forms 313A (RSO), 313A (AMP), 313A (ANP), 313A (AUD), 313A (AUT), and 313A (AUS).

3. *Current OMB approval number:* 3150–0120.

4. *The form number if applicable:* NRC Form 313 and NRC Forms 313A (RSO), 313A (AMP), 313A (ANP), 313A (AUD), 313A (AUT), and 313A (AUS).

5. *How often the collection is required:* There is a one-time submittal of the NRC Form 313 (which may include the NRC Form 313A series of forms) with information to receive a license. Once a specific license has been issued, there is a 10-year resubmittal of the NRC Form 313 (which may include the NRC form 313A series of forms) with information for renewal of the license. Amendment requests are submitted as needed by the licensee.

There is a one-time submittal for all limited specific medical use applicants of an NRC Form 313A series form to have each new individual identified as a Radiation Safety Officer (RSO), authorized medical physicist (AMP), authorized nuclear pharmacist (ANP), or authorized user or a subsequent submittal of additional information for one of these individuals to be identified with a new authorization on a limited specific medical use license.

The NRC Form 313A (RSO) is also used by medical broad scope licensees when identifying a new individual as an RSO or adding an additional RSO authorization for the individual. This submittal may occur when applying for a new license, amendment, or renewal.

The NRC Form 313A (ANP) is also used by commercial nuclear pharmacy licensees when requesting an individual be identified for the first time as ANP. This submittal may occur when applying for a new license, amendment, or renewal.

6. *Who will be required or asked to report:* All applicants requesting a license, amendment or renewal of a license for byproduct or source material.

7. *An estimate of the number of annual responses:* 14,400 (2,000 NRC licensee responses and 12,400 Agreement State licensee responses).

8. *The estimated number of annual respondents:* 14,400 (2,000 NRC licensees and 12,400 Agreement State licensees).

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 61,920 (8,600 NRC and 53,320 Agreement State hours).

10. *Abstract:* Applicants must submit NRC Form 313, which may include the six forms in the 313A series, to obtain a specific license to possess, use, or distribute byproduct or source material. These six forms in the 313A series are: 1) NRC Form 313A (RSO), ''Radiation Safety Officer Training and Experience and Preceptor Attestation''; 2) NRC Form 313A (AMP), ''Authorized Medical Physicist Training and Experience and Preceptor Attestation''; 3) NRC Form 313A (ANP), ''Authorized Nuclear Pharmacist Training and Experience and Preceptor Attestation''; 4) NRC Form 313A (AUD), ''Authorized User Training and Experience and Preceptor Attestation (for uses defined under 35.100, 35.200, and 35.500)''; 5) NRC Form 313A (AUT), ''Authorized User Training and Experience and Preceptor Attestation (for uses defined under 35.300)''; and 6) NRC Form 313A (AUS), ''Authorized User Training and Experience and Preceptor Attestation (for uses defined under 35.400 and 35.600).'' The information is reviewed by the NRC to determine whether the applicant is qualified by training and experience, and has equipment, facilities, and procedures which are adequate to protect the public health and safety and minimize danger to life or property.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by March 4, 2015. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150–0120), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Vladik_Dorjets@omb.eop.gov* or submitted by telephone at 202–395–7315.

The NRC Clearance Officer is Tremaine Donnell, telephone: 301–415–6258.

Dated at Rockville, Maryland, this 28th day of January, 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–01913 Filed 1–30–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–113; NRC–2015–0013]

Pennsylvania State University

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application from Pennsylvania State University (PSU or the licensee) to renew special nuclear materials (SNM) license number SNM–95 which authorizes PSU to conduct research using high-enriched and low-enriched uranium. The license renewal would allow PSU to continue licensed activities for 10 years.

DATES: A request for a hearing or petition for leave to intervene must be filed by April 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0013 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0013. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may 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.* For the convenience of the reader, the ADAMS accession numbers for referenced documents are provided in a table in the ''Availability of Documents'' section of this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Christopher Ryder, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–287–0651; email: *Christopher.Ryder@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC has received, by letter dated September 23, 2013, as supplemented on August 1, August 26, and November 5, 2014, an application from PSU to renew special nuclear materials license number SNM–95 which authorizes PSU to use high-enriched and low-enriched uranium for research and educational purposes; uses include, but are not limited to, fission counters and chambers, flux monitoring, and instrument calibration. The license renewal would allow PSU to continue licensed activities for 10 years. 10 CFR 70.38(a) states that a specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under § 70.33 not less than 30 days before the expiration date stated in the existing license. The term of the current license expired on October 31, 2013; however, the application for renewal was made 38 days prior to the expiration, and thus, the current license is still in effect. The licensee is authorized to use SNM under Part 70 of Title 10 of *the Code of Federal Regulations* (10 CFR).

An NRC administrative completeness review, dated November 19, 2014, found the application acceptable for a technical review. During the technical review, the NRC will be reviewing the application in areas that include, but are not limited to, radiation safety, chemical safety, fire safety, security, environmental protection, decommissioning, and material control/accountability. Prior to approving the request to renew special nuclear materials license number SNM–95, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report.

II. 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 the renewal of the special nuclear materials license. Requests for a hearing and a petition 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 in One White Flint North, Room O1–F21 (first floor), 11555 Rockville Pike, 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 to intervene is filed within 60 days, 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. The Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.309, a petition 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 set forth 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 that 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 with respect to resolution of that person's admitted contentions, including the opportunity to present evidence, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Petitions to intervene must be filed no later than 60 days from the date of

publication of this notice. Requests for hearing, petitions 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).

A State, local governmental body, Federally-recognized Indian tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by April 3, 2015. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 3, 2015.

III. 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.

IV. Availability of Documents

The documents identified in the following table are available in ADAMS to interested persons.

Document	ADAMS accession No.	Topic
License renewal request for special nuclear materials license number SNM-95, dated September 23, 2013.	ML13273A207	Initial submittal to renew license SNM–95.
Letter from J. Leavey, Pennsylvania State University, ''Resubmittal of License Renewal Application Originally dated 09/23/13 in Reply to NRC letter dated November 18, 2014 (TAC L33248),'' dated August 1, 2014.	ML14219A484	Cover letter: Revised submittal responding to a request from the NRC staff to supplement the September 23, 2013, application.
Enclosure 1—Penn State University SNM–95 Renewal Application, dated August 1, 2014.	ML14219A485	Enclosure: Revised application to renew license SNM–85.
Letter from J. Leavey, Pennsylvania State University, ''Penn State Univ, Correction to License Renewal Application Dated 08/01/14,'' dated August 26, 2014.	ML14245A462	Cover letter: Correction to the revised application to renew license SNM–95.
Enclosure to letter dated August 26, 2014, ''Penn State Univ, Correction to License Renewal Application Dated 08/01/14, Redacted pages 33 and 34.''	ML14251A325	Enclosure: Corrected pages of revised application to renewal license SNM–95.
''Amendments to PSU License Renewal Application dated August 1, 2014,'' dated November 5, 2014.	ML14314A043	Cover letter and amendment to license SNM–95 renewal application.
''Acceptance for Technical Review, License SNM–0095 Renewal (Technical Assignment Control Number L33343,'' dated November 19, 2014.	ML14259A467	Letter from NRC accepting the revised application to renew license SNM–95 for a technical review.

Dated at Rockville, Maryland, this 23rd day of January 2015.

For the Nuclear Regulatory Commission.

Robert K. Johnson,

Chief, Fuel Manufacturing Branch, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 2015–01915 Filed 1–30–15; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is renewing an existing form and as such has prepared an information collection for OMB review and approval and requests public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within sixty (60) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: All mailed comments and requests for copies of the subject form should include form number [OPIC–50] on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov*, subject line [OPIC–50].

Summary Form Under Review

Type of Request: Extension without change of a currently approved information collection.

Title: Request for Registration for Political Risk Insurance.

Form Number: OPIC–50.

Frequency of Use: One per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 125 hours (30 minutes per response).

Number of Responses: 250 per year.

Federal Cost: $6,429.

Authority for Information Collection: Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The registration is the screening document

used by OPIC to review the investor's and the project's eligibility for political risk insurance and collect information for underwriting analysis.

Dated: January 27, 2015.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2015–01879 Filed 1–30–15; 8:45 am]

BILLING CODE 3210–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and Request for Comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is renewing an existing information collection for OMB review and approval and requests public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 79 page 70224 on November 25, 2014. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: All mailed comments and requests for copies of the subject form should include form number [OPIC–248] on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line [OPIC–248].

Summary Form Under Review

Type of Request: Renewal of an information collection without change.

Title: Office of Investment Policy Questionnaire.

Form Number: OPIC–248.

Frequency of Use: One per investor per project per year.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 552 (2.4 hours per project).

Number of Responses: 230 per year.

Federal Cost: $23,424.

Authority for Information Collection: Sections 231, 231A, 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Office of Investment Policy Questionnaire is the principal document used by OPIC to prepare a developmental impact profile and determine the projected impact on the United States, as well as to determine the project's compliance with environmental and labor policies, as consistent with OPIC's authorizing legislation.

Dated: January 27, 2015.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2015–01878 Filed 1–30–15; 8:45 am]

BILLING CODE 3210–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is renewing an existing form and as such has prepared an information collection for OMB review and approval and requests public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within sixty (60) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: All mailed comments and requests for copies of the subject form should include form number [OPIC–52] on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line [OPIC–52].

Summary Form Under Review

Type of Request: Extension without change of a currently approved information collection.

Title: Application for Political Risk Insurance.

Form Number: OPIC–52.

Frequency of Use: One per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 150 hours (2 hours per response).

Number of Responses: 75 per year.

Federal Cost: $11,572

Authority for Information Collection: Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The application is the principal document used by OPIC to determine the investor's and the project's eligibility for political risk insurance and collect information for underwriting analysis.

Dated: January 27, 2015.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2015–01876 Filed 1–30–15; 8:45 am]

BILLING CODE 3210–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is renewing an existing information collection for OMB review and approval and requests public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 79, page 70223 on November 25, 2014. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: All mailed comments and requests for copies of the subject form should include form number [OPIC–162] on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line [OPIC–162].

Summary Form Under Review

Type of Request: Renewal of an information collection without change.

Title: Self-Monitoring Questionnaire.

Form Number: OPIC–162.

Frequency of Use: One per investor per project per year.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 1,860 (4 hours per form).

Number of Responses: 465 per year.

Federal Cost: $47,356.

Authority for Information Collection: Sections [231, 231A, 239(d), and 240A] of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Self Monitoring Questionnaire is the principal document used by OPIC to monitor the developmental effects of OPIC's investment projects, monitor the economic effects on the U.S. economy, and collect information on compliance with environmental and labor policies.

Dated: January 27, 2015.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2015–01877 Filed 1–30–15; 8:45 am]

BILLING CODE 3210–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Marital Status Certification Survey, RI 25–7, 3206–0033

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection (ICR) 3206–0033, Marital Status Certification Survey. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on July 16, 2014 at Volume 79 FR 41600 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 4, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 25–7 is used to determine whether widows, widowers, and former spouses receiving survivor annuities from OPM have remarried before reaching age 55 and, thus, are no longer eligible for benefits.

Analysis:

Agency: Retirement Operations, Retirement Services, Office of Personnel Management

Title: Marital Status Certification Survey

OMB Number: 3206–0033

Frequency: Annually

Affected Public: Individuals or Households

Number of Respondents: 24,000

Estimated Time per Respondent: 15 minutes

Total Burden Hours: 6,000 hours

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2015–01946 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Alternative Annuity Election, RI 20–80, 3206–0168

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection (ICR) 3206–0168, Alternative Annuity Election. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on July 16, 2014 at Volume 79 FR 41601 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 4, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 20–80 is used for individuals who are eligible to elect whether to receive a reduced annuity and a lump-sum payment equal to their retirement contributions (alternative form of annuity) or an unreduced annuity and no lump sum.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Alternative Annuity Election.

OMB Number: 3206–0168.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 200.

Estimated Time per Respondent: 20 minutes.

Total Burden Hours: 67 hours.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2015–01941 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application for Death Benefits Under the Civil Service Retirement System (CSRS), SF 2800; Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (CSRS), SF 2800A, 3206–0156

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection (ICR) 3206–0156, Application for Death Benefits (CSRS)/ Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (CSRS). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on July 16, 2014 at Volume 79 FR 41603 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 4, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses. SF 2800 is needed to collect information so that OPM can pay death benefits to the survivors of Federal employees and annuitants. SF 2800A is needed for deaths in service so that survivors can make the needed elections regarding military service.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Death Benefits Under the Civil Service Retirement System and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death.

OMB Number: 3206–0156.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 2800 = 68,000 and SF 2800A = 6,800.

Estimated Time per Respondent: 45 minutes.

Total Burden Hours: 56,100 hours.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2015–01940 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Financial Resources Questionnaire (RI 34–1, RI 34–17) and Notice of Amount Due Because of Annuity Overpayment (RI 34–3, RI 34–19), 3206–0167

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved collection, 3206–0167, Financial Resources Questionnaire (RI 34–1and RI 34–17) and Notice of Amount Due Because of Annuity Overpayment (RI 34–3 and RI 34–19). As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on Wednesday, September 17, 2014, at Volume 79 FR 55837 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 4, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Financial Resources Questionnaire (RI 34–1), Financial Resources Questionnaire—Federal Employees' Group Life Insurance Premiums Underpaid (RI 34–17), collects detailed financial information for use by OPM to determine whether to agree to a waiver, compromise, or adjustment of the collection of erroneous payments from the Civil Service Retirement and Disability Fund. Notice of Amount Due Because Of Annuity Overpayment (RI 34–3) and Notice of Amount Due Because of FEGLI Premium Underpayment (RI 34–19), informs the annuitant about the overpayment and collects information from the annuitant about how repayment will be made.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Financial Resources Questionnaire and Amount Due Because of Annuity Overpayment.

OMB Number: 3206–0167.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,081.

Estimated Time per Respondent: 60 minutes.

Total Burden Hours: 2,081.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2015–01939 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Rollover Election (RI 38–117), Rollover Information (RI 38–118), and Special Tax Notice Regarding Rollovers (RI 37–22), 3206–0212

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, on a currently approved information collection request (ICR) 3206–0212, Rollover Election (RI 38–117), Rollover Information (RI 38–118), and Special Tax Notice Regarding Rollovers (RI 37–22). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until April 3, 2015.

This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to U.S. Office of Personnel Management, Retirement Services, 1900 E Street NW., Room 2349, Washington, DC 20415–3500, Attention: Alberta Butler, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, U.S. Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20503, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 38–117, Rollover Election, is used to collect information from each payee affected by a change in the tax code so that OPM can make payment in accordance with the wishes of the payee. RI 38–118, Rollover Information, explains the election. RI 37–22, Special Tax Notice Regarding Rollovers, provides more detailed information.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Rollover Election, Rollover Information, and Special Tax Notice Regarding Rollover.

OMB Number: 3206–0212.

Frequency: On occasion.

Affected Public: Individuals or households.

Number of Respondents: 1,500.

Estimated Time per Respondent: 40 minutes.

Total Burden Hours: 1,000.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2015–01943 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Verification of Who Is Getting Payments, RI 38–107 and RI 38–147, 3206–0197

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection (ICR) 3206–0197, Verification of Who is Getting Payments. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on July 16, 2014 at Volume 79 FR 41602 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 4, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESS: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, *Attention:* Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 38–107 is designed for use by the Retirement Inspection Branch when OPM, for any reason, must verify that the entitled person is indeed receiving the monies payable. RI 38–147 collects the same information and is used by other groups within Retirement Operations. Failure to collect this information would cause OPM to pay monies absent the assurance of a correct payee.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management

Title: Verification of Who Is Getting Payments.

OMB Number: 3206–0197

Frequency: On occasion

Affected Public: Individuals or Households

Number of Respondents: 25,400

Estimated Time per Respondent: 10 minutes

Total Burden Hours: 4,234 hours

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2015–01945 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

National Council on Federal Labor-Management Relations Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The National Council on Federal Labor-Management Relations plans to meet on the following dates—

Wednesday, March 18, 2015.
Wednesday, May 20, 2015.
Wednesday, July 15, 2015.
Wednesday, September 16, 2015.
Wednesday, November 18, 2015.

The meetings will start at 10:00 a.m. EST. The March meeting will be held at the American Federation of Government Employees, AFL-CIO, 80 F Street NW., Washington, DC 20001. All other meetings will be held in Room 1350, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC, 20415. Interested parties should consult the Council Web site at *www.lmrcouncil.gov* for the latest information on Council activities, including changes in meeting logistics.

The Council is an advisory body composed of representatives of Federal employee organizations, Federal management organizations, and senior Government officials. The Council was established by Executive Order 13522, entitled, ''Creating Labor-Management Forums to Improve Delivery of Government Services,'' which was signed by the President on December 9, 2009. Along with its other responsibilities, the Council assists in the implementation of labor-management forums throughout the Government and makes recommendations to the President on innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests. The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget.

At its meetings, the Council will continue its work in promoting cooperative and productive relationships between labor and management in the executive branch by carrying out the responsibilities and functions listed in section 1(b) of the Executive Order. The meetings are open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at the meeting. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Tim Curry, Deputy Associate Director for Partnership and Labor Relations, Office of Personnel Management, 1900 E Street NW., Room 7H28, Washington, DC 20415; phone at (202) 606–2930; or email at *PLR@opm.gov.*

For the National Council.

Katherine Archuleta,

Director.

[FR Doc. 2015–01944 Filed 1–30–15; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–24 and CP2015–32; Order No. 2332]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail & First-Class Package Service Contract 2 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 4, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail & First-Class Package Service Contract 2 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–24 and CP2015–32 to consider the Request pertaining to the proposed Priority Mail & First-Class Package Service Contract 2 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than February 4, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Bzhilyanskaya to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–24 and CP2015–32 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Lyudmila Bzhilyanskaya is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than February 4, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–01907 Filed 1–30–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 2 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, January 22, 2015 (Request).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available from: Securities and Exchange Commission, Office of FOIA Services, Washington, DC 20549–2736.

Extension:

Rule 12f–3, SEC File No. 270–141, OMB Control No. 3235–0249

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the previously approved collection of information provided for in Rule 12f–3 (17 CFR 240.12f–3), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 12f–3 (the ''Rule''), which was originally adopted in 1934 pursuant to Sections 12(f) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Act''), as modified in 1995, prescribes the information which must be included in applications for and notices of termination or suspension of unlisted trading privileges for a security as contemplated in Section 12(f)(4) of the Act. An application must provide, among other things, the name of the applicant; a brief statement of the applicant's interest in the question of termination or suspension of such unlisted trading privileges; the title of the security; the name of the issuer; certain information regarding the size of the class of security and its recent trading history; and a statement indicating that the applicant has provided a copy of such application to the exchange from which the suspension or termination of unlisted trading privileges are sought, and to any other exchange on which the security is listed or admitted to unlisted trading privileges.

The information required to be included in applications submitted pursuant to Rule 12f–3, is intended to provide the Commission with sufficient information to make the necessary findings under the Act to terminate or suspend by order the unlisted trading privileges granted a security on a national securities exchange. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

The burden of complying with Rule 12f–3 arises when a potential respondent, having a demonstrable bona fide interest in the question of termination or suspension of the unlisted trading privileges of a security, determines to seek such termination or suspension. The staff estimates that each such application to terminate or suspend unlisted trading privileges requires approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule. The Commission staff estimates that there could be as many as 18 responses annually. Compliance with the application requirements of Rule 12f–3 is mandatory, though the filing of such applications is undertaken voluntarily. Rule 12f–3 does not have a record retention requirement *per se.* However, responses made pursuant to Rule 12f–3 are subject to the recordkeeping requirements of Rules 17a–3 and 17a–4 of the Act. Information received in response to Rule 12f–3 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–01873 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736,

Extension:

Rule 12d2–1, SEC File No. 270–98, OMB Control No. 3235–0081.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information provided for in Rule 12d2–1 (17 CFR 240.12d2–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Act'').

On February 12, 1935, the Commission adopted Rule 12d2–1 (''Suspension of Trading'') which sets forth the conditions and procedures under which a security may be suspended from trading under Section 12(d) of the Act.[1] Rule 12d2–1 provides the procedures by which a national securities exchange may suspend from trading a security that is listed and registered on the exchange. Under Rule 12d2–1, an exchange is permitted to suspend from trading a listed security in accordance with its rules, and must promptly notify the Commission of any such suspension, along with the effective date and the reasons for the suspension.

Any such suspension may be continued until such time as the Commission may determine that the suspension is designed to evade the provisions of Section 12(d) of the Act and Rule 12d2–2 thereunder.[2] During the continuance of such suspension under Rule 12d2–1, the exchange is required to notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under Rule 12d2–1, the exchange must notify the Commission promptly of the effective date of such restoration.

The trading suspension notices serve a number of purposes. First, they inform the Commission that an exchange has suspended from trading a listed security or reintroduced trading in a previously suspended security. They also provide the Commission with information necessary for it to determine that the suspension has been accomplished in accordance with the rules of the exchange, and to verify that the exchange has not evaded the requirements of Section 12(d) of the Act and Rule 12d2–2 thereunder by

[1] *See* Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

[2] Rule 12d2–2 prescribes the circumstances under which a security may be delisted from an exchange and withdrawn from registration under Section 12(b) of the Act, and provides the procedures for taking such action.

improperly employing a trading suspension. Without Rule 12d2–1, the Commission would be unable to fully implement these statutory responsibilities.

There are 18 national securities exchanges that are subject to Rule 12d2–1. The burden of complying with Rule 12d2–1 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, Inc., the NASDAQ Stock Exchange, and the NYSEMKT LLC than on the other exchanges.[3] However, for purposes of this filing, the Commission staff has assumed that the number of responses is evenly divided among the exchanges. There are approximately 1,600 responses under Rule 12d2–1 for the purpose of suspension of trading from the national securities exchanges each year, and the resultant aggregate annual reporting hour burden would be, assuming on average one-half reporting hour per response, 800 annual burden hours for all exchanges. The related internal compliance costs associated with these burden hours are $159,200 per year.

The collection of information obligations imposed by Rule 12d2–1 is mandatory. The response will be available to the public and will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–01871 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[3] In fact, some exchanges do not file any trading suspension reports in a given year.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–580, OMB Control No. 3235–0642]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Mutual Fund Interactive Data

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Open-end management investment companies (''funds'') are required to submit to the Commission information included in their registration statements, or information included in or amended by post-effective amendments thereto, in response to Items 2, 3, and 4 (''risk/return summary information'') of Form N–1A (17 CFR 239.15A and 274.11A) in interactive data format and to post it on their Web sites, if any, in interactive data form. In addition, funds are required to submit an interactive data file to the Commission for any form of prospectus filed pursuant to rule 497(c) or (e) (17 CFR 230.497) under the Securities Act of 1933 (''Securities Act'') (15 U.S.C. 77a *et seq.*) that includes risk/return summary information that varies from the registration statement and to post the interactive data file on their Web sites, if any.

The title for the collection of information for submitting risk/return summary information in interactive data format is ''Mutual Fund Interactive Data.'' This collection of information relates to regulations and forms adopted under the Securities Act, the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), and the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) that set forth disclosure requirements for funds and other issuers. The purpose of the Mutual Fund Interactive Data requirements is to make risk/return summary information easier for investors to analyze and to assist in automating regulatory filings and business information processing.

Funds are required to file an initial registration statement on Form N–1A and to update that registration statement annually. The Commission estimates that each fund will submit one interactive data document as an exhibit to a registration statement or a post-effective amendment thereto on Form N–1A that includes or amends information provided in response to Items 2, 3 or 4 annually. In addition, based on a review by Commission staff of Mutual Fund Interactive Data submissions in calendar year 2013, the Commission estimates that 36% of funds will provide risk/return summary information as interactive data in additional filings submitted pursuant to rule 485(b) (17 CFR 230.485(b)) or rule 497 under the Securities Act annually.

The Commission estimates that the total annual hour burden associated with tagging risk/return summary information is approximately 11 hours. Based on estimates of 10,559 funds each submitting one interactive data document as an exhibit to a registration statement or post-effective amendment thereto and 3,801 funds submitting an additional interactive data document as an exhibit to a filing pursuant to rule 485(b) or rule 497, each incurring 11 hours per year on average, the Commission estimates that, in the aggregate, the tagging of risk/return summary information will result in approximately 157,960 annual burden hours. In addition, the Commission estimates that funds will require an average of approximately one burden hour to post interactive data to their Web sites. Based on estimates of 10,559 funds each posting one interactive data document as an exhibit to a registration statement or post-effective amendment thereto and 3,801 funds posting an additional interactive data document as an exhibit to a filing pursuant to rule 485(b) or rule 497, each incurring one burden hour per year on average, the Commission estimates that, in the aggregate, Mutual Fund Interactive Data Web site posting requirements will result in approximately 14,360 annual burden hours.

The Commission estimates that the average cost burden per fund is $890 per year. Based on the estimate of 10,559 funds using software and/or consulting services at an annual cost of $890, the Commission estimates that, in the aggregate, the total external costs to the industry will be approximately $9.4 million.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms.

The collection of information under the Mutual Fund Interactive Data

requirements is mandatory for all funds. Responses to the disclosure requirements will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–01874 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available from: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 12f–1. SEC File No. 270–139, OMB Control No. 3235–0128.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 12f–1 (17 CFR 240.12f–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 12f–1 (the ''Rule''), originally adopted in 1934 pursuant to Sections 12(f) and 23(a) of the Securities Exchange Act of 1934, as modified in 1995 and 2005, sets forth the information which an exchange must include in an application to reinstate its ability to extend unlisted trading privileges to any security for which such unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. An application must provide the name of the issuer, the title of the security, the name of each national securities exchange, if any, on which the security is listed or admitted to unlisted trading privileges, whether transaction information concerning the security is reported pursuant to an effective transaction reporting plan contemplated by Rule 601 of Regulation NMS, the date of the Commission's suspension of unlisted trading privileges in the security on the exchange, and any other pertinent information. Rule 12f–1 further requires a national securities exchange seeking to reinstate its ability to extend unlisted trading privileges to a security to indicate that it has provided a copy of such application to the issuer of the security, as well as to any other national securities exchange on which the security is listed or admitted to unlisted trading privileges.

The information required by Rule 12f–1 enables the Commission to make the necessary findings under the Act prior to granting applications to reinstate unlisted trading privileges. This information is also made available to members of the public who may wish to comment upon the applications. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

There are currently 18 national securities exchanges subject to Rule 12f–1. The burden of complying with Rule 12f–1 arises when a potential respondent seeks to reinstate its ability to extend unlisted trading privileges to any security for which unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. The staff estimates that each application would require approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as 18 responses annually and that each respondent's related cost of compliance with Rule 12f–1 would be $199.00, or, the cost of one hour of professional work of a paralegal needed to complete the application. The total annual related reporting cost for all potential respondents, therefore, is $3,582 (18 responses × $199.00 per response).

Compliance with Rule 12f–1 is mandatory. Rule 12f–1 does not have a record retention requirement *per se.* However, responses made pursuant to Rule 12f–1 are subject to the recordkeeping requirements of Rules 17a–3 and 17a–4 of the Act. Information received in response to Rule 12f–1 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 27, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–01872 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–9713; 34–74158, File No. 265–27]

Advisory Committee on Small and Emerging Companies

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Advisory Committee on Small and Emerging Companies is providing notice that it will hold an open, public telephone meeting on Tuesday, February 17, 2015, beginning at 2:00 p.m. EST. Members of the public may attend the meeting by listening to the webcast accessible on the Commission's Web site at *www.sec.gov.* Persons needing special accommodations to access the meeting because of a disability should notify the contact person listed below. The agenda for the meeting includes consideration of recommendations to the Commission regarding the definition of ''accredited

investor.'' The public is invited to submit written statements for the meeting, including any comments.

DATES: The public meeting will be held on Tuesday, February 17, 2015. Written statements should be received on or before Friday, February 13, 2015.

ADDRESSES: Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/info/smallbus/acsec.shtml*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–27 on the subject line; or

Paper Statements

Send paper statements in triplicate to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. All submissions should refer to File No. 265–27. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Advisory Committee's Web site at *http://www.sec.gov./info/smallbus/acsec.shtml.*

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Julie Z. Davis, Senior Special Counsel, at (202) 551–3460, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.–App. 1, and the regulations thereunder, Keith F. Higgins, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: January 28, 2015.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2015–01898 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

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 an Open Meeting on Wednesday, February 4, 2015 at 10:00 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to approve the 2015 budget of the Public Company Accounting Oversight Board and will consider the related annual accounting support fee for the Board under Section 109 of the Sarbanes-Oxley Act of 2002.

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 28, 2015.

Lynn M. Powalski,

Deputy Secretary.

[FR Doc. 2015–01955 Filed 1–29–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74152; File No. SR–BATS–2015–07]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rules 2.5(c)(4) and 11.5 To Harmonize With EDGA and EDGX Rules, Its Membership Requirements Applicable to Clearing Agencies That Clear Transactions for Members

January 27, 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 22, 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 and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rules 2.5(c)(4) and 11.15 to harmonize its membership requirements applicable to clearing agencies that clear transactions for Members[5] of the Exchange with those set forth under EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'') rules.[6]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 2.5(c)(4) and 11.15 to harmonize its membership requirements applicable to clearing agencies that clear transactions for Members with those set forth under EDGX and EDGA rules.[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See* EDGA Rules 2.5(c)(4) and 11.13; EDGX Rules 2.5(c)(4) and 11.13.

[7] *See supra* note 6.

Earlier this year, the Exchange and its affiliate, BATS Y-Exchange, Inc. (''BYX''), received approval to effect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX and EDGA (together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[8] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain rules, retaining only intended differences between the BGM Affiliated Exchanges. As part of this effort, the proposal set forth below harmonizes Exchange Rules 2.5 and 11.15 with EDGA and EDGX Rules 2.5 and 11.13 by no longer requiring that a Qualified Clearing Agency [9] be a Member in order to clear other Member's transactions executed on the Exchange.[10]

In sum, Rule 2.5(a)(4) currently provides that a Member also be a member of a Qualified Clearing Agency or clear its transactions executed on the Exchange through another Member that is a member of a Qualified Clearing Agency. Rule 11.15(a) currently requires a Qualified Clearing Agency be a Member of the Exchange in order to clear transactions on behalf of another Member. EDGA and EDGX Rules 2.5(c)(4) and 11.13(a) do not require that: (i) A Qualified Clearing Agency be a member in order to clear other member's transactions executed on EDGA or EDGX; (ii) that a member be a member of a Qualified Clearing Agency; or (iii) that a member clear its transaction through a member of a Qualified Clearing Agency. Rather, EDGA and EDGX Rules simply require that a member clear transactions through a registered clearing agency using a continuous net settlement system. EDGA and EDGX Rules 11.13(a) further state that this requirement may be satisfied by direct participation, use of direct clearing services, or by entering into a correspondent clearing arrangement with another member that clears trades through such agency.

As amended, Rules 2.5(a)(4) and 11.15(a) would be substantially similar to EDGA and EDGX rules 2.5(c)(4) and 11.3(a). Like EDGA and EDGX Rules 2.5(c)(4), Exchange Rules 2.5(a)(4) would require that a Member clear transactions through a Qualified Clearing Agency using a continuous net settlement system. Like EDGA and EDGX Rules 11.13(a), amended Exchange Rule 11.15(a) would state that this requirement may be satisfied by direct participation, use of direct clearing services, or by entering into a correspondent clearing arrangement with another member that clears trades through such agency. In addition, Exchange Rule 11.15(a) would no longer require a Qualified Clearing Agency be a Member in order to clear another Members' transactions executed on the Exchange.

The Exchange also proposes to add new subparagraph (b) to Rule 11.15 stating that notwithstanding subparagraph (a) of Rule 11.15, transactions may be settled ''ex-clearing,'' provided that both parties to the transaction agree. Proposed subparagraph (b) to Rule 11.15 would be identical to EDGA and EDGX Rules 11.13(b). The Exchange also proposes to renumber the remaining subparagraphs of Rule 11.13 accordingly.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [11] and furthers the objectives of Section 6(b)(5) of the Act,[12] in that it is designed to promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

The proposed rule change is identical to the existing rules of EDGA and EDGX.[13] Requiring Qualified Clearing Agencies to be Members of the Exchange has unreasonably limited the ability of Members to clear trades through such agencies that are not Members when no such restriction is contained in the rules of EDGA or EDGX. The proposed rule change is, therefore, intended to align the Exchange's rules regarding Members clearing transaction through a Qualified Clearing Agency with that of EDGA and EDGX as well as BYX [14] in order to provide consistent rules across the BGM Affiliated Exchanges. Consistent rules, in turn, will simplify the membership requirements for clearing agencies that are also clear transactions for members of the other BGM Affiliated Exchanges. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges of similar purpose, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change would not impose any burden on competition. The Exchange believes that the proposed rule changes will not burden intramarket competition because all Members would be subject to the same requirements with regard to clearing transactions through non-Member registered clearing agencies. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization among the Exchange, BYX, EDGA and EDGX rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for common members of the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6)(iii) thereunder.[16] The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed

[8] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[9] The term ''Qualified Clearing Agency'' is defined as ''a clearing agency registered with the Commission pursuant to Section 17A of the Act that is deemed qualified by the Exchange.'' *See* Exchange Rule 1.5(u).

[10] The Exchange understands that BYX is to file a proposed rule change with the Commission to adopt similar changes.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 6.

[14] *See supra* note 10.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6)(iii).

rule change as required by Rule 19b–4(f)(6).[17]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) 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 proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BATS–2015–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2015–07. 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 will also be available for inspection and copying at the principal office of the Exchange.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2015–07 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01870 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 240.19b–(f)(6).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74146; File No. SR–NASDAQ–2015–005]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding the Short Term Option Series Program

January 27, 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 21, 2015. The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter IV, Section 6 (Series of Options Contracts Open for Trading) to introduce finer $.50 strike price intervals in non-index Short Term Options with strike prices less than $100.

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at the Exchange's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 this proposed rule change is to amend Chapter IV, Section 6 governing the Short Term Option (''STO'') [3] Series Program to introduce finer strike price intervals for certain STOs. In particular, the Exchange proposes to amend Chapter IV, Supplementary Material .07(e) to Section 6 to extend $0.50 strike price intervals in non-index options to STOs with strike prices less than $100 instead of the current $75. This proposed change is intended to eliminate gapped strikes between $75 and $100 that result from conflicting strike price parameters under the STO Series Program and the $2.50 Strike Price Program, as described in more detail below.

This is a competitive filing that is based on a recent STO proposal of the International Securities Exchange, LLC (''ISE'').[4]

Under the Exchange's rules, the Exchange may list STOs in up to fifty option classes in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective

[3] STOs, also known as ''weekly options'' as well as ''Short Term Options'', are series in an options class that are approved for listing and trading on the Exchange in which the series are opened for trading on any Thursday or Friday that is a business day and that expire on the Friday of the next business week. If a Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Thursday or Friday, respectively. STOs are listed and traded pursuant to the STO Series Program. For STO Series Program rules regarding non-index options, *see* Chapter 1, Section 1(a)(59) and Chapter IV, Supplementary Material .07 to Section 6. For STO Series Program rules regarding index options, *see* Chapter XIV, Section 2(p) and Chapter XIV, Section 11(h).

[4] *See* Securities Exchange Act Release No. 73999 (January 6, 2015), 80 FR 1559 (January 12, 2015) (SR–ISE–2014–52) (order approving).

rules.[5] On any Thursday or Friday that is a business day, the Exchange may list STO series in designated option classes that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.[6] These STO series trade in $0.50, $1, or $2.50 or greater strike price intervals depending on the strike price and whether the option trades in dollar increments in the related monthly expiration.[7] Specifically, STOs in non-index option classes admitted to the STO Series Program currently trade in: (1) $0.50 or greater intervals for strike prices less than $75, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $75 and $150; and (3) $2.50 or greater intervals for strike prices above $150.[8]

The Exchange also operates a $2.50 Strike Price Program that permits the Exchange to select up to sixty options classes on individual stocks to trade in $2.50 strike price intervals, in addition to option classes selected by other securities exchanges that employ a similar program under their respective rules.[9] Monthly expiration options in classes admitted to the $2.50 Strike Price Program trade in $2.50 intervals where the strike price is (1) greater than $25 but less than $50; or (2) between $50 and $100 if the strikes are no more than $10 from the closing price of the underlying stock in its primary market on the preceding day.[10] These strike price parameters conflict with strike prices allowed for STOs as dollar strikes between $75 and $100 otherwise allowed under the STO Series Program may be within $0.50 of strikes listed pursuant to the $2.50 Strike Price Program. In order to remedy this conflict, the Exchange proposes to extend the $0.50 strike price intervals currently allowed for STOs with strike prices less than $75 to STOs with strike prices less than $100.

With this proposed change, STOs in non-index option classes will trade in: (1) $0.50 or greater intervals for strike prices less than $100, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $100 and $150; and (3) $2.50 or greater intervals for strike prices above $150.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act.[11] In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

During the month prior to expiration, the Exchange is permitted to list related monthly option contracts in the narrower strike price intervals available for STO series.[13] After transitioning to short term strike price intervals, however, monthly options that trade in $2.50 intervals between $50 and $100 under the $2.50 Strike Price Program, trade with dollar strikes between $75 and $150. Due to the overlap of $1 and $2.50 intervals, the Exchange cannot list certain dollar strikes between $75 and $100 that conflict with the prior $2.50 strikes. For example, if the Exchange initially listed monthly options on ABC with $75, $77.50, and $80 strikes, the Exchange could list the $76 and $79 strikes when these transition to short term intervals. The Exchange would not be permitted to list the $77 and $78 strikes, however, as these are $0.50 away from the $77.50 strike already listed on the Exchange. This creates gapped strikes between $75 and $100, where investors are not able to trade otherwise allowable dollar strikes on the Exchange. Similarly, these conflicting strike price parameters create issues for investors who want to roll their positions from monthly to weekly expirations. In the example above, for instance, an investor that purchased a monthly ABC option with a $77.50 strike price would not be able to roll that position into a later short term expiration with the same strike price as that strike is unavailable under current STO Series Program rules. Permitting $0.50 intervals for STOs up to $100 would remedy both of these issues as strikes allowed under the $2.50 Strike Price Program would not conflict with the finer $0.50 strike price interval.

The STO Series Program has been well-received by market participants and the Exchange believes that introducing finer strike price intervals for STOs with strike prices between $75 and $100, and thereby eliminating the gapped strikes described above, will benefit these market participants by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation of liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)

[5] *See* Chapter IV, Supplementary Material .07(a) to Section 6.

[6] *See* Chapter IV, Supplementary Material .07 to Section 6.

[7] *See* Chapter IV, Supplementary Material .07(e) to Section 6.

[8] *Id.*

[9] *See* Chapter IV, Supplementary Material .03 to Section 6.

[10] *Id.* For a definition of ''primary market'', *see* Chapter 1, Section 1(a)(47).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Chapter IV, Section 6(d).

of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will ensure fair competition among exchanges by allowing the Exchange to open additional series of individual stocks and ETF options in $.50 strike price intervals up to $100 in the same manner as ISE. For this reason, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest; and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. 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–NASDAQ–2015–005 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–NASDAQ–2015–005.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–005 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01864 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74150; File No. SR–MIAX–2014–39)

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Options on Shares of the Market Vectors ETFs

January 27, 2015.

On July 28, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade options on shares of the Market Vectors Brazil Small-Cap ETF, Market Vectors Indonesia Index ETF, Market Vectors Poland ETF, and Market Vectors Russia ETF (collectively ''Market Vectors ETFs''). The proposed rule change was published for comment in the **Federal Register** on August 12, 2014.[3] On September 25, 2014, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[4] The Commission received a letter from MIAX on the proposal.[5]

Section 19(b)(2) of the Act [6] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. In this case, the proposed rule change was published for notice and comment in the **Federal**

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72777 (August 6, 2014), 79 FR 47165 (SR–MIAX–2014–39) (''Market Vectors ETFs Proposal'').

[4] *See* Securities Exchange Act Release No. 73212 (September 25, 2014), 79 FR 59332 (October 1, 2014).

[5] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Brian O'Neill, Vice President and Senior Counsel, MIAX, dated October 22, 2014 (providing comment on SR–MIAX–2014–30 and SR–MIAX–2014–39) (''MIAX Letter'').

[6] 15 U.S.C. 78s(b)(2).

Register on August 12, 2014. February 8, 2015, is 180 days from that date, and April 9, 2015, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to evaluate the proposed rule change and whether it is consistent with the Act.[7] The proposed rule change would allow the Exchange to list for trading on the Exchange options on shares of the Market Vectors ETFs without satisfying the Exchange's listing standards, which require, in part, that the component securities of an index or portfolio of securities on which the Exchange Traded Fund Shares are based for which the primary market is in any one country that is not subject to a comprehensive surveillance sharing agreement do not represent 20% or more of the weight of the index.[8]

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates April 9, 2015, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–MIAX–2014–39).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01867 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[7] The Commission notes that MIAX also submitted a similar proposed rule change to list and trade options on shares of certain iShares ETFs. *See* Securities Exchange Act Release No. 72492 (June 27, 2014), 79 FR 38099 (July 3, 2014) (MIAX–2014–30). The Commission similarly designated a longer period for Commission action on proceedings to determine whether to approve or disapprove that proposed rule change as well. *See* Securities Exchange Act Release No. 73856 (December 17, 2014), 79 FR 77075 (December 23, 2014).

[8] *See* MIAX Rule 402(i)(5)(ii)(B). The Exchange represents that each of the Market Vectors ETFs are comprised of component securities for which the primary market is a single foreign market, and that, for each ETF, MIAX does not have a CSSA with its foreign counterpart in the applicable foreign market.

[9] *Id.*

[10] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74151; File No. SR–BYX–2015–06]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rules 2.5(c)(4) and 11.5 To Harmonize With EDGA and EDGX Rules, Its Membership Requirements Applicable To Clearing Agencies That Clear Transactions for Members

January 27, 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 22, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rules 2.5(c)(4) and 11.15 to harmonize its membership requirements applicable to clearing agencies that clear transactions for Members[5] of the Exchange with those set forth under EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'') rules.[6]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See* EDGA Rules 2.5(c)(4) and 11.13; EDGX Rules 2.5(c)(4) and 11.13.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 2.5(c)(4) and 11.15 to harmonize its membership requirements applicable to clearing agencies that clear transactions for Members with those set forth under EDGX and EDGA rules.[7] Earlier this year, the Exchange and its affiliate, BATS Exchange, Inc. (''BZX''), received approval to effect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX and EDGA (together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[8] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain rules, retaining only intended differences between the BGM Affiliated Exchanges. As part of this effort, the proposal set forth below harmonizes Exchange Rules 2.5 and 11.15 with EDGA and EDGX Rules 2.5 and 11.13 by no longer requiring that a Qualified Clearing Agency[9] be a Member in order to clear other Member's transactions executed on the Exchange.[10]

In sum, Rule 2.5(a)(4) currently provides that a Member also be a member of a Qualified Clearing Agency or clear its transactions executed on the Exchange through another Member that is a member of a Qualified Clearing Agency. Rule 11.15(a) currently requires

[7] *See supra* note 6.

[8] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[9] The term ''Qualified Clearing Agency'' is defined as ''a clearing agency registered with the Commission pursuant to Section 17A of the Act that is deemed qualified by the Exchange.'' *See* Exchange Rule 1.5(u).

[10] The Exchange understands that BZX is to file a proposed rule change with the Commission to adopt similar changes.

a Qualified Clearing Agency be a Member of the Exchange in order to clear transactions on behalf of another Member. EDGA and EDGX Rules 2.5(c)(4) and 11.13(a) do not require that: (i) A Qualified Clearing Agency be a member in order to clear other member's transactions executed on EDGA or EDGX; (ii) that a member be a member of a Qualified Clearing Agency; or (iii) that a member clear its transaction through a member of a Qualified Clearing Agency. Rather, EDGA and EDGX Rules simply require that a member clear transactions through a registered clearing agency using a continuous net settlement system. EDGA and EDGX Rules 11.13(a) further state that this requirement may be satisfied by direct participation, use of direct clearing services, or by entering into a correspondent clearing arrangement with another member that clears trades through such agency.

As amended, Rules 2.5(a)(4) and 11.15(a) would be substantially similar to EDGA and EDGX rules 2.5(c)(4) and 11.3(a). Like EDGA and EDGX Rules 2.5(c)(4), Exchange Rules 2.5(a)(4) would require that a Member clear transactions through a Qualified Clearing Agency using a continuous net settlement system. Like EDGA and EDGX Rules 11.13(a), amended Exchange Rule 11.15(a) would state that this requirement may be satisfied by direct participation, use of direct clearing services, or by entering into a correspondent clearing arrangement with another member that clears trades through such agency. In addition, Exchange Rule 11.15(a) would no longer require a Qualified Clearing Agency be a Member in order to clear another Members' transactions executed on the Exchange.

The Exchange also proposes to add new subparagraph (b) to Rule 11.15 stating that notwithstanding subparagraph (a) of Rule 11.15, transactions may be settled ''ex-clearing,'' provided that both parties to the transaction agree. Proposed subparagraph (b) to Rule 11.15 would be identical to EDGA and EDGX Rules 11.13(b). The Exchange also proposes to renumber the remaining subparagraphs of Rule 11.13 accordingly.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [11] and furthers the objectives of Section 6(b)(5) of the Act,[12] in that it is designed to promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

The proposed rule change is identical to the existing rules of EDGA and EDGX.[13] Requiring Qualified Clearing Agencies to be Members of the Exchange has unreasonably limited the ability of Members to clear trades through such agencies that are not Members when no such restriction is contained in the rules of EDGA or EDGX. The proposed rule change is, therefore, intended to align the Exchange's rules regarding Members clearing transaction through a Qualified Clearing Agency with that of EDGA and EDGX as well as BZX [14] in order to provide consistent rules across the BGM Affiliated Exchanges. Consistent rules, in turn, will simplify the membership requirements for clearing agencies that are also clear transactions for members of the other BGM Affiliated Exchanges. The proposed rule change would provide greater harmonization between the rules of the BGM Affiliated Exchanges of similar purpose, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change would not impose any burden on competition. The Exchange believes that the proposed rule changes will not burden intramarket competition because all Members would be subject to the same requirements with regard to clearing transactions through non-Member registered clearing agencies. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization among the Exchange, BZX, EDGA and EDGX rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for common members of the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6)(iii) thereunder.[16] The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change as required by Rule 19b–4(f)(6).[17]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) 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 proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–BYX–2015–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See supra* note 6.

[14] *See supra* note 10.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] 17 CFR 240.19b–4(f)(6).

and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BYX–2015–06. 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 will also be available for inspection and copying at the principal office of the Exchange.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BYX–2015–06 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01868 Filed 1–30–15; 8:45 am]

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[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74145; File No. SR–Phlx–2015–09]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding the Short Term Option Series Program

January 27, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that, on January 21, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Rule 1012 (Series of Options Open for Trading) to introduce finer $.50 strike price intervals in non-index Short Term Options with strike prices less than $100.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 1012 governing the Short Term Option (''STO'') [3] Series Program to introduce finer strike price intervals for certain STOs. In particular, the Exchange proposes to amend Commentary .11(e) to Rule 1012 to extend $0.50 strike price intervals in non-index options to STOs with strike prices less than $100 instead of the current $75. This proposed change is intended to eliminate gapped strikes between $75 and $100 that result from conflicting strike price parameters under the STO Series Program and the $2.50 Strike Price Program, as described in more detail below.

This is a competitive filing that is based on a recent STO proposal of the International Securities Exchange, LLC (''ISE'').[4]

Under the Exchange's rules, the Exchange may list STOs in up to fifty option classes in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective rules.[5] On any Thursday or Friday that is a business day, the Exchange may list STO series in designated option classes that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.[6] These STO series trade in $0.50, $1, or $2.50 or greater strike price intervals depending on the strike price and whether the option trades in dollar increments in the related monthly expiration.[7] Specifically, STOs in non-index option classes admitted to the STO Series Program currently trade in: (1) $0.50 or greater intervals for strike prices less than $75, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $75 and $150; and (3) $2.50 or greater intervals for strike prices above $150.[8]

The Exchange also operates a $2.50 Strike Price Program that permits the Exchange to select up to sixty options classes on individual stocks to trade in $2.50 strike price intervals, in addition to option classes selected by other securities exchanges that employ a similar program under their respective rules.[9] Monthly expiration options in classes admitted to the $2.50 Strike

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] STOs, also known as ''weekly options'' as well as ''Short Term Options'', are series in an options class that are approved for listing and trading on the Exchange in which the series are opened for trading on any Thursday or Friday that is a business day and that expire on the Friday of the next business week. If a Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Thursday or Friday, respectively. STOs are listed and traded pursuant to the STO Series Program. For STO Series Program rules regarding non-index options, *see* Rule 1000(b)(44) and Commentary .11 to Rule 1012. For STO Series Program rules regarding index options, *see* Rule 1000A(b)(16) and Rule 1101A(b)(vi).

[4] *See* Securities Exchange Act Release No. 73999 (January 6, 2015), 80 FR 1559 (January 12, 2015) (SR–ISE–2014–52) (order approving).

[5] *See* Commentary .11(a) to Rule 1012.

[6] *See* Commentary .11 to Rule 1012.

[7] *See* Commentary .11(e) to Rule 1012.

[8] *Id.*

[9] *See* Commentary .05(b) to Rule 1012.

Price Program trade in $2.50 intervals where the strike price is (1) greater than $25 but less than $50; or (2) between $50 and $100 if the strikes are no more than $10 from the closing price of the underlying stock in its primary market on the preceding day.[10] These strike price parameters conflict with strike prices allowed for STOs as dollar strikes between $75 and $100 otherwise allowed under the STO Series Program may be within $0.50 of strikes listed pursuant to the $2.50 Strike Price Program. In order to remedy this conflict, the Exchange proposes to extend the $0.50 strike price intervals currently allowed for STOs with strike prices less than $75 to STOs with strike prices less than $100.

With this proposed change, STOs in non-index option classes will trade in: (1) $0.50 or greater intervals for strike prices less than $100, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $100 and $150; and (3) $2.50 or greater intervals for strike prices above $150.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act.[11] In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

During the month prior to expiration, the Exchange is permitted to list related monthly option contracts in the narrower strike price intervals available for STO series.[13] After transitioning to short term strike price intervals, however, monthly options that trade in $2.50 intervals between $50 and $100 under the $2.50 Strike Price Program, trade with dollar strikes between $75 and $150. Due to the overlap of $1 and $2.50 intervals, the Exchange cannot list certain dollar strikes between $75 and $100 that conflict with the prior $2.50 strikes. For example, if the Exchange initially listed monthly options on ABC with $75, $77.50, and $80 strikes, the Exchange could list the $76 and $79 strikes when these transition to short term intervals. The Exchange would not be permitted to list the $77 and $78 strikes, however, as these are $0.50 away from the $77.50 strike already listed on the Exchange. This creates gapped strikes between $75 and $100, where investors are not able to trade otherwise allowable dollar strikes on the Exchange. Similarly, these conflicting strike price parameters create issues for investors who want to roll their positions from monthly to weekly expirations. In the example above, for instance, an investor that purchased a monthly ABC option with a $77.50 strike price would not be able to roll that position into a later short term expiration with the same strike price as that strike is unavailable under current STO Series Program rules. Permitting $0.50 intervals for STOs up to $100 would remedy both of these issues as strikes allowed under the $2.50 Strike Price Program would not conflict with the finer $0.50 strike price interval.

The STO Series Program has been well-received by market participants and the Exchange believes that introducing finer strike price intervals for STOs with strike prices between $75 and $100, and thereby eliminating the gapped strikes described above, will benefit these market participants by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation of liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will ensure fair competition among exchanges by allowing the Exchange to open additional series of individual stocks and ETF options in $.50 strike price intervals up to $100 in the same manner as ISE. For this reason, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest; and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

[10] *Id.* For a definition of ''primary market'', *see* Rule 1000(b)31.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Commentary .05(a)(vii) to Rule 1012.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2015–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2015–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2015–09 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01863 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74144; File No. SR–CBOE–2015–009]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding the Short Term Option Series Program

January 27, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that, on January 21, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend Rule 5.5(d) (Short Term Option Series Program) to extend current $0.50 strike price intervals in non-index options to short term options with strike prices less than $100.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules governing the Short Term Option Series Program to introduce finer strike price intervals for certain short term options. In particular, the Exchange proposes to amend Rule 5.5(d) to extend $0.50 strike price intervals in non-index options to short term options with strike prices less than $100 instead of the current $75. This proposed change is intended to eliminate gapped strikes between $75 and $100 that result from conflicting strike price parameters under the Short Term Option Series and $2.50 Strike Price Programs as described in more detail below. This is a competitive filing that is based on a recently approved filing by the International Securities Exchange, LLC (''ISE'').[5]

Under CBOE's rules, the Exchange may list short term options in up to fifty option classes in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective rules.[6] On any Thursday or Friday that is a business day, the Exchange may list short term option series in designated option classes that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.[7] These short term option series trade in $0.50, $1, or $2.50 strike price intervals depending on the strike price and whether the option trades in dollar increments in the related monthly

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 73999 (January 6, 2015), 80 FR 1559 (January 12, 2015) (Order Granting Approval of Proposed Rule Change Regarding the Short Term Option Series Program) (SR–ISE–2014–52).

[6] *See* Rule 5.5(d)(1).

[7] *See* Rule 5.5(d).

expiration.[8] Specifically, short term options in non-index option classes admitted to the Short Term Options Series Program currently trade in: (1) $0.50 or greater strike price intervals where the strike price is less than $75, and $1 or greater where the strike price is between $75 and $150 for all classes that participate in the Short Term Option Series Program; (ii) $0.50 strike price intervals for classes that trade in one dollar increments in non-Short Term Options and that participate in the Short Term Option Series Program; or (iii) $2.50 or higher strike price intervals where the strike price is above $150.

The Exchange also operates a $2.50 Strike Price Program that permits the Exchange to select up to sixty options classes on individual stocks to trade in $2.50 strike price intervals, in addition to option classes selected by other securities exchanges that employ a similar program under their respective rules.[9] Monthly expiration options in classes admitted to the $2.50 Strike Price Program trade in $2.50 intervals where the strike price is (1) greater than $25 but less than $50; or (2) between $50 and $100 if the strikes are no more than $10 from the closing price of the underlying stock in its primary market on the preceding day.[10] These strike price parameters conflict with strike prices allowed for short term options as dollar strikes between $75 and $100 otherwise allowed under the Short Term Option Series Program may be within $0.50 of strikes listed pursuant to the $2.50 Strike Price Program. In order to remedy this conflict, the Exchange proposes to extend the $0.50 strike price intervals currently allowed for short term options with strike prices less than $75 to short term options with strike prices less than $100. With this proposed change, short term options in non-index option classes will trade in: (1) $0.50 or greater strike price intervals where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all classes that participate in the Short Term Option Series Program; (ii) $0.50 strike price intervals for classes that trade in one dollar increments in non-Short Term Options and that participate in the Short Term Option Series Program; or (iii) $2.50 or higher strike price intervals where the strike price is above $150.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[12] because it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

During the month prior to expiration, the Exchange is permitted to list related monthly option contracts in the narrower strike price intervals available for short term option series.[13] After transitioning to short term strike price intervals, however, monthly options that trade in $2.50 intervals between $50 and $100 under the $2.50 Strike Price Program, trade with dollar strikes between $75 and $150. Due to the overlap of $1 and $2.50 intervals, the Exchange cannot list certain dollar strikes between $75 and $100 that conflict with the prior $2.50 strikes.

For example, if the Exchange initially listed monthly options on ABC with $75, $77.50, and $80 strikes, the Exchange could list the $76 and $79 strikes when these transition to short term intervals. The Exchange would not be permitted to list the $77 and $78 strikes, however, as these are $0.50 away from the $77.50 strike already listed on the Exchange. This creates gapped strikes between $75 and $100, where investors are not able to trade otherwise allowable dollar strikes on the Exchange. Similarly, these conflicting strike price parameters create issues for investors who want to roll their positions from monthly to weekly expirations.

In the example above, for instance, an investor that purchased a monthly ABC option with a $77.50 strike price would not be able to roll that position into a later short term expiration with the same strike price as that strike is unavailable under current Short Term Option Series Program rules. Permitting $0.50 intervals for short term options up to $100 would remedy both of these issues as strikes allowed under the $2.50 Strike Price Program would not conflict with the finer $0.50 strike price interval.

The Short Term Option Series Program has been well-received by market participants and the Exchange believes that introducing finer strike price intervals for short term options with strike prices between $75 and $100, and thereby eliminating the gapped strikes described above, will benefit these market participants by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation of liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As described above, the current rule change is being proposed as a competitive response to a recently approved ISE filing. Also, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Finally, the Exchange believes that the proposed rule change is necessary to permit fair competition among the options exchanges with respect to the Short Term Option Series Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)

[8] *See* Rule 5.5(d)(5).

[9] *See* Rule 5.5.05(a) ($2.50 Strike Price Program).

[10] *See* Rule 5.5.05(b).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Rule 5.5(d)(6).

of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will allow the Exchange to compete with other exchanges with similar provisions without putting the Exchange at a competitive disadvantage. For this reason, the Commission believes that the proposed rule change allowing the Exchange to open additional series of individual stock and ETF options in $.50 strike price intervals up to $100 in the same manner as other exchanges presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest; and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. 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–CBOE–2015–009 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–CBOE–2015–009.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–009 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01862 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74147; File No. SR–BX–2015–006]

Self-Regulatory Organizations; NASDAQ OMX BX; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding the Short Term Option Series Program

January 27, 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 21, 2015, NASDAQ OMX BX, Inc. (''BX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing changes to amend Chapter IV, Section 6 (Series of Options Contracts Open for Trading) to introduce finer $.50 strike price intervals in non-index Short Term Options with strike prices less than $100.

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. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Chapter IV, Section 6 governing the Short Term Option (''STO'') [3] Series Program to introduce finer strike price intervals for certain STOs. In particular, the Exchange proposes to amend Chapter IV, Supplementary Material .07(e) to Section 6 to extend $0.50 strike price intervals in non-index options to STOs with strike prices less than $100 instead of the current $75. This proposed change is intended to eliminate gapped strikes between $75 and $100 that result from conflicting strike price parameters under the STO Series Program and the $2.50 Strike Price Program, as described in more detail below.

This is a competitive filing that is based on a recent STO proposal of the International Securities Exchange, LLC (''ISE'').[4]

Under the Exchange's rules, the Exchange may list STOs in up to fifty option classes in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective rules.[5] On any Thursday or Friday that is a business day, the Exchange may list STO series in designated option classes that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.[6] These STO series trade in $0.50, $1, or $2.50 or greater strike price intervals depending on the strike price and whether the option trades in dollar increments in the related monthly expiration.[7] Specifically, STOs in non-index option classes admitted to the STO Series Program currently trade in: (1) $0.50 or greater intervals for strike prices less than $75, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $75 and $150; and (3) $2.50 or greater intervals for strike prices above $150.[8]

The Exchange also operates a $2.50 Strike Price Program that permits the Exchange to select up to sixty options classes on individual stocks to trade in $2.50 strike price intervals, in addition to option classes selected by other securities exchanges that employ a similar program under their respective rules.[9] Monthly expiration options in classes admitted to the $2.50 Strike Price Program trade in $2.50 intervals where the strike price is (1) greater than $25 but less than $50; or (2) between $50 and $100 if the strikes are no more than $10 from the closing price of the underlying stock in its primary market on the preceding day.[10] These strike price parameters conflict with strike prices allowed for STOs as dollar strikes between $75 and $100 otherwise allowed under the STO Series Program may be within $0.50 of strikes listed pursuant to the $2.50 Strike Price Program. In order to remedy this conflict, the Exchange proposes to extend the $0.50 strike price intervals currently allowed for STOs with strike prices less than $75 to STOs with strike prices less than $100.

With this proposed change, STOs in non-index option classes will trade in: (1) $0.50 or greater intervals for strike prices less than $100, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $100 and $150; and (3) $2.50 or greater intervals for strike prices above $150.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act.[11] In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

During the month prior to expiration, the Exchange is permitted to list related monthly option contracts in the narrower strike price intervals available for STO series.[13] After transitioning to short term strike price intervals, however, monthly options that trade in $2.50 intervals between $50 and $100 under the $2.50 Strike Price Program, trade with dollar strikes between $75 and $150. Due to the overlap of $1 and $2.50 intervals, the Exchange cannot list certain dollar strikes between $75 and $100 that conflict with the prior $2.50 strikes. For example, if the Exchange initially listed monthly options on ABC with $75, $77.50, and $80 strikes, the Exchange could list the $76 and $79 strikes when these transition to short term intervals. The Exchange would not be permitted to list the $77 and $78 strikes, however, as these are $0.50 away from the $77.50 strike already listed on the Exchange. This creates gapped strikes between $75 and $100, where investors are not able to trade otherwise allowable dollar strikes on the Exchange. Similarly, these conflicting strike price parameters create issues for investors who want to roll their positions from monthly to weekly expirations. In the example above, for instance, an investor that purchased a monthly ABC option with a $77.50 strike price would not be able to roll that position into a later short term expiration with the same strike price as that strike is unavailable under current STO Series Program rules. Permitting $0.50 intervals for STOs up to $100 would remedy both of these issues as strikes allowed under the $2.50 Strike Price Program would not conflict with the finer $0.50 strike price interval.

The STO Series Program has been well-received by market participants and the Exchange believes that introducing finer strike price intervals for STOs with strike prices between $75 and $100, and thereby eliminating the gapped strikes described above, will benefit these market participants by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the

[3] STOs, also known as ''weekly options'' as well as ''Short Term Options'', are series in an options class that are approved for listing and trading on the Exchange in which the series are opened for trading on any Thursday or Friday that is a business day and that expire on the Friday of the next business week. If a Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Thursday or Friday, respectively. STOs are listed and traded pursuant to the STO Series Program. For STO Series Program rules regarding non-index options, *see* Chapter 1, Section 1(a)(60) and Chapter IV, Supplementary Material .07 to Section 6. For STO Series Program rules regarding index options, *see* Chapter XIV, Section 2(o) and Chapter XIV, Section 11(h).

[4] *See* Securities Exchange Act Release No. 73999 (January 6, 2015), 80 FR 1559 (January 12, 2015) (SR–ISE–2014–52) (order approving).

[5] *See* Chapter IV, Supplementary Material .07(a) to Section 6.

[6] *See* Chapter IV, Supplementary Material .07 to Section 6.

[7] *See* Chapter IV, Supplementary Material .07(e) to Section 6.

[8] *Id.*

[9] *See* Chapter IV, Supplementary Material .03 to Section 6.

[10] *Id.* For a definition of ''primary market'', *see* Chapter 1, Section 1(a)(48).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Chapter IV, Section 6(d).

Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its members will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation of liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will ensure fair competition among exchanges by allowing the Exchange to open additional series of individual stocks and ETF options in $.50 strike price intervals up to $100 in the same manner as ISE. For this reason, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest; and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. 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–2015–006 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–2015–006.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2015–006 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01865 Filed 1–30–15; 8:45 am]

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[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74149; File No. SR–CBOE–2015–008]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Extend Pilot Program that Eliminates Position and Exercise Limits for Physically-Settled SPDR S&P 500 ETF Trust (''SPY'') Options

January 27, 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 21, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

Rule 19b–4(f)(6) thereunder.[4] 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

CBOE proposes to amend Interpretation and Policy .07 to Rule 4.11 (Position Limits) by extending a pilot program that eliminates the position and exercise limits for physically-settled options on the SPDR S&P 500 ETF Trust (''SPY Pilot Program''), which is currently set to expire on January 27, 2014 [sic].

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Interpretation and Policy .07 to Rule 4.11 (Position Limits) to extend the duration of the SPY Pilot Program.[5] The SPY Pilot Program is currently scheduled to expire on January 27, 2014 [sic] and this proposal would extend the SPY Pilot Program through July 12, 2015. There are no substantive changes being proposed to the SPY Pilot Program.

In proposing to extend the SPY Pilot Program, the Exchange reaffirms its consideration of several factors that supported its original proposal to establish the SPY Pilot Program, which include: (1) The liquidity of the option and the underlying security; (2) the market capitalization of the underlying security and the securities that make up the S&P 500 Index; (3) options reporting requirements; and (4) financial requirements imposed by CBOE and the Commission.

In the original proposal to establish the SPY Pilot Program, CBOE stated that if CBOE were to submit a proposal to either extend the SPY Pilot Program, adopt the SPY Pilot Program on a permanent basis, or terminate the SPY Pilot Program, CBOE would submit, along with any proposal, a report providing an analysis of the SPY Pilot Program covering the first twelve months during which the SPY Pilot Program was in effect (the ''Pilot Report'').[6] Accordingly, the Exchange is submitting a Pilot Report that details CBOE's experience with the SPY Pilot Program. The Pilot Report is attached as Exhibit 3. CBOE notes that it is unaware of any problems created by the SPY Pilot Program and does not foresee any as a result of the proposed extension. In extending the SPY Pilot Program, the Exchanges states that if CBOE were to propose another extension, permanent approval or termination of the SPY Pilot Program, the Exchange will submit another Pilot Report covering the period since the previous extension, which will be submitted at least 30 days before the end of the proposed extension.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an 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.

Specifically, the Exchange believes that extending the SPY Pilot Program promotes just and equitable principles of trade by permitting market participants, including market makers, institutional investors and retail investors, to establish greater positions when pursuing their investment goals and needs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change is designed to allow the SPY Pilot Program to continue as other SROs have adopted similar provisions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiving the 30-day operative delay is appropriate because immediate operability would allow the SPY Pilot Program to continue uninterrupted. The

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release Nos. 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091) and 70878 (November 14, 2013), 78 FR 69737 (November 20, 2013) (SR–CBOE–2013–106).

[6] *See* 77 FR at 60490.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[13]

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 change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–008 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–CBOE–2015–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–008, and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01869 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74143; File No. SR–CBOE–2015–006]

Self-Regulatory Organizations: Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

January 27, 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 14, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule.[3] The Exchange currently assesses a Customer Priority Surcharge for VIX and VXST options that are executed electronically.[4] More specifically, the Customer Priority Surcharge for VIX and VXST is assessed on all Customer (C) VIX and VXST contracts executed electronically that are Maker and not Market Turner. Additionally, the Surcharge is only assessed on such contracts that have a premium of $0.11 or greater. The Exchange has learned of a technical and billing issue that prevents the effective assessment of the Surcharge to complex orders. As such, the Exchange proposes to waive the Surcharge for VIX and VXST complex orders pending resolution [5] of the abovementioned billing issue.[6]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the

[3] The Exchange initially filed the proposed fee change on January 2, 2015 (SR–CBOE–2015–003). On January 14, 2015, the Exchange withdrew that filing and submitted this filing.

[4] The current Surcharge is $0.10 per contract for VIX and $0.05 per contract for VXST for contracts that have a premium of $0.11 or greater (*see* CBOE Fees Schedule, Customer Priority Surcharge).

[5] Upon resolution of the technical and billing issue, the Exchange will submit a rule filing to reinstate the Surcharge for complex orders in VIX and VXST.

[6] The Exchange notes that the technical and billing issue does not affect SPXW and as such, the proposed waiver does not apply to SPXW (*i.e.*, the Priority Surcharge will continue to be assessed for complex orders in SPXW).

Securities Exchange Act of 1934 (the ''Act'') [sic] and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that waiving the Surcharge for VIX and VXST complex orders is reasonable, equitable and not unfairly discriminatory because it is waiving a fee that is currently subject to a billing issue and the waiver applies to all Trading Permit Holders. The Exchange believes it is equitable and not unfairly discriminatory to temporarily waive the Surcharge for complex orders and not simple orders because the electronic complex order book has a different order flow demographic and market model than that for simple orders. Further, the Exchange notes that other exchanges currently offer different pricing for complex orders than for simple orders.[11] Additionally, waiving the Surcharge for complex orders pending resolution of the technical and billing issue eliminates potential misassessment of a fee and eliminates confusion, thereby removing impediments to and perfecting the mechanism for a free and open market system, and in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed changes impose any burden on intramarket competition as the waiver of the Surcharge applies to all Trading Permit Holders. As such, the proposed changes are equitable among all market participants and are not unfairly discriminatory. Additionally, the proposed change merely addresses a technical and billing issue on CBOE. To the extent that the proposed change makes CBOE a more attractive marketplace for market participants at other exchanges, such participants are welcome to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and paragraph (f) of Rule 19b–4[13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2015–006 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–CBOE–2015–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CBOE–2015–006 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01861 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] *See e.g.,* International Securities Exchange, LLC (''ISE'') Schedule of Fees, Section IV and also C2 Fees Schedule, Section 1C and 1D.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74148; File No. SR–ICEEU–2015–002]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Clearance of New Government Bond Contracts

January 27, 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 16, 2015, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to modify certain aspects of the ICE Clear Europe Delivery Procedures in connection with Euro-Denominated Government Bond Contracts and Swiss Confederation Bond Contracts (collectively, the ''European Government Bond Contracts''), which are traded on the ICE Futures Europe market and cleared by ICE Clear Europe.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify certain aspects of the ICE Clear Europe Delivery Procedures in connection with European Government Bond Contracts, which are traded on ICE Futures Europe and cleared by ICE Clear Europe. ICE Clear Europe does not otherwise propose to amend its clearing rules or procedures in connection with the European Government Bond Contracts.

The amendments adopt new Parts U and V of the Delivery Procedures, which will be applicable to the European Government Bond Contracts in the case of physical delivery. Part U applies to Euro-Denominated Government Bond Contracts (a category that currently consists of futures contracts on German, Italian and Spanish government bonds). Part V applies to Swiss franc-denominated futures contracts on Swiss government bonds. The amendments also adopt new Part W of the Delivery Procedures, which addresses the treatment of certain cash claims, distributions, transformations or other events (collectively, ''debt events'') that may arise or occur with respect to a bond underlying a government bond contract during the delivery period.

Each of new Parts U and V of the Delivery Procedures provides, among other matters, specifications for delivery of the applicable deliverable bonds under a European Government Bond Contract through the Clearing House's account at the relevant European securities settlement system (Euroclear, Clearstream Banking or SIX SIS AG, as applicable) for the particular government bonds. Each Part also provides relevant definitions and a detailed timetable for the respective notice, allocation, delivery and other obligations of the parties (and the Clearing House) in respect of delivery under the relevant contracts. The amendments further address invoicing and payment for delivery.

New Part W of the Delivery Procedures addresses the occurrence of certain debt events with respect to the bonds underlying a government bond contract after the expiry date of the contract (and thus during the relevant delivery period for the contract). These include cash claims arising in relation to the underlying bond, the distribution of other obligations to a bondholder (such as a payment in kind), and/or a transformation of the underlying bond (for example pursuant to a currency redenomination or debt restructuring). Part W clarifies the rights and obligations of the buyer and seller under the relevant contract in respect of such an event (in general, the buyer under the contract will be entitled to the relevant cash claim, distribution or transformed obligation). Part W also provides certain limitations on the obligations and liability of the Clearing House with respect to a debt event. The amendments provide mechanics for notification of a debt event where an election is required to be made. The amendments also contain procedures to address failed deliveries and settlements in connection with debt events, as well as certain related tax liabilities.

ICE Clear Europe believes that the changes described herein are consistent with the requirements of Section 17A of the Act[5] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22,[6] and are consistent with the prompt and accurate clearance of and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, the safeguarding of securities and funds in the custody or control of ICE Clear Europe or for which it is responsible and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[7] The proposed delivery procedures for European Government Bond Contracts are similar to those of other ICE Futures Europe contracts currently cleared by ICE Clear Europe, including the UK government bond futures contracts. ICE Clear Europe believes that its existing financial resources, risk management, systems and operational arrangements are sufficient to support clearing of such products and physical delivery under such products (and will not be adversely affected by the proposed amendments to the Delivery Procedures).

Specifically, ICE Clear Europe believes that it will be able to manage the risks associated with physical delivery under the European Government Bond Contracts. The European Government Bond Contracts present a similar risk profile to other government bond futures contracts currently traded on ICE Futures Europe and cleared by ICE Clear Europe, and ICE Clear Europe believes that its existing risk management and margin framework is sufficient for purposes of risk management of the European

[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)(4)(ii).

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 240.17Ad–22.

[7] 15 U.S.C. 78q–1(b)(3)(F).

Government Bond Contracts and related deliveries.

Similarly, ICE Clear Europe has established appropriate standards for determining the eligibility of contracts submitted to the Clearing House for clearing, and ICE Clear Europe believes that its existing systems are appropriately scalable to handle physical delivery under the European Government Bond Contracts, which is generally similar from an operational perspective to delivery under other ICE Futures Europe bond contracts currently cleared by ICE Clear Europe.

For the reasons noted above, ICE Clear Europe believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [8] and regulations thereunder applicable to it.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule change will have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the Act. ICE Clear Europe is adopting the amendments to the Delivery Procedures in connection with European Government Bond Contracts traded on the ICE Futures Europe market. ICE Clear Europe believes that such contracts will provide additional opportunities for interested market participants to engage in trading activity relating to European government bond futures. ICE Clear Europe does not believe the adoption of related Delivery Procedures amendments would adversely affect access to clearing for clearing members or their customers, or otherwise adversely affect competition in clearing services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [9] of the Act and Rule 19b–4(f)(4)(ii) [10] 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–ICEEU–2015–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICEEU–2015–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation*.

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–ICEEU–2015–002 and should be submitted on or before February 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–01866 Filed 1–30–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(4)(ii).

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 9021]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a public meeting from 10:00 a.m. until 11:30 a.m., Thursday, February 26, 2015 at the American Foreign Service Association, 2101 E Street NW., Washington, DC 20037.

The meeting's topic will be on ''Countering Russian Disinformation'' and will feature representatives from the State Department and the Broadcasting Board of Governors who will discuss their current strategies and tactics in this effort and the interagency coordination that is, or is not, under way.

This meeting is open to the public, Members and staff of Congress, the State Department, Defense Department, the media, and other governmental and non-governmental organizations. To attend and make any requests for reasonable accommodation, email *pdcommission@state.gov* by 5 p.m. on Thursday, February 19, 2015. Please arrive for the meeting by 9:45 a.m. to allow for a prompt meeting start.

The United States Advisory Commission on Public Diplomacy appraises U.S. Government activities intended to understand, inform, and influence foreign publics. The Advisory Commission may conduct studies, inquiries, and meetings, as it deems necessary. It may assemble and disseminate information and issue reports and other publications, subject to the approval of the Chairperson, in consultation with the Executive Director. The Advisory Commission may undertake foreign travel in pursuit of its studies and coordinate, sponsor, or oversee projects, studies, events, or other activities that it deems desirable and necessary in fulfilling its functions.

The Commission consists of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. The President designates a member to chair the Commission.

The current members of the Commission are: Mr. William Hybl of Colorado, Chairman; Ambassador Lyndon Olson of Texas, Vice Chairman; Mr. Sim Farar of California, Vice Chairman; Ambassador Penne Korth-Peacock of Texas; Ms. Lezlee Westine of Virginia; and Anne Terman Wedner of Illinois. One seat on the Commission is currently vacant.

To request further information about the meeting or the U.S. Advisory Commission on Public Diplomacy, you may contact its Executive Director, Katherine Brown, at *BrownKA4@state.gov.*

Dated: January 27, 2015.

Katherine Brown,

Executive Director, Department of State.

[FR Doc. 2015–01911 Filed 1–30–15; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of Aerodynamics Incorporated for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2015–1–16) Docket DOT–OST–2014–0114.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not deny the application for a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property, and mail to Aerodynamics Incorporated, and revoke its certificates to conduct interstate and foreign charter air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than February 5, 2015.

ADDRESSES: Objections and answers to objections should be filed in Docket DOT–OST–2014–0114 and addressed to the Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Catherine O'Toole, Air Carrier Fitness Division, (X–56, Office W86–469), U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–9721.

Dated: January 16, 2015.

Brandon M. Belford,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 2015–01656 Filed 1–30–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group (NPOAG) Aviation Rulemaking Committee (ARC). This notification provides the date, location, and agenda for the meeting.

Date and Location: The NPOAG ARC will meet on March 5, 2015. The meeting will take place in Room S230DE in the South Concourse of the Orange County Convention Center at 9899 International Drive Orlando, FL 32819. The meeting will be held from 8:30 a.m. to 4:30 p.m. on March 5, 2015. This NPOAG meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Keith Lusk, AWP–1SP, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, P.O. Box 92007, Los Angeles, CA 90009–2007, telephone: (310) 725–3808, email: *Keith.Lusk@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (NPATMA), enacted on April 5, 2000, as Public Law 106–181, required the establishment of the NPOAG within one year after its enactment. The Act requires that the NPOAG be a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairperson of the advisory group.

The duties of the NPOAG include providing advice, information, and recommendations to the FAA Administrator and the NPS Director on; implementation of Public Law 106–181; quiet aircraft technology; other measures that might accommodate interests to visitors of national parks; and at the request of the Administrator and the Director, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

Agenda for the March 5, 2015 NPOAG Meeting

The agenda for the meeting will include, but is not limited to, an update on ongoing park specific air tour planning projects, commercial air tour reporting, and agency research on effects of aircraft noise on park visitors.

Attendance at the Meeting and Submission of Written Comments

Although this is not a public meeting, interested persons may attend. Because seating is limited, if you plan to attend please contact the person listed under **FOR FURTHER INFORMATION CONTACT** so that meeting space may be made to accommodate all attendees. Written comments regarding the meeting will be accepted directly from attendees or may be sent to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Record of the Meeting

If you cannot attend the NPOAG meeting, a summary record of the meeting will be made available under the NPOAG section of the FAA ATMP Web site at: *http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/parks_overflights_group/minutes.cfm* or through the Special Programs Staff, Western-Pacific Region, P.O. Box 92007, Los Angeles, CA 90009–2007, telephone: (310) 725–3808.

Issued in Hawthorne, CA on January 27, 2015.

Keith Lusk,

Program Manager, Special Programs Staff, Western-Pacific Region.

[FR Doc. 2015–01947 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway Project in Wisconsin

AGENCY: Federal Highway Administration (FHWA).

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 and other Federal Agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the West Waukesha Bypass Project in Waukesha County, Wisconsin. 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). Claims seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 2, 2015. 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: George Poirier, Division Administrator, FHWA, 525 Junction Road, Suite 8000, Madison, Wisconsin 53717; telephone: (608) 829–7500. The FHWA Wisconsin Division's normal office hours are 7 a.m. to 4 p.m. central time.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following highway project: West Waukesha Bypass (County TT) from Interstate 94 (I–94) to Wisconsin 59 (WIS 59) in Waukesha County, Wisconsin. The purpose of the project is to provide a safe and efficient north-south arterial roadway on the west side of the City of Waukesha to complete the long-planned circumferential route around Waukesha; to accommodate growing traffic volumes along the corridor; and to improve roadway deficiencies that include tight curves, steep hills, narrow lanes, and lack of shoulders. The project includes reconstructing County TT, known locally as Meadowbrook Road north of US 18 and Merrill Hills Road south of US 18, from a 2-lane undivided roadway to a 4-lane divided roadway over a distance of approximately 5 miles. The improvements will generally follow County TT between I-94 and Madison Street. Between Madison Street and the WIS 59/County X intersection, the improvements will be located on new alignment. To the extent practicable, the proposed County TT improvements avoid and minimize impacts to the natural, cultural, and built environment.

The actions by the Federal agencies on this project, and the laws under which such actions were taken, are described in the Record of Decision (ROD), the Final Environmental Impacts Statement (FEIS), and in other documents in the FHWA administrative record. The FEIS was approved by FHWA on September 11, 2014 and the ROD was approved by FHWA on January 20, 2015.

The ROD, FEIS, and other documents in the administrative record are available by contacting FHWA at the address provided above. The ROD and FEIS can be downloaded from the project Web site at *http://www.waukeshabypass.org/default.shtm,* or viewed at the FHWA Wisconsin Division Office or the Waukesha County Department of Public Works, 515 West Moreland Blvd., Room 220, Waukesha, WI 53188.

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, 23 U.S.C. 128, and 23 U.S.C. 139].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q) and 23 U.S.C. 109(j)].

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], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

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)], Uniform Relocation Assistance and Real Property Acquisition Act of 1970 [42 U.S.C. 4601 *et seq.* as amended by the Uniform Relocation Act Amendments of 1987 [Pub. L. 100–17].

7. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, and Section 319) [33 U.S.C. 1251–1376].

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675].

9. 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, E.O. 11514 Protection and Enhancement of Environmental Quality, E.O. 13112 Invasive Species.

(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.)

Issued on: January 20, 2015.

George R. Poirier,

Division Administrator, Madison, Wisconsin.

[FR Doc. 2015–01834 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2014–0309]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 63 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on December 29, 2014. The exemptions expire on December 29, 2016.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver, and Vehicle Safety, (202) 366–2362, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or

comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On November 28, 2014, FMCSA published a notice of receipt of Federal diabetes exemption applications from 63 individuals and requested comments from the public (79 FR 70920). The public comment period closed on December 28, 2014, and no comments were received.

FMCSA has evaluated the eligibility of the 63 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

III. Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 63 applicants have had ITDM over a range of one to 46 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the November 28, 2014, **Federal Register** notice and they will not be repeated in this notice.

IV. Discussion of Comments

FMCSA received no comments in this proceeding.

V. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

VI. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VII. Conclusion

Based upon its evaluation of the 63 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 949 CFR 391.64(b)):

Andrew P. Bivens (TN)
Everett D. Blevins (KY)
Kevin K. Brown (MN)
Kirk J. Brummeler (GA)
Travis M. Bryan (MA)
Robert A. Chess (PA)
John W. Condy (NY)
Kevin V. Cook (MO)
Guido Criscuolo, Jr. (CT)
Zachary L. Diehl (IL)
Andrea I. Dirksen (IA)
David D. Dowdy (IL)
Clarice L. Dunklin (LA)
Bradley A. Eastman (MN)
Troy A. Epps (MA)
Ricky L. Exler (FL)
Paul B. Fuerstenberg (WI)
Nathan M. Gallant (TX)
Edward A. Gawrys, III (PA)
Louis A. Goodenough (IN)
Tyler L. Gravatt (ID)
Randy W. Haley (MA)
Mahindra Hardeo (OH)
Eric B. Hemmings (TX)
Gary W. Honaker (VA)
David G. Horne (VA)
Glenn A. Keifer (SD)
Rex L. Kreutzer (NE)
Patrick D. Letterman (MO)
Larry D. Lloyd (OR)
Dennis D. Markowski (WA)
William F. Melchert-Dinkel (MN)
Brit K. Miller (SD)
Charles B. Petersen (ID)
Basil R. Peterson, Jr. (ME)
Travis J. Phillips (TX)
Anthony J. Politan (IN)

Emil T. Ricci (PA)
Robert D. Risk (IN)
Joseph M. Ritenour (PA)
Arturo Robles (WY)
Robert F. Rothbauer (WI)
Michael A. Runyan, Jr. (NC)
Tyler A. Russell (MA)
John D. Sheets (NH)
Kyle L. Shuman (NY)
Thomas S. Skoczylas (OH)
Jerry W. Smay (CA)
Gregory A. Smith (GA)
Harold B. Snyder (PA)
William S. Spaeth (WI)
Curtis W. Stanley (NE)
Eloy G. Tijerina (TX)
Santos R. Torres (TX)
Leroy A. Traudt (NE)
Arthur R. Vance (VA)
Gerald S. Volpone, Jr. (MA)
Galen R. Watts (TX)
William R. Welch, Jr. (VA)
John E. Wildenmann (KY)
Mark A. Wolford (PA)
Edward D. Wright (IN)
John P. Wysong (IN)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: January 23, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–01927 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–3637; FMCSA–2000–8203; FMCSA–2002–12844]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 2 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective February 7, 2015. Comments must be received on or before March 4, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–1998–3637; FMCSA–2000–8203; FMCSA–2002–12844], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, R.N., Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 2 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 2 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Thomas J. Boss (IL)
Robert J. Johnson (MN)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption

will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 2 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285; 63 FR 54519; 65 FR 66293; 67 FR 68719; 68 FR 1654; 68 FR 2629; 69 FR 71100; 72 FR 1054; 74 FR 980; 76 FR 4414; 78 FR 798). Each of these 2 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–1998–3637; FMCSA–2000–8203; FMCSA–2002–12844), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, got to *http://www.regulations.gov* and put the docket number, ''FMCSA–1998–3637; FMCSA–2000–8203; FMCSA–2002–12844'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–1998–3637; FMCSA–2000–8203; FMCSA–2002–12844'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: January 23, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–01928 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0106; Notice 2]

Oreion Motors, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Oreion Motors, LLC (Oreion) has determined that certain 2011–2013 Oreion Reeper low speed vehicles, do not fully comply with paragraph S5.(b)(10) of Federal Motor Vehicle Safety Standard (FMVSS) No. 500 which requires installation of seat belts that conform to FMVSS No. 209, *Seat Belt Assemblies.* Oreion has filed an appropriate report dated August 13, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Stuart Seigel, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), Telephone (202) 366–5287, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Oreion's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Oreion submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on November 21, 2014 in the **Federal Register** (79 FR 69556). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2014–0106.''

II. Low Speed Vehicles Involved: Affected are approximately 526 2011–2013 Oreion Reeper low speed vehicles originally manufactured with seatbelts manufactured by Changzhou Dongchen.

III. Noncompliance: Oreion explains that the noncompliance is that the seatbelts installed in the subject vehicles do not fully comply with the requirements of paragraph S5.(b)(10) of FMVSS No. 500 because the year that the seatbelts were manufactured is not included on the seatbelts as specified in paragraph S4.1(j) of FMVSS No. 209.

V. Rule Text: Paragraph S5.(b) of FMVSS No. 500 requires in pertinent part:

(b) Each low-speed vehicle shall be equipped with:

(10) A Type 1 or Type 2 seat belt assembly conforming to Sec. 571.209 of this part, Federal Motor Vehicle Safety Standard No. 209, Seat belt assemblies, installed at each designated seating position.

Paragraph S4.1(j) of FMVSS No. 209 requires in pertinent part:

S4.1(j) Marking. Each seat belt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and name or trademark of manufacturer or distributor, or of importer if manufactured outside the United States. . . .

V. Summary of Oreion's Analyses: Oreion stated its belief that the subject noncompliance is inconsequential to motor vehicle safety because the lack of the year of manufacture on the seat belt labels has no effect on the operational safety of the seat belts installed in the subject noncompliant vehicles.

Oreion also stated its belief that the seat belts in the subject vehicles have functioned as designed during normal use. They contend that this is supported by their observation that no vehicle owner has brought their vehicle back to a dealership for seat belt related repairs.

Oreion stated its awareness that the year date stamp may be used with the seat belt model number to identify seat belt assemblies recalled by the seat belt manufacturer. In the event of a safety related recall by the seat belt manufacturer, Oreion indicated that it will cooperate with the seat belt manufacturer to identify the vehicle owners of the vehicles containing affected seat belts without the need for the year stamp on the label. Oreion believes that that the model number and the build date of the vehicle will be sufficient to accomplish this task.

In summation, Oreion believes that the described noncompliance of the subject low speed vehicle's seat belt assemblies is inconsequential to motor vehicle safety, and that its petition, to exempt Oreion from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120, should be granted.

NHTSA Decision

NHTSA Analysis: NHTSA has reviewed Oreion's analysis that the subject noncompliance is inconsequential to motor vehicle safety.

Paragraph S4.1(j) of FMVSS No. 209 requires that each seat belt assembly be permanently and legibly marked or labeled with the year of manufacture, model, and name or trademark of the manufacturer, distributor, or the importer (if the assemblies are manufactured outside the United States). The noncompliant vehicles are equipped with seat belt assemblies marked with the model number ''DC–3000'', name of manufacturer ''Changzhou Dongchen,'' what appears to be a lot number ''04 36275,'' and other markings including ''E4'', ''XIA YE'', ''DOT'' and ''Ar4m.'' NHTSA believes that should the seat belts be the subject of a recall, the current labeling is sufficient to identify the affected seat belts as installed in the subject vehicles, even without the manufacturing date specified.

In addition, not labeling the year of manufacture has no bearing on compliance of the seat belts to the material or performance standards specified in FMVSS No. 209 and poses no risk to motor vehicle safety.

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that Oreion has met its burden of persuasion that the FMVSS No. 500 noncompliance is inconsequential to motor vehicle safety. Accordingly, Oreion's petition is hereby granted and Oreion is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 03118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allows NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject noncompliant low speed vehicles that Oreion no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant low speed vehicles under their control after Oreion notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–01908 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA 2015–0003]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on an information collection that will be expiring in the summer of 2015. PHMSA will request an extension with no change for the information collection titled ''Pipeline Safety: Periodic Underwater Inspection and Notification of Abandoned Underwater Pipelines'' identified by Office of Management and Budget (OMB) control number 2137–0618.

DATES: Interested persons are invited to submit comments on or before April 3, 2015.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: When you submit a comment on this notice to the docket, identify the docket number, PHMSA–2015–0003, at the beginning of your comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following

statement: ''Comments on PHMSA–2015–0003.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

Privacy Act Statement: In accordance with the Paperwork Reduction Act of 1995, PHMSA solicits comments from the public to better inform its information collection process. PHMSA posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*.

FOR FURTHER INFORMATION CONTACT: Cameron Satterthwaite by telephone at 202–366–1319 or by email at *cameron.satterthwaite@dot.gov*

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request PHMSA will submit to OMB for renewal. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity. PHMSA requests comments on the following information collections:

1. Title: Pipeline Safety: Periodic Underwater Inspection and Notification of Abandoned Underwater Pipelines.

OMB Control Number: 2137–0618.

Current Expiration Date: 8/31/2015.

Type of Request: Renewal of a currently approved information collection.

Abstract: The Federal pipeline safety regulations at 49 CFR 192.612 and 195.413 require operators to conduct appropriate periodic underwater inspections in the Gulf of Mexico and its inlets. If an operator discovers that its underwater pipeline is exposed or poses a hazard to navigation, among other remedial actions such as marking and reburial in some cases, the operator must contact the National Response Center by telephone within 24 hours of discovery and report the location of the exposed pipeline.

PHMSA's regulations for reporting the abandonment of underwater pipelines can be found at §§ 192.727 and 195.59. These provisions contain certain requirements for disconnecting and purging abandoned pipelines and require operators to notify PHMSA of each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through a commercially navigable waterway.

Affected Public: Operators of pipeline facilities (except master meter operators).

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 92.

Estimated annual burden hours: 1,372.

Frequency of collection: On occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC on January 27, 2015, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Office of Standards and Rulemaking.

[FR Doc. 2015–01838 Filed 1–30–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Joint Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collections to be submitted to Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. On June 23, 2014, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on proposed revisions to the risk-weighted assets portion of Schedule RC–R, Regulatory Capital, and to line items related to securities lent and borrowed in Schedule RC–L, Derivatives and Off-Balance Sheet Items, in the Consolidated Reports of Condition and Income (Call Report or FFIEC 031 and FFIEC 041). The proposed revisions to the Call Report are consistent with the revised regulatory capital rules approved by the agencies in July 2013 (revised regulatory capital rules).

After considering the comments received on the proposed revisions, the FFIEC and the agencies will proceed with the proposed reporting revisions with some modifications as described in sections II, III, and IV of the **SUPPLEMENTARY INFORMATION** section below. For all institutions required to file the Call Report, the proposed revised risk-weighted assets portion of Schedule RC–R and the proposed changes to Schedule RC–L would take effect as of the March 31, 2015, report date.

DATES: Comments must be submitted on or before March 4, 2015.

ADDRESSES: Interested parties are invited to submit written comments to

any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Commenters are encouraged to submit comments by email. Please use the title ''FFIEC 031 and 041'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''FFIEC 031 and 041'' in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Board: You may submit comments, which should refer to ''FFIEC 031 and FFIEC 041,'' by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at: *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the reporting form numbers in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert DeV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''FFIEC 031 and FFIEC 041,'' by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''FFIEC 031 and FFIEC 041'' in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, Attn: Comments, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the Call Report discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the revised FFIEC 031 and FFIEC 041 forms and instructions can be obtained at the FFIEC's Web site (*http://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Kevin Korzeniewski, Attorney, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: John Schmidt, Federal Reserve Board Clearance Officer, (202) 728–5859, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Gary A. Kuiper, Counsel, (202) 898–3877, and John Popeo, Counsel, (202) 898–6923, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies are proposing to revise and extend for three years the Call Report, which is currently an approved collection of information for each agency.

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Number: FFIEC 031 (for banks and savings associations with domestic and foreign offices) and FFIEC 041 (for banks and savings associations with domestic offices only).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC:

OMB Number: 1557–0081.

Estimated Number of Respondents: 1,675 national banks and federal savings associations.

Estimated Time per Response: 59.64 burden hours per quarter to file.

Estimated Total Annual Burden: 399,588 burden hours to file.

Board:

OMB Number: 7100–0036.

Estimated Number of Respondents: 846 state member banks.

Estimated Time per Response: 60.07 burden hours per quarter to file.

Estimated Total Annual Burden: 203,277 burden hours to file.

FDIC:

OMB Number: 3064–0052.

Estimated Number of Respondents: 4,237 insured state nonmember banks and state savings associations.

Estimated Time per Response: 44.74 burden hours per quarter to file.

Estimated Total Annual Burden: 758,254 burden hours to file.

The estimated time per response for the quarterly filings of the Call Report

is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (*e.g.,* size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices). The average reporting burden for the filing of the Call Report as it is proposed to be revised is estimated to range from 20 to 775 hours per quarter, depending on an individual institution's circumstances.

General Description of Reports

The Call Report information collections are mandatory for the following institutions: 12 U.S.C. 161 (national banks), 12 U.S.C. 324 (state member banks), 12 U.S.C. 1817 (insured state nonmember banks), and 12 U.S.C. 1464 (savings associations). At present, except for selected data items, the Call Report information collections are not given confidential treatment.

Abstract

Institutions submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data provide the most current statistical data available for evaluating institutions' corporate applications, identifying areas of focus for on-site and off-site examinations, and monetary and other public policy purposes. The agencies use Call Report data in evaluating interstate merger and acquisition applications to determine, as required by law, whether the resulting institution would control more than ten percent of the total amount of deposits of insured depository institutions in the United States. Call Report data also are used to calculate institutions' deposit insurance and Financing Corporation assessments and national banks' and federal savings associations' semiannual assessment fees.

Current Actions

I. Summary of the Proposed Revisions

On June 23, 2014, the agencies requested comment on proposed revisions to the risk-weighted assets portion of Schedule RC–R, and to line items related to securities lent and borrowed in Schedule RC–L, in the Call Report (the proposal).[1] The revisions would become effective for the March 31, 2015, report date.

The agencies collectively received comments on the proposal from three entities: One banking organization, one consulting firm, and one U.S. government agency. In addition, the Board received comments from three entities—two banking organizations and one bankers' association—on proposed revisions to the reporting of risk-weighted assets in Schedule HC–R of the Consolidated Financial Statements for Holding Companies (FR Y–9C; OMB No. 7100–0128). In this instance, the agencies considered the comments on the proposed revisions to the FR Y–9C because they parallel the proposed revisions to the Call Report. Collectively, the commenters asked for (1) clarification on the applicability of the proposed reporting requirements, (2) additional new items, (3) combining two items, (4) opening certain risk-weight categories for some items, and (5) clarification of or additional instructions for certain line items.[2]

One commenter noted that in several places the proposed reporting instructions refer the reader to the agencies' regulatory capital rules for additional information.[3] The commenter requested that the agencies incorporate the information from the regulatory capital rules into the reporting instructions. The agencies believe that adding such text to the reporting instructions will unduly add significant length to the instructions, and do not believe it is necessary to incorporate the complete text of the agencies' regulatory capital rules into the reporting instructions. However, the agencies will revise the proposed reporting instructions to more clearly cross-reference the regulatory capital rules.

One commenter requested the addition of a separate line item for total equity exposures, while another commenter requested the addition of a three-way breakout of equity exposures to investment funds similar to that found in the Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101).[4] The FFIEC 101 requires institutions to report equity exposures to investment funds by the methodology used to risk weight these exposures. The agencies do not believe it is necessary to add line items for reporting equity exposures by risk-weighting methodology to the Call Report. Furthermore, the agencies will not import into the Call Report the equity exposure reporting template found in the FFIEC 101 because this would add complexity and burden for smaller institutions that complete the Call Report. However, because of the approaches available for risk weighting investments in investment funds (including mutual funds), the agencies will add data items for reporting the exposure amount and risk-weighted asset amount of such investments to the appropriate balance sheet asset categories. The agencies also will include more detailed guidance related to equity exposure reporting in the final instructions for Schedule RC–R, Part II.

Comments received on specific line items in Schedule RC–R, Part II, and Schedule RC–L, are addressed in sections II and IV below.

II. Proposed Revised Call Report Schedule RC–R, Part II

The agencies proposed to revise the reporting requirements for the risk-weighted assets portion of Call Report Schedule RC–R, Regulatory Capital, by incorporating the standardized approach, consistent with the revised regulatory capital rules. Compared to the current schedule, the proposed risk-weighted assets portion of Schedule RC–R would provide a more detailed breakdown of on-balance sheet asset and off-balance sheet item categories, remove the ratings-based approach from the calculation of risk-weighted assets, reflect reporting of alternative risk-weighting approaches not reliant on credit ratings, and include an expanded number of risk-weight categories, consistent with the revised regulatory capital rules. As originally proposed, Schedule RC–R, Part II, Risk-Weighted Assets, would be divided into the following sections: (A) On-balance sheet asset categories and securitization exposures; (B) derivatives and off-balance sheet items; (C) totals; and (D) memoranda items for derivatives.

A brief description of each of these sections and the corresponding line items and the comments received on specific line items in Schedule RC–R, Part II, are provided below.

A. Schedule RC–R, Part II, Items 1–11: Balance Sheet Asset Categories and Securitization Exposures

Proposed line items 1 through 8 reflect on-balance sheet asset categories (excluding those assets within each category that meet the definition of a securitization exposure), similar to the asset categories included in the current version of Schedule RC–R, but the proposed items would capture greater reporting detail. The number of risk-weight categories to which the

[1] *See* 79 FR 35634.

[2] In addition, one of the commenters on the proposal requested the collection of new information unrelated to the scope of this proposal.

[3] 78 FR 62018 (Oct. 11, 2013) (OCC and Board) and 78 FR 55340 (Sept. 10, 2013) (FDIC).

[4] FFIEC 101—Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework: for the OCC, OMB No. 1557–0239; for the Board, OMB No. 7100–0319; and for the FDIC, OMB No. 3064–0159.

individual assets in each asset category would be allocated would be expanded consistent with the revised regulatory capital rules. On-balance sheet assets and off-balance sheet items that meet the definition of a securitization exposure would be reported in items 9 and 10, respectively.

Two commenters noted that several risk-weight categories for item 8, ''Other assets,'' on the proposed reporting form are not available for data input (*i.e.,* the categories are shaded out), but the commenters stated the categories may be applicable, particularly to address the exposures underlying separate account bank-owned life insurance (BOLI) assets. The agencies agree with these comments and, because of the risk-weighting approaches that can be applied to separate account BOLI assets, will provide new data items for the exposure amount and risk-weighted asset amount of these BOLI assets, which would be reported separately from the other risk weightings within item 8, ''Other assets.'' In addition, the agencies will allow data input in the 150 percent and 300 percent risk-weight categories for item 8, ''Other assets.''

One commenter requested clarification of the reporting in item 8 of default fund contributions (DFCs) made by the reporting institution to qualifying central counterparties (QCCPs). The commenter noted that the proposed reporting instructions for item 8 state that such contributions should be allocated to the risk-weight categories defined for column B through column Q. However, the commenter observed that DFCs to QCCPs are subject to two alternative methodologies (Methods 1 and 2) for calculating risk-weighted assets, one of which may result in risk weightings not captured in column B through column Q.

In response to this comment, the agencies will provide new data items for the exposure amount and risk-weighted asset amount of DFCs to QCCPs, which would be reported separately from the risk weightings otherwise captured in item 8. The instructions would describe how to use these data items to report DFCs under Method 1 as well as Method 2.

One commenter noted that items 2 through 8 could include securitization exposures, and when added with item 9, ''On-balance sheet securitization exposures,'' would double count such exposures in reporting item 11, ''Total assets.'' The agencies note that the reporting instructions for each proposed balance sheet asset category (items 1 through 8) explicitly state that the reporting institution is to exclude securitization exposures. Nevertheless, the agencies will clarify the proposed reporting form by adding guidance explicitly stating that institutions should exclude securitization exposures from items 2 through 8 and report them in item 9.[5]

Although the proposed report form and instructions addressed the reporting of an institution's securitization exposures and the treatment of financial collateral, the agencies noted during their review of the proposal that it did not clearly address the risk weighting and reporting of assets and certain other items secured by financial collateral in the form of securitization exposures or mutual funds, nor did it fully address the two approaches for recognizing the effects of qualifying financial collateral. The approaches for risk weighting securitization exposures and investments in mutual funds also are applicable to such exposures when they serve as financial collateral. To accommodate the possible risk weight outcomes when exposures are secured by these types of collateral, the agencies will include data items in new columns R and S for reporting the exposure amount and risk-weighted asset amount of these collateralized exposures separately from the other risk weightings within appropriate balance sheet asset categories (and derivative and off-balance sheet item categories).

B. Schedule RC–R, Part II, Items 12–22: Derivatives, Off-Balance Sheet Items, and Other Items Subject To Risk Weighting

Proposed line items 12 through 22 pertain to the reporting of derivatives, off-balance sheet items, and other items subject to risk weighting, excluding those that meet the definition of a securitization exposure (which are reported in item 10 as discussed above).

One commenter noted that in accordance with section 37 of the agencies' revised regulatory capital rules, banking organizations must calculate the exposure amount and risk-weighted assets for repo-style transactions on a netting set basis. A netting set may contain transactions that are reported as assets, liabilities, and off-balance sheet items (as long as they are executed under the same master netting agreement), and the basis for the risk-weighted assets calculation is the net exposure, adjusted for volatility and foreign exchange haircuts. As proposed, Schedule RC–R, Part II, would have split the reporting of repo-style transactions between assets (reported in item 3, ''Federal funds sold and securities purchased under agreements to resell,'' *i.e.,* reverse repos) and liabilities and off-balance sheet items (reported in item 16, ''Repo-style transactions (excluding reverse repos)''). However, since risk-weighted assets for repo-style transactions are based on the net exposure at a netting set level (inclusive of volatility and foreign exchange haircuts), the proposal's method for allocating repo-style transaction exposures between two reporting items and across the risk-weight categories in a way that would tie back to the amounts required to be reported in column A of Schedule RC–R, Part II (*i.e.,* for item 3, the balance sheet carrying amount, and for item 16, the notional value), does not align with the treatment of repo-style transactions under the revised regulatory capital rules. The commenter recommended that the agencies amend the reporting form to collect all repo-style transactions in a single item, and amounts attributed to risk-weighting categories for this item would tie to an ''exposure'' amount reported in Column A.

The agencies agree with this comment and will revise the proposed item 16 of Schedule RC–R, Part II, to include all repo-style transactions in a retitled item 16, ''Repo-style transactions,'' which will now also include securities purchased under agreements to resell (reverse repos) in order for institutions to calculate their exposure based on master netting set agreements. In addition, consistent with the Call Report balance sheet (Schedule RC), proposed item 3 of Schedule RC–R, Part II, will be split into item 3.a, ''Federal funds sold (in domestic offices),'' and item 3.b, ''Securities purchased under agreements to resell.'' However, after an institution reports the balance sheet carrying amount of its reverse repos in column A of item 3.b, it would report this same amount as an adjustment in column B of item 3.b, resulting in no allocation of the balance sheet carrying amount of reverse repos across the risk-weight categories in item 3. This reporting methodology will ensure that the sum of the balance sheet asset amounts reported in items 1 through 9, column A, of Schedule RC–R, Part II, that an institution will report in item 11 of Schedule RC–R, Part II, will continue to equal the ''Total assets'' reported in item 12 of the Call Report balance sheet (Schedule RC).

Another commenter noted that, under the agencies' revised regulatory capital rules, a banking organization is required

[5] The agencies will add a similar clarification to the proposed reporting form regarding derivatives and off-balance sheet items that are securitization exposures by explicitly stating that institutions should exclude them from items 12 through 21 and report them in item 10.

to hold risk-based capital against all repo-style transactions, regardless of whether the transactions generate on-balance sheet exposures. The commenter also noted that the proposed reporting instructions for Schedule RC–R, Part II, state that ''Although securities sold under agreements to repurchase are reported on the balance sheet (Schedule RC) as liabilities, they are treated as off-balance sheet items under the regulatory capital rules.'' The commenter then questioned the intent of the agencies' proposed reporting form that would require an institution to calculate a capital charge for these ''off-balance sheet items'' despite the fact that the security pledged by the institution as collateral for the repo remains on the balance sheet for accounting purposes and would therefore attract a separate on-balance sheet risk weighting. The agencies adopted this reporting approach for consistency with the revised regulatory capital rules, which recognize that institutions face counterparty credit risk when engaging in repo-style transactions. However, under certain conditions, the agencies' revised regulatory capital rules also allow institutions to recognize the risk mitigating effects of financial collateral when risk weighting their repo-style exposures. The final reporting form and instructions for Schedule RC–R, Part II, would implement this treatment of repo-style transactions, which is set forth in the revised regulatory capital rules.

The final version of Schedule RC–R, Part II, will also include a new line item 22, ''Unsettled transactions (failed trades),'' in order to more clearly assess risk-based capital against delayed trades where the counterparty has failed to deliver an instrument or make a required payment in a timely manner.

C. Schedule RC–R, Part II, Items 23–31: Totals

Proposed items 23 through 31 apply the risk-weight factors to the exposure amounts reported for assets, derivatives, off-balance sheet items, and other items subject to risk weighting in items 11 through 22 and then calculate an institution's total risk-weighted assets. The agencies did not receive any additional comments on these line items and thus would largely retain the proposed line items without modification.

D. Schedule RC–R, Part II, Memorandum Items 1–3: Derivatives

In proposed memorandum items 1 through 3, an institution would report the current credit exposure and notional principal amounts of its derivative contracts.

Memorandum item 1 would continue to collect the ''Current credit exposure across all derivative contracts covered by the risk-based capital standards.'' One commenter noted that, prior to the proposed revisions, the instructions for Memorandum item 1 stated that all written option contracts (except those that are, in substance, financial guarantees) are not covered by the risk-based capital standards. However, this statement was omitted from the proposed instructions for Memorandum item 1. The commenter asked if this was an explicit change in the reporting of written option contracts. Written option contracts continue to be excluded from reporting in Memorandum item 1, consistent with the revised regulatory capital rules. The agencies will clarify this exclusion in the proposed instructions for Memorandum item 1.

Existing Memorandum item 2 would be revised to provide for separate reporting, by remaining maturity and type of contract, of the notional principal amounts of the institution's over-the-counter and centrally cleared derivative contracts subject to the revised regulatory capital rules.

III. Treatment of Financial Subsidiaries

During the review of the proposed forms and instructions, the agencies noted that the instructions were not clear regarding the treatment of assets and liabilities of financial subsidiaries for purposes of the capital calculations. Pursuant to 12 U.S.C. 24a(c), all assets and liabilities of financial subsidiaries must be deconsolidated and deducted for purposes of determining an institution's compliance with the agencies' regulatory capital standards. While the statutory treatment was explicitly included in the prior instructions, it was inadvertently omitted from the proposed instructions for Schedule RC–R, Part II. Therefore, the agencies will include language in the instructions specifically addressing the treatment of financial subsidiaries. Generally, any assets of financial subsidiaries reported in Call Report Schedule RC, Balance Sheet, and therefore included in the balance sheet amounts reported in column A of Schedule RC–R, Part II, would be reported as deductions in column B of Schedule RC–R, Part II. Derivatives and off-balance sheet items of financial subsidiaries would not be included for purposes of applying credit conversion factors and risk weighting in the remainder of Schedule RC–R, Part II.

In addition, the agencies will clarify the instructions for the calculation of total assets for leverage ratio purposes in Schedule RC–R, Part I.B, to state that the assets of financial subsidiaries reported in Schedule RC, Balance Sheet, must be reported as a deduction in item 38 of Part I.B.

IV. Proposed Changes to Call Report Schedule RC–L

Call Report Schedule RC–L collects regulatory data on derivatives and off-balance sheet items. The agencies proposed to revise the reporting requirements for off-balance sheet exposures related to securities lent and borrowed, consistent with the revised regulatory capital rules. Compared to the current schedule, the proposed changes to Schedule RC–L would require all institutions to report the amount of securities borrowed. At present, institutions include the amount of securities borrowed in the total amount of all other off-balance sheet liabilities reported in item 9 of Schedule RC–L if the amount of securities borrowed is more than 10 percent of total bank equity capital and they disclose the amount of securities borrowed if that amount is more than 25 percent of total bank equity capital. In addition, the proposed changes to Schedule RC–L would place the line item for securities borrowed in a new item 6.b immediately after the line item for securities lent, which would be renumbered from item 6 to item 6.a.

One commenter noted that the current instructions for item 9 state to ''report all securities borrowed against collateral (other than cash)'' for such purposes as serving ''as a pledge against deposit liabilities or delivery against short sales,'' whereas the current instructions for item 6 state to report all securities owned that are ''lent against collateral or on an uncollateralized basis.'' The commenter characterizes current item 9 as inclusive of only certain types of securities borrowings such as those collateralized by ''other than cash'' and those ''for purposes as a pledge against deposit liabilities or short sales,'' whereas current item 6 covers all types of securities lending regardless of the type of collateral. The commenter asks for clarification of the scope of these two items.

Similar to current item 6 of Schedule RC–L, the instructions for item 6.b will clarify that institutions should report all types of securities borrowing, regardless of collateral type. The phrase ''other than cash'' will be deleted from the final instructions for item 6.b of Schedule RC–L.

V. Initial Reporting

For the March 31, 2015, report date, institutions may provide reasonable estimates for any new or revised Call Report items initially required to be reported as of that date for which the requested information is not readily available.

VI. Request for Comment

Public comment is requested on all aspects of this joint notice. In particular, do institutions expect that making any specific line items on the proposed revised risk-weighted assets portion of Call Report Schedule RC–R public would cause them competitive or other harm? If so, identify the specific line items and describe in detail the nature of the harm.

Additionally, comments are invited on:

(a) Whether the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections 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.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Dated: January 22, 2015.

Stuart Feldstein,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, January 26, 2015.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 21st day of January, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–02056 Filed 1–30–15; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection

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 Conforming Adjustments Subsequent to Section 482 Allocations.

DATES: Written comments should be received on or before April 3, 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 Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Conforming Adjustments Subsequent to Section 482 Allocations.

OMB Number: 1545–1657. Revenue Procedure Number: Revenue Procedure 99–32.

Abstract: Revenue Procedure 99–32 provides guidance for conforming a taxpayer's accounts to reflect a primary adjustment under Internal Revenue Code section 482. The revenue procedure prescribes the applicable procedures for the repatriation of cash by a United States taxpayer via an interest-bearing account receivable or payable in an amount corresponding to the amount allocated under Code section 482 from, or to, a related person with respect to a controlled transaction.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 180

Estimated Time per Respondent: 9 hours.

Estimated Total Annual Burden Hours: 1,620.

The following paragraph applies to all 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 22, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–01839 Filed 1–30–15; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 80 Monday,
No. 21 February 2, 2015

Part II

Department of Labor

Employee Benefits Security Administration

29 CFR Part 2520
Annual Funding Notice for Defined Benefit Plans; Final Rule

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2520

RIN 1210–AB18

Annual Funding Notice for Defined Benefit Plans

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Final rule.

SUMMARY: This document contains a final rule implementing the annual funding notice requirement of section 101(f) of the Employee Retirement Income Security Act of 1974, as amended (ERISA). The final rule requires the administrators of defined benefit plans (single-employer and multiemployer) to furnish an annual funding notice to participants, beneficiaries, the Pension Benefit Guaranty Corporation, and certain other persons. The rule enhances retirement security and increases pension plan transparency by ensuring that workers receive timely and accurate notification annually of the funded status of their defined benefit pension plans. This document also contains necessary conforming amendments to other regulations under ERISA, such as the summary annual report regulation.

DATES: *Effective date:* March 4, 2015.

Applicability date: The final rule is applicable to notices for plan years beginning on or after January 1, 2015. Prior to this applicability date, however, plan administrators may elect to comply with the requirements of the final regulation and the Department of Labor, as a matter of enforcement, will consider such compliance as satisfying the requirements of section 101(f) of ERISA. This temporary enforcement policy does not address the rights or obligations of other parties.

FOR FURTHER INFORMATION CONTACT: Thomas M. Hindmarch or Stephanie Ward Cibinic, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

A. Executive Summary

In accordance with Executive Order 13563 (76 FR 3821), this section of the preamble contains an executive summary of the rulemaking in order to promote public understanding of the content of the final rule. Sections B through G of this preamble, below, contain a more detailed description of the final regulatory provisions and need for the rulemaking as well as its costs and benefits.

1. Purpose of Regulatory Action

This final rule implements the annual funding notice requirement of section 101(f) of ERISA as amended by the Pension Protection Act of 2006 (PPA), Public Law 109–280, 120 Stat. 780. The PPA made significant changes to the existing funding notice requirement by enhancing the content of the notice, shortening the timeframe for providing notices, and expanding the requirement to provide funding notices from multiemployer defined benefit plans (which have been required to provide funding notices starting with plan years beginning in 2005) to all defined benefit plans. Section 501 of the PPA authorizes the Secretary of Labor to promulgate rules to implement the amendments to the annual funding notice requirement and to publish model notices.

2. Summary of Major Provisions

The final rule requires the plan administrator of a defined benefit pension plan that is subject to the Pension Benefit Guaranty Corporation's Insurance Program to furnish a funding notice annually to participants, beneficiaries, labor organizations representing such participants or beneficiaries, employers obligated to make contributions to a multiemployer plan, and the Pension Benefit Guaranty Corporation (PBGC). Large plans must furnish the notice by the 120th day following the end of the plan year to which the notice relates (the ''notice year''). A small plan may furnish a funding notice on or before the due date, with extensions, of the plan's Form 5500 Annual Return/Report filed with the Department of Labor (the Department). While the Department made some changes, the final rule is substantially the same as the proposal (published in November 2010) with respect to specific funding information disclosed in the notice. For example, the funding notice must show the plan's funding percentage, the assets and liabilities that determine the funding percentage, the fair market value of the plan's assets on the last day of the plan year, the plan's funding and investment policies and allocation of assets, known events that are projected to have a material effect on the plan's funding, and other information. Significant changes from the proposal include: exempting certain terminating single-employer plans from furnishing their funding notices; establishing alternative methods of compliance for multiemployer pension plans that have terminated by mass withdrawal and for plans described in section 412(e)(3) of the Internal Revenue Code of 1986, as amended (hereinafter ''Code''); and including a rule of administrative convenience that if an otherwise disclosable material event first becomes known to the plan administrator 120 days or less before the due date of the funding notice, the event is not required to be disclosed in the notice.

3. Costs and Benefits

The Department estimates that the costs attributable to the final rule will be approximately $51 million in the first year and $46.5 million in each subsequent year.[1] The Department expects that the final rule will increase the transparency of information about the funding status of defined benefit plans, which benefits all parties interested in the financial viability of such plans by providing them with a greater opportunity to monitor the plans' funding status and take action when necessary. In addition, the rule will benefit plan administrators by providing them with model notices, which should mitigate burden and contribute to the efficiency of compliance. The Department believes that these benefits justify the costs associated with the final rule. The Department's full cost/benefit analysis is set forth below in Section G of this preamble, entitled ''Regulatory Impact Analysis.''

B. Background

In 2006, section 501(a) of the PPA significantly amended section 101(f) of ERISA. Before the PPA, section 101(f) of ERISA only required multiemployer defined benefit pension plans to furnish a funding notice annually to plan participants and others.[2] Now, section 101(f) of ERISA, as amended by the PPA, requires administrators of all defined benefit plans that are subject to title IV of ERISA, not only multiemployer plans, to furnish annual

[1] This is approximately $6 million less than the total cost the Department estimated at the proposed rule stage. The cost reduction results primarily from a reduction in the clerical time required to prepare and distribute the notices based on a comment from an actuary. The Department has estimated minimal start-up costs (primarily to review and update the model notice), because plans have been complying with the annual funding notice requirement for several years.

[2] In 2004, the Pension Funding Equity Act, Public Law 108–218, amended title I of ERISA by adding section 101(f), which required multiemployer defined benefit plans to furnish a funding notice annually to each participant and beneficiary, to each labor organization representing such participants or beneficiaries, to each employer that has an obligation to contribute under the plan, and to the Pension Benefit Guaranty Corporation.

funding notices. In addition, the PPA shortened the time frame for providing funding notices and changed the content requirements. These changes and others are discussed in detail below. Pursuant to section 501(d) of the PPA, the amendments to section 101(f) apply to plan years beginning after December 31, 2007.

In 2009, the Department issued Field Assistance Bulletin 2009–01 (FAB 2009–01) to provide interim guidance to plan administrators in discharging their obligations under the new annual funding notice requirements. FAB 2009–01 addresses a number of issues under section 101(f) of ERISA and includes model funding notices. Much of the guidance in FAB 2009–01 was incorporated into the proposed regulation and now into the final regulation contained in this document. The final rule supersedes FAB 2009–01 as of the applicability date of the final rule. Until the applicability date, plan administrators may continue to rely on FAB 2009–01 or they may elect to comply with the requirements of the final regulation.

In 2010, the Department published in the **Federal Register** a proposed rule under section 101(f) of ERISA and invited interested parties to comment.[3] The Department received 11 written comments on the proposal. Copies of these comments are available to the public on the Department's Web site at *http://www.dol.gov/ebsa.*

In 2012, section 40211(b)(2)(A) of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, 126 Stat. 405, amended the annual funding notice requirements by adding a new paragraph (2)(D) to ERISA section 101(f). The additional MAP–21 disclosures relate to the effect of the ERISA section 303(h)(2)(C)(iv) funding stabilization rules on single-employer plan liabilities and minimum required contributions to such plans for the 2012, 2013, and 2014 plan years. Section 40211(b)(2)(B) of MAP–21 directed the Department to modify the model annual funding notice required under section 501(c) of the PPA to prominently include these new disclosures. On March 8, 2013, the Department issued Field Assistance Bulletin 2013–01 (FAB 2013–01), which included a supplement to the model annual funding notice for single-employer defined benefit pension plans and a number of questions and answers providing guidance on how to comply with the MAP–21 requirements.

In 2014, section 2003(b) of the Highway and Transportation Funding Act of 2014 (HATFA), Public Law 113–159, 128 Stat. 1839, modified the MAP–21 funding stabilization rules of section 303(h)(2)(C)(iv) of ERISA and the disclosure requirements of section 101(f)(2)(D) of ERISA and directed the Department to modify the MAP–21 supplement to the model annual funding notice. To reflect the changes made to the funding stabilization rules, section 2003(b)(2)(A)(ii) of HATFA changed the plan years subject to disclosures required by section 101(f)(2)(D) from plan years 2012 through 2014 to plan years 2012 through 2019. Section 2003(b)(2)(A)(i) of HATFA added a reference to HATFA in the disclosure statements required by sections 101(f)(2)(D)(i)(I) and (II) of ERISA. On January 14, 2015, the Department issued Field Assistance Bulletin 2015–01 (FAB 2015–01), providing guidance on how to comply with the HATFA requirements.[4]

The Multiemployer Pension Reform Act of 2014 (MPRA), Public Law 113–235 (2014), added new disclosure requirements to section 101(f)(2)(B) of ERISA relating to the new multiemployer funding classification of ''critical and declining status.'' In addition to these new disclosures, other MPRA changes affect the model annual funding notice for multiemployer plans.

After careful consideration of the issues raised by the written comments, the Department is adopting the final rule contained herein. While the Department has made some changes to the proposed rule, the final regulation, described below, is substantially the same as the proposal.

C. Overview of Final Rule

1. In General § 2520.101–5(a)

a. Scope

Paragraph (a)(1) of the final regulation sets forth the general requirement that, unless otherwise exempted, all defined benefit plans subject to title IV of ERISA must furnish compliant funding notices to eligible recipients. Paragraphs (a)(2) and (3) of the final regulation provide limited exceptions for certain plans, and paragraphs (j), (k) and (l) provide alternative methods of compliance where exceptions are not appropriate. The limited exceptions are discussed immediately below and the alternative methods of compliance are discussed in subsection C.8 of this preamble.

b. Limited Exceptions for Certain Multiemployer Plans

The exception to the annual funding notice requirement for insolvent multiemployer plans in paragraph (a)(2)(i) of the proposal was reordered as paragraph (a)(2)(i)(A) in the final regulation, but the substance is unchanged from the proposal. Under this exception, the plan administrator of an insolvent multiemployer plan that is in compliance with the insolvency notice requirements of sections 4245(e) or 4281(d)(3) of ERISA before the due date of the funding notice for a plan year is not, for such year, required to furnish the funding notice to the parties otherwise entitled to such notice. Inasmuch as this exception is predicated on sufficient alternative notification under sections 4245(e) and 4281(d)(3) of ERISA, the exception would cease to be available with respect to a plan that emerges from insolvency or ceases to comply with the insolvency notice requirements under title IV of ERISA. The Department received no comments on this provision.

Under paragraph (a)(2)(i)(B) of the final regulation, the plan administrator of a multiemployer plan that has terminated by mass withdrawal under section 4041A(a)(2) of ERISA is not required to furnish a funding notice for a plan year if the due date for such notice is on or after the date the plan has distributed assets in satisfaction of all nonforfeitable benefit liabilities in accordance with section 4041A of ERISA and Subpart D of 29 CFR part 4041A. This new provision provides relief to multiemployer plans similar to the relief available under paragraph (a)(2)(ii)(C) for single-employer plans.

c. Limited Exceptions for Certain Single-Employer Plans

Proposed paragraph (a)(2)(ii)(A) provided that the plan administrator of a single-employer plan is not required to furnish a funding notice for a plan year if the due date for such notice is on or after the date the PBGC is appointed trustee of the plan pursuant to section 4042 of ERISA. Proposed paragraph (a)(2)(ii)(B) provided for similar relief when a plan has distributed assets in satisfaction of all benefit liabilities in a distress termination pursuant to section 4041(c)(3)(B)(i) or of all guaranteed benefits in a distress termination pursuant to section 4041(c)(3)(B)(ii) of ERISA. The Department's rationale for these exceptions was based on termination procedures and the disclosure regime under title IV of ERISA discussed in the preamble to the

[3] 75 FR 70625 (Nov. 18, 2010).

[4] Because the MAP–21 and HATFA supplemental disclosures are temporary and otherwise have no effect on the permanent disclosure requirements in section 101(f) of ERISA, they are not addressed in this final rule. Instead, plan administrators may rely on FAB 2013–01 and FAB 2015–01 or any other guidance issued by the Department under section 101(f) of ERISA until the expiration date.

proposal.[5] The Department received no negative comments on these provisions. They have been adopted as is from the proposal.

Based in large part on the exceptions discussed immediately above, paragraph (a)(2)(ii)(B) of the proposal provided similar relief for a plan that distributed assets in satisfaction of all benefit liabilities in a standard termination pursuant to section 4041(b). One commenter requested that this exception be expanded to provide relief from the annual funding notice requirements for plan years after the plan's termination, but before the plan actually distributes assets in satisfaction of all benefit liabilities. Typically this occurs when a plan is waiting for a favorable determination letter from the Internal Revenue Service (IRS). Such plans, according to a commenter, ordinarily will not have the information they need to complete annual funding notices during this period. The funding target attainment percentage, value of assets and liabilities that determine the plan's funding target attainment percentage, and year-end liabilities will not be readily available because such plans are no longer subject to the minimum funding requirements in section 430 of the Code (ERISA§ 303) or the requirement to file a Schedule SB to the Form 5500 Annual Return/Report after the plan year of termination.[6] Thus, in the absence of the exception in paragraph (a)(2)(ii) of the final regulation, such plans would have to hire an actuary as if the plan were subject to these requirements, solely to obtain the missing section 101(f) information. The commenter argues that valuable resources will be expended unnecessarily in this regard. The Department agrees with this commenter that such an outcome is not in the best interests of plan participants and beneficiaries in these limited circumstances. For these reasons, and after consulting with the PBGC, Treasury and the IRS, the Department adopts paragraph (a)(2)(ii)(C) of the final rule which exempts the plan administrator from providing a funding notice for a plan year if the due date for the funding notice is on or after the date the plan administrator files a standard termination notice (*i.e.,* PBGC Form 500) pursuant to 29 CFR 4041.25, provided that the proposed termination date is on or before the due date of the funding notice and a final distribution of assets in satisfaction of the plan's benefit liabilities proceeds according to the requirements of section 4041(b) of ERISA. If, for some reason, the termination does not proceed according to the requirements of section 4041(b) of ERISA with a distribution of assets in satisfaction of all benefit liabilities and the plan again becomes subject to the minimum funding standards, the exception ceases to apply.

The following example illustrates the exception in paragraph (a)(2)(ii)(C).

Example: On March 1, 2017, the plan administrator furnishes to all affected parties a notice of intent to terminate, stating that Plan Y, a calendar year plan, will terminate on April 30, 2016. On April 15, 2017, the plan administrator files a standard notice of termination (PBGC Form 500) with the PBGC. Under the exception in paragraph (a)(2)(ii)(C) of the final rule, the funding notice for the 2015 notice year (due no later than April 30, 2016) is the final funding notice of Plan Y, since both the proposed termination date and the date the PBGC Form 500 is filed with the PBGC occur on or before the April 30, 2017, due date of the 2016 funding notice.

Finally, one commenter recommended expanding the exception to excuse the plan administrator of a single-employer plan from furnishing a funding notice if the plan administrator reasonably believed that the PBGC would appoint itself trustee within the next 12 months. The same commenter also recommended excusing the plan administrator from furnishing a funding notice after commencement of the distribution of assets under a standard or distress termination instead of after the final distribution of all assets as set out in the proposal. Neither of these recommendations is adopted in the final rule. The first recommendation, without more, would give too much discretion to the plan administrator to determine whether or not to provide the funding notice. In addition, unlike the other exceptions in the final rule, the first recommendation is not grounded on a factor such as cost savings to the plan or an absence of information needed to complete the annual funding notice (for example, because the plan is no longer subject to the funding rules under the Code or ERISA's annual reporting requirements); nor does it appear to rest on any separate disclosure requirements applicable to such plans under title IV of ERISA. The commenter's second recommendation was not adopted for essentially the same reasons against the first recommendation, but also because the new exception in paragraph (a)(2)(ii)C), in the Department's view, provides substantially equivalent relief in the case of a standard termination.

d. Mergers and Consolidations

Paragraph (a)(3) of the final regulation, like the proposal, provides relief in the case of a merger or consolidation of two or more plans. The final plan year of a plan that has legally transferred control of its assets to a successor plan (hereafter the ''non-successor plan'') ends upon the occurrence of the merger or consolidation. Under this exception, the plan administrator of a non-successor plan is not required to furnish a funding notice for its final plan year.

For example, if plan A were to merge with plan B in 2017 and plan B is the successor plan (*i.e.,* the plan to which control of the assets of plan A was legally transferred), then the plan administrator of plan A is not required to furnish a funding notice for plan A for its final plan year, which ends upon the occurrence of the merger in 2017. However, the funding notice of plan B (*i.e.,* the plan to which control of the assets of plan A was legally transferred) must satisfy the general content requirements in paragraph (b) of the final regulation and, in addition, contain a general explanation of the merger or consolidation. The general explanation must include the effective date of, and identify each plan involved with, the merger or consolidation. Given that participants and beneficiaries will look to the successor plan for their pension benefits following the merger or consolidation, rather than the plan whose assets and liabilities were transferred to the successor plan, the Department believes that participants and beneficiaries would realize little, if any, benefit from receiving a funding notice from the non-successor plan. In addition, including an explanation of the merger in the funding notice of the successor plan should abate any participant confusion that might exist by virtue of not receiving a funding notice from the non-successor plan.

One commenter requested clarification whether the funding notice of the successor plan for the year of the

[5] *See* 75 FR 70625, 70627 (explaining that because of the separate disclosure requirements applicable to such plans under title IV of ERISA, a funding notice may be unnecessary or confusing to participants where the PBGC is appointed trustee of a terminated single-employer plan or where a terminated single-employer plan has already satisfied all benefit liabilities or all guaranteed benefits. For example, under a standard termination, participants are provided a notice of intent to terminate 60 to 90 days prior to the proposed termination date (29 CFR 4041.23), a notice of plan benefits by the time PBGC Form 500 is filed with the PBGC (29 CFR 4041.24), and a notice of annuity information in the notice of intent to terminate or, in certain cases, 45 days prior to the distribution date (29 CFR 4041.23(b)(5) and 29 CFR 4041.27)).

[6] *See also* the instructions to Schedule SB of the 2013 Form 5500 Annual Return/Report, which state: ''For terminating plans, Rev. Rul. 79–237, 1979–2 C.B. 190 provides that minimum funding standards apply until the end of the plan year that includes the termination date. Accordingly, the Schedule SB is not required to be filed for any later plan year.''

merger must reflect the funding percentages, assets, and liabilities of the non-successor plan for the two preceding plan years. Because the assets and liabilities of the non-successor plan were not assets and liabilities of the successor plan before the merger or consolidation, the successor plan's funding notice for the year of the merger would not have to reflect this information. The year-end data in this funding notice, however, would reflect the combined assets (both single and multiemployer plans) and liabilities (single-employer plans only). No changes to the operative text were needed for this clarification.

2. Content Requirements § 2520.101–5(b)

a. Identifying Information (§ 2520.101–5(b)(1))

Paragraph (b)(1) of the final regulation, like the proposal, provides that a funding notice must include the name of the plan, the plan number, name of each plan sponsor, the employer identification number of the plan sponsor, and the name, address and telephone number of the plan administrator (and the name, address and phone number of the plan's principal administrative officer if the principal administrative officer is different from the plan administrator). For purposes of this requirement, employer identification numbers, name of plan sponsor, and plan numbers are the same as those used in the Form 5500 Annual Return/Report filed in accordance with section 104(a) of ERISA. The Department received no comments on this provision, as proposed, and it is adopted without change in the final rule.

b. Funding Percentage (§ 2520.101–5(b)(2))

Paragraph (b)(2) of the final regulation, like the proposal, requires disclosure of a plan's funding percentage. Specifically, in the case of a single-employer plan, paragraph (b)(2)(i) of the final regulation provides that a notice must include a statement as to whether the plan's funding target attainment percentage for the notice year, and for each of the two preceding plan years, is at least 100 percent (and, if not, the actual percentages). The term ''funding target attainment percentage'' is defined in section 303(d)(2) of ERISA, which corresponds to Code section 430(d)(2). Guidance issued by the Department of the Treasury under Code section 430 also applies for purposes of section 303 of ERISA. Treasury regulations under Code section 430 provide that the funding target attainment percentage of a plan for a plan year is a fraction (expressed as a percentage), the numerator of which is the value of the plan's assets for the plan year (determined under the rules of 26 CFR 1.430(g)–1) after subtracting the prefunding balance and funding standard carryover balance (collectively the ''credit balances'') under section 430(f)(4)(B) of the Code and § 1.430(f)–1(c), and the denominator of which is the funding target of the plan for the plan year (determined without regard to the at-risk rules of section 430(i) of the Code and § 1.430(i)–1).[7] Thus, this percentage for a plan year is calculated by dividing the value of the plan's assets for that year (after subtracting the credit balances, if any) by the funding target of the plan for that year (disregarding the at-risk rules).

One commenter expressed concern with using the funding target attainment percentage calculated in the manner described above. This commenter believes there are circumstances when this percentage does not necessarily show the most accurate picture of the plan's funded status. For instance, this commenter believes it is misleading to subtract the credit balances discussed above when the plan otherwise is 100 percent funded. Such a subtraction, according to this commenter, could show a funding target attainment percentage of less than 80 percent when the plan is 100 percent or more funded before such subtraction and needlessly raise the concerns of participants regarding the application of the benefit restrictions and limitations of section 436 of the Code.[8] ERISA section 101(f)(2)(B)(i), however, specifically requires a plan administrator to disclose the funding target attainment percentage determined by subtracting the credit balances from the value of the plan's assets.

Paragraph (b)(12) of the final rule permits plan administrators to include additional information in funding notices if the additional information is either necessary or helpful to understanding the mandated information. The Department is of the view, however, that ordinarily a funding notice with more than one funding percentage for the same plan year would be very confusing to participants and beneficiaries. Thus, the Department strongly discourages this practice. One exception may be when the plan administrator concludes it is necessary or helpful to explain that a benefit restriction or limitation under Code section 436 has not been triggered despite the funding target attainment percentage disclosed in the funding notice being below 80 percent. Even in these circumstances, however, a narrative explanation ordinarily should suffice.

In the case of a multiemployer plan, paragraph (b)(2)(ii) of the final regulation, like the proposal, provides that a notice must include a statement as to whether the plan's funded percentage for the notice year, and for each of the two preceding plan years, is at least 100 percent (and, if not, the actual percentages). The term ''funded percentage'' is defined in section 305(i) of ERISA, which corresponds to section 432(i) of the Code. Guidance issued by the Department of the Treasury under section 432 of the Code also applies for purposes of section 305 of ERISA. Proposed Treasury regulations under Code section 432 provide that the funded percentage of a plan for a plan year is a fraction (expressed as a percentage), the numerator of which is the actuarial value of the plan's assets as determined under section 431(c)(2) of the Code and the denominator of which is the accrued liability of the plan, determined using the actuarial assumptions described in section 431(c)(3) of the Code and the unit credit funding method.[9] Thus, this percentage for a plan year is calculated by dividing the plan's assets for that year by the accrued liability of the plan for that year, determined using the unit credit funding method. The Department received no comments on this provision and it was adopted in the final rule without change.

c. Assets and Liabilities (§ 2520.101–5(b)(3))

(i) Single-Employer Plans—Assets and Liabilities as of the Valuation Date

In the case of a single-employer plan, paragraph (b)(3)(i)(A) of the final regulation, like the proposal, requires that a funding notice include a statement of the total assets (separately stating the prefunding balance and the funding standard carryover balance) and liabilities of the plan for the notice year and each of the two preceding plan years. Like section 101(f)(2)(B)(ii)(I)(aa)

[7] *See* 26 CFR 1.430(d)–1(b)(3)(i); 74 FR 53004, 53036 (Oct. 15, 2009).

[8] Section 436(j)(3) of the Code states that if the funding target attainment percentage is 100% or more before the value of plan assets is reduced by the credit balances, the funding target attainment percentage is determined without regard to such reduction for purposes of calculating the adjusted funding target attainment percentage used to determine whether the benefit restrictions and limitations of Code section 436 apply.

[9] *See* proposed Treasury regulation 26 CFR 1.432(a)–1(b)(7); 73 FR 14417, 14423 (March 18, 2008).

of the statute, the final regulation provides that assets and liabilities are to be determined ''in the same manner as under section 303'' of ERISA. The Department interprets the quoted statutory language to mean that the total assets and liabilities used for this purpose are the same as those used to determine a plan's funding target attainment percentage (as well as the plan's ''at-risk'' liabilities pursuant to section 303(i) of ERISA, taking into account section 303(i)(5), if the plan is in ''at-risk'' status). The Department received no comments on this provision, as proposed. It was adopted without change in the final regulation.

(ii) Single-Employer Plans—Assets and Liabilities as of the Last Day of the Plan Year

Section 101(f)(2)(B)(ii)(I)(bb) of ERISA states that a funding notice must include, in the case of a single-employer plan, ''the value of the plan's assets and liabilities for the plan year to which the notice relates as of the last day of the plan year to which the notice relates determined using the asset valuation under subclause (II) of section 4006(a)(3)(E)(iii) and the interest rate under section 4006(a)(3)(E)(iv)[.]''

Based on the foregoing, paragraph (b)(3)(i)(B) of the proposal provided that a single-employer plan must include a statement of the value of the plan's assets and liabilities determined as of the last day of the notice year. For purposes of this statement, plan administrators must report the fair market value of assets as of the last day of the plan year. In addition, a plan's liabilities as of the last day of the plan year are equal to the present value, as of the last day of the plan year, of benefits accrued as of that same date. With the exception of the interest rate assumption, the present value should be determined using the assumptions used to determine the funding target under ERISA section 303. The interest rate assumption is the interest rate provided under section 4006(a)(3)(E)(iv) of ERISA in effect for the last month of the notice year rather than the rate in effect for the month preceding the first month of the notice year. For the reasons set forth below, this proposed provision is adopted without change.

Some commenters expressed their concerns that this aspect of the proposal would lead to confusion. More specifically, they argued that participants and beneficiaries will be confused by seeing year-end figures that are calculated with different assumptions than those used to calculate beginning-of-the-year figures. To illustrate the confusing effect of the proposal, the commenters explained by way of example that a plan's assets and liabilities as of one second before midnight on December 31 could be dramatically different from that plan's assets and liabilities one second later on January 1, for no reason other than the different assumptions prescribed by paragraphs (b)(3)(i)(A) and (b)(3)(i)(B) of the proposal.

The solution offered by one of these commenters is that the proposal should be revised to mandate use of identical assumptions for both dates. Thus, the same interest rate, mortality, and other actuarial assumptions would be used to determine the present value of both the year-end liabilities for the notice year and the valuation date liabilities of the next plan year. This would eliminate the December 31/January 1 difference described above. In this regard, the commenter suggested using the same assumptions used by the plan sponsor to determine pension liabilities in its SEC filings.

The Department did not adopt this recommendation. Because the disclosure requirements in paragraph (b)(3)(i)(B) of the proposal track the statutory requirements in section 101(f)(2)(B)(ii)(I)(bb) of ERISA, adopting this commenter's recommendation would effectively read these requirements out of the statute. Whatever the differences that might exist between year-end assets and liabilities and the next year's valuation date assets and liabilities, such differences result from the actuarial assumptions and methods mandated by the statute.

Other commenters recommended enhanced disclosure of the assumptions behind the year-end figures, including an explanation of how such assumptions differ from the assumptions used for the beginning-of-the-year (*i.e.,* valuation date) figures. These commenters suggested that enhanced disclosure of this type could be helpful in explaining the December 31/January 1 difference described above. Because paragraph (b)(12) of the final regulation permits plan administrators to add additional or supplemental information to funding notices, if appropriate, the Department decided against mandating the specific disclosures suggested by these commenters.

Finally, the Department, in the preamble to the proposal, recognized that some plans may need to estimate their year-end liabilities for the notice year. For instance, this would be necessary if the plan lacked up-to-date information (*e.g.,* hours of service, compensation, eligibility status, etc.) to calculate year-end liabilities by the due date of the funding notice. The preamble discussion further provided that, inasmuch as section 101(f) of ERISA does not specifically set forth any standards to govern such estimations, pending guidance to the contrary, plan administrators may, in a reasonable manner, project liabilities to year-end using standard actuarial techniques. While the Department specifically solicited comments on this issue, none were received. Accordingly, the Department has no reason at this time to provide contrary guidance.

One commenter noted that instructions to ''round off all amounts in this notice to the nearest dollar'' located under the ''Funding Target Attainment Percentage'' chart in Appendix A would be difficult in the context of estimating year-end liabilities. The commenter interpreted these instructions to mean plan administrators must estimate year-end liabilities to the nearest dollar. The Department intended for the rounding instruction to apply to valuation date liabilities used to determine the funding target attainment percentage because by the due date of the funding notice, the valuation date liabilities should be precise to the nearest dollar. Accordingly, no change was made to the rounding instruction in the final version of the model notice. With respect to year-end liabilities, however, the plan should use rounding conventions that are standard for estimating projected plan liabilities and are reasonable with regard to the plan. The Department recognizes that plans may not be able to achieve the same level of precision with respect to estimated year-end liabilities as with valuation date figures.

(iii) Multiemployer Plans—Assets and Liabilities as of the Valuation Date

In the case of a multiemployer plan, paragraph (b)(3)(ii)(A) of the final regulation, like the proposal, requires a statement of the value of the plan's assets (determined in the same manner as under section 304(c)(2) of ERISA) and liabilities (determined in the same manner as under section 305(i)(8) of ERISA, using reasonable actuarial assumptions as required under section 304(c)(3) of ERISA) for the notice year and each of the two plan years preceding the notice year. The assets and liabilities are to be measured as of the valuation date in each of these three years. These are the same assets and liabilities used to determine the plan's funded percentage required to be disclosed under paragraph (b)(2)(ii) of the final regulation. Thus, the recipients of a funding notice will receive not only their plans' funded percentage, pursuant

to paragraph (b)(2)(ii), but, pursuant to paragraph (b)(3)(ii)(A), they also will receive the numbers behind that percentage. Under section 305(i)(8) of ERISA, liabilities are determined using the unit credit funding method whether or not that actuarial method is used for the plan's actuarial valuation in general. There were no comments on this provision and it is adopted without change.

(iv) Multiemployer Plans—Assets as of the Last Day of the Plan Year

In the case of a multiemployer plan, paragraph (b)(3)(ii)(B) of the final regulation, like the proposal, requires a statement of the fair market value of plan assets as of the last day of the notice year, and as of the last day of each of the two preceding plan years as reported in the annual report filed under section 104(a) of ERISA for each such preceding plan year. There were no comments on this provision and it is adopted in the final regulation without change.

(v) Year-end Statement of Plan Assets—Contributions Receivable

As discussed above, funding notices must contain a statement of the fair market value of plan assets as of the last day of the notice year. Plans may receive contributions for the notice year after the close of that year but before the funding notice is sent to recipients. In such circumstances, these contributions may be included in the fair market value of assets, but only if they are attributable to the notice year for funding purposes. The regulation does not require these contributions to be included in the year-end asset statement.

In the case of a single-employer plan, such contributions must be discounted back to the last day of the notice year using the effective interest rate for the notice year. The effective interest rate is defined under section 303(h)(2)(A) of ERISA (section 430(h)(2)(A) of the Code). This approach ensures consistency with section 303(g)(4) of ERISA (section 430(g)(4) of the Code) relating to prior year contributions.[10] For example: Plan X is a calendar year plan. The plan's funding notice for 2012 was timely furnished in 2013. The year-end statement of assets was based on December 31, 2012, fair market value. The plan administrator included the present value of contributions made to the plan on February 14, 2013, in the year-end statement of assets. The effective interest rate for the plan was five percent in 2012 and four percent in 2013. The contributions would be discounted from February 14, 2013, to December 31, 2012, using a discount rate of five percent per annum, which was the effective interest rate for 2012.

In the case of a multiemployer plan, section 304(c)(8) of ERISA provides that contributions made by an employer for the plan year after the last day of the plan year, but not later than two and one-half months after such day (which may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury), shall be deemed made on the last day of the plan year. Section 304(c)(8) of ERISA corresponds to section 431(c)(8) of the Code. Section 431(c)(8) of the Code is the post-PPA counterpart to former section 412(c)(10)(B) of the Code. Pursuant to the Treasury regulations under former section 412(c)(10)(B) of the Code (26 CFR 11.412(c)–12), contributions for a plan year that are made within eight and one-half months after the end of a plan year are deemed to have been made on the last day of that plan year. Therefore, consistent with section 304(c)(8) of ERISA and the corresponding section 431(c)(8) of the Code, and Treasury regulations under former section 412(c)(10)(B) of the Code, it is not necessary for a multiemployer plan to discount such contributions for interest when stating its year-end asset value in a funding notice.

The foregoing provisions were discussed in the preamble of the proposal. The Department received no negative commentary on them. They were adopted and codified at paragraph (b)(3)(iii) of the final regulation.

(vi) Addressing Changes in Assets and Liabilities After the Notice Is Furnished

One commenter requested clarification on whether a plan administrator would be required to issue a revised funding notice for a plan year if the funding percentage data (described by this commenter as valuation date assets and liabilities and the funding percentage derived therefrom) in the notice were to change between the date the notice was furnished to participants and the date of the filing of the plan's Form 5500 Annual Return/Report for that same year. The commenter stated that this might occur, for example, because of an error or mistake in preparing the notice or if a plan were to change its actuarial assumptions in the period between the respective due dates of the notice and the Form 5500. The view of the Department, generally, is that funding percentage data in the notice for a particular plan year should not differ from the funding percentage data that must be reported on that plan's Schedule SB or MB, as applicable, for that same plan year. However, in those rare circumstances where there is a difference because of a good faith error or changes in actuarial assumptions, for example, the view of the Department is that a plan administrator is not obligated by section 101(f) of ERISA to revise and restate the funding notice for that year. If the difference in the data in the notice and the data in the annual report is substantial, plan administrators should consider explaining the discrepancy in the funding notice for the next plan year.

d. Demographic Information (§ 2520.101–5(b)(4))

Paragraph (b)(4) of the final regulation, like the proposal, requires a statement of the number of participants who, as of the valuation date of the notice year, are: (i) Retired or separated from service and receiving benefits; (ii) retired or separated from service and entitled to future benefits (but currently not receiving benefits); or (iii) active participants under the plan. Plan administrators must state the number of participants in each of these categories and the sum of all such participants. For purposes of this statement, the terms ''active'' and ''retired or separated'' have the same meaning given to those terms in instructions to the latest annual report filed under section 104(a) of the Act (currently, instructions relating to lines 5 and 6 of the 2013 Form 5500 Annual Return/Report).

In response to one comment, the Department clarifies that beneficiaries of deceased participants should be accounted for in the disclosure of demographic information required under paragraph (b)(4) and should be reflected in the relevant ''retired or separated'' category based on whether the beneficiary of the deceased participant is receiving benefits or is entitled to receive benefits in the future (but currently is not receiving them). These beneficiaries are similar to retired or separated participants who are themselves receiving, or are entitled to receive, benefits under the plan in that the plan's liabilities include benefits accrued by such deceased participants.

A few commenters asked the Department to enhance this disclosure requirement by mandating the disclosure of demographic information covering a longer period of time, such as the notice year and two preceding plan years, similar to disclosure of the

[10] This approach is consistent with the position taken by the PBGC regarding the treatment of contributions made on account of the prior year in determining the fair market value of assets under section 4006(a)(3)(E)(iii). *See* page 17 of the PBGC's 2013 Comprehensive Premium Payment Instructions.

plan's funding percentage over a three year period. Such information, they suggest, could help participants and, in the case of multiemployer plans, unions and contributing employers, draw a positive correlation between demographic trends and changes in funding status, *e.g.,* a downward slope in active participants would offer a possible explanation of a declining funding percentage or, possibly, be indicative of such a decline in the future. Other commenters, however, questioned whether such information would be helpful to participants, even if the data allowed for a positive correlation, and pointed out that such information already is publicly available. They also noted that any new disclosure mandate would come at a cost. The Department notes that this data already is required to be reported in the Form 5500 Annual Return/Report, so there would be little cost associated with the commenter's suggested expansion. Nonetheless, the Department declined to adopt the requested expansion. The Department agrees with the commenters who question the value to participants of the additional information. A plan, for example, may have few active participants and a high funding percentage or many active participants and a low funding percentage. In addition, the statute affords no clear basis for imposing such a requirement. Congress was careful to specify a three-year period in other parts of section 101(f) of ERISA but failed to do so in section 101(f)(2)(B)(iii) of ERISA.

e. Funding and Investment Policies; Asset Allocation (§ 2520.101–5(b)(5))

Paragraph (b)(5)(i) through (iii) of the proposal provided that a funding notice must include a statement setting forth the funding policy of the plan, the asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the notice year, and a general description of any investment policy of the plan as it relates to the funding policy and the asset allocation of investments. This provision is adopted without change.

(i) Investment Policy

One commenter was opposed to the proposed requirement to include a ''general description of any investment policy of the plan.'' The commenter argued that this requirement is not explicitly in the statute, that investment policies often can be complex and lengthy, and that such policies may be irrelevant to participants and beneficiaries.[11] Even though a particular plan's investment policy might be lengthy and complex in its totality, the final regulation requires only a ''general description'' of the policy. Thus, except in rare cases, the Department does not expect that a plan's entire investment policy would be restated in the annual funding notice. Further, to ensure relevance, the final regulation requires that the general description must relate to the funding policy and asset allocation of investments. The purpose of the requirement to include a ''general description of any investment policy of the plan'' simply is to provide participants and beneficiaries with contextual information to help them better understand and appreciate the plan's approach to funding benefits.[12] Use of the word ''any'' in paragraph (b)(5)(iii) reflects that the maintenance of a written statement of investment policy is not specifically required under ERISA, although the Department expects that it would be rare for a plan subject to section 101(f) of ERISA not to have such a policy.

(ii) Year-End Asset Allocation of Investments

Section 101(f)(2)(B)(iv) of ERISA, in relevant part, provides that a funding notice must include a statement setting forth ''the asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the plan year to which the notice relates[.]'' Like the proposal, paragraph (b)(5)(ii) of the final regulation directly incorporates this statutory requirement. The Department anticipates that plan administrators may satisfy the requirements in paragraph (b)(5)(ii) in any number of ways.

For example, one way a plan administrator may satisfy this requirement is by using the appropriate model notice in the appendices to the final rule. The asset classes in the models are based on the asset classes listed in Part 1 of the Asset and Liability Statement of Schedule H of the Form 5500 Annual Return/Report.[13] Plan administrators who use the models must insert an appropriate percentage with respect to each asset class, using the same valuation and accounting methods as for Form 5500 Schedule H reporting purposes. For this purpose, the master trust investment account (MTIA), common/collective trust (CCT), pooled separate account (PSA), and 103–12 investment entity (103–12IE) investment categories have the same definitions as for the Form 5500 instructions. If a plan held at year-end an interest in one or more direct filing entities (DFEs), *i.e.,* MTIAs, CCTs, PSAs, or 103–12IEs, the plan administrator should include in the model notice a statement apprising recipients how to obtain more information regarding the plan's DFE investments (*e.g.,* a plan's Schedule D and R and/or the DFE's Schedule H). The model notice provides a statement immediately following the asset allocation table for contact information, which a plan administrator should complete and include if the plan held an interest in one or more DFEs. The reason for this special treatment for plans investing in DFEs is that such plans often do not know the precise year-end holdings of a DFE by the due date of the annual funding notice. One commenter questioned whether this special treatment is appropriate for single-employer plans that use MTIAs, on the theory that administrators of such plans have more control over and access to information about such investment arrangements than, say, CCTs. Given that plan fiduciaries have a duty not to misrepresent material information relating to the plan, plan administrators should not report a percentage interest in MTIAs if they know the MTIA's actual asset allocation sufficiently in advance of the due date of the annual funding notice. Instead, they should use the other asset categories in Schedule H.

A number of commenters on the proposal favored the asset categories in Schedule R over the asset categories in the Schedule H. The Schedule R categories are stocks, investment-grade debt, high-yield debt, real estate, and other. These commenters suggested either replacing the Schedule H approach in the model notice with the categories in Schedule R, or perhaps

[11] Section 101(f)(2)(B)(iv) of ERISA provides that a funding notice must include ''a statement setting forth the funding policy of the plan and the asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the plan year to which the notice relates[.]''

[12] A requisite feature of every employee benefit plan is a procedure for establishing a funding policy to carry out plan objectives. *See* section 402(b)(1) of ERISA. The maintenance by an employee benefit plan of a statement of investment policy is consistent with the fiduciary obligations set forth in ERISA section 404(a)(1)(A) and (B). A statement of investment policy is a written statement that provides the fiduciaries who are responsible for plan investments with guidelines or general instructions concerning various types or categories of investment management decisions. A statement of investment policy is distinguished from directions as to the purchase or sale of a specific investment at a specific time. *See* 29 CFR 2509.08–2(2) (formerly 29 CFR 2509.94–2).

[13] *See* lines 1a, 1c, 1d and 1(e) of the 2013 Schedule H. The asset classes identified in the models do not include any receivables reportable on Schedule H of the Form 5500 (*see* lines 1b(1)–(3) of the 2013 Schedule H).

establishing the Schedule R approach as an alternative to the Schedule H approach. In some cases the asset categories in Schedule R may better align with a plan's investment policy. In other cases, the asset categories in the Schedule R may be more informative to participants and beneficiaries. For these reasons, the Department has determined that the Schedule R asset categories are an acceptable alternative to the asset categories in the Schedule H for purposes of the model notices in the appendices to the final rule. Thus, the Department is of the view that a plan administrator may substitute the Schedule R categories for asset categories in Schedule H in the model notices, and remain eligible for the relief provided in paragraph (h) of the final regulation. Plan administrators who use the Schedule R alternative must insert an appropriate percentage with respect to each asset class.

Another commenter suggested allowing the plan administrator discretion when using the model notice to break out the investments held in a DFE among the other Form 5500 Schedule H asset classes where the plan administrator knows the underlying make-up of the assets held by the DFE. The Department never intended to preclude plan administrators from breaking out the DFE's investments among the other asset classes, since the disclosure of such information will better inform participants about the plan's asset allocation of investments. To make this option clear, the final model notice instructions expressly permit plan administrators to break-out DFE investments in the notice, or to include a statement informing participants how to get additional information regarding DFE investments. See the model notice in appendices A and B.

One commenter recommended deleting the phrase ''Under the plan's investment policy'' from the section of the model notice addressing the year-end percentage allocation of investments. The commenter believes this language implies that the allocation percentages reflect the investment policy. The commenter opposes this implication because the asset allocation percentages under paragraph (b)(5) of the regulation are a snapshot of information and may not accurately reflect the plan's long-term investment policy. The Department declined to adopt this recommendation. The commenter appears to be concerned with inferences of wrongdoing or investment imprudence that might be drawn by participants and others if their plan's asset allocation percentages do not precisely match the plan's investment policy, and believes those inferences would be less likely with the recommended deletion. The Department disagrees with the commenter that the quoted phrase would imply wrongdoing if the asset allocation differed from the investment policy. The objective of the disclosures under paragraph (b)(5), in the aggregate, is to help participants and other recipients understand that there is a relationship between funding, investment policies, and asset allocations. The commenter's recommendation appears to run contrary to that objective.

f. Endangered, Critical, or Critical and Declining Status (§ 2520.101–5(b)(6))

Paragraph (b)(6) of the final regulation requires that the funding notice for a multiemployer plan indicate whether the plan was in endangered, critical, or critical and declining status for the notice year. For this purpose, ''endangered, critical, or critical and declining status'' is determined in accordance with section 305 of ERISA, which corresponds to section 432 of the Code. Paragraph (b)(6)(i) requires that the funding notice of a plan in endangered, critical, or critical and declining status must describe how a person may obtain a copy of the plan's funding improvement or rehabilitation plan, as appropriate, and the actuarial and financial data that demonstrate any action taken by the plan toward fiscal improvement. Paragraph (b)(6)(ii) requires that the funding notice of a plan in endangered, critical, or critical and declining status must contain a summary of the plan's funding improvement or rehabilitation plan and a description of any updates or modifications to such funding improvement or rehabilitation plan adopted during the notice year. A summary of the funding improvement or rehabilitation plan is required not only for the notice year in which such plan was adopted, but for every plan year thereafter until the funding improvement or rehabilitation plan ceases to be in effect. Paragraph (b)(6)(iii) requires that the funding notice of a plan in critical and declining status also must include the projected date of insolvency; a clear statement that such insolvency may result in benefit reductions; and a statement describing whether the plan sponsor has taken legally permitted actions to prevent insolvency. The requirements in paragraph (b)(6)(iii) were not part of the proposed regulation. These requirements were added to the final regulation to reflect recent amendments to section 101(f) of ERISA by the MPRA.[14]

g. Material Effect Events (§ 2520.101–5(b)(7) and § 2520.101–5(g))

(i) The Statute and Proposed Rule

Paragraph (b)(7) of the proposed regulation directly incorporated the requirements of section 101(f)(2)(B)(vii) of ERISA, which requires: ''in the case of any plan amendment, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the year (as defined in regulations by the Secretary), an explanation of the amendment, schedule increase or reduction, or event, and a projection to the end of such plan year of the effect of the amendment, scheduled increase or reduction, or event on plan liabilities [.]'' Beyond this direct incorporation, the Department took three other steps in the proposal to clarify and implement the material effect requirements.

First, the preamble to the proposal noted ambiguity with respect to the term ''current plan year'' in the language quoted above. The question is whether this term refers to the notice year or the plan year following the notice year. The proposal adopted the view that such term means the plan year following the notice year (*i.e.,* the plan year in which the notice is due). Thus, for a calendar year plan that must furnish its 2010 annual funding notice no later than the 120th day of 2011, the ''notice year'' is the 2010 plan year and the ''current plan year'' for purposes of paragraph (b)(7) of the proposal is the 2011 plan year. The Department's rationale for this interpretation, as explained in the preamble of the proposal, was that it is difficult to find meaning in the phrase ''a projection to the end of such year'' if ''current plan year'' is interpreted to mean the notice year because the notice year has already ended. Comments were solicited on this issue specifically.

Second, in an effort to bring clarity to the language ''having a material effect on plan liabilities or assets for the year'' in section 101(f)(2)(B)(vii) of ERISA, the proposal set forth two tests for determining whether an event has a material effect on assets or liabilities.

[14] *See* section 201(a)(4) of the MPRA (adding new disclosure requirements to section 101(f)(2)(B)(vi) of ERISA and renumbering former clauses (vi) through (x) of section 101(f) as clauses (vii) through (xi)). *See also* section 201(a)(2) of this Act, which added section 305(b)(6) of ERISA to define ''critical and declining'' status. *See also* section 201(a)(1)(C) of this Act, adding new section 305 (a)(3)(A) to ERISA, which subjects a multiemployer plan in critical and declining status to the same requirements as a multiemployer plan in critical status.

The first test, at paragraph (g)(1)(i) of the proposal, provided that a plan amendment, scheduled benefit increase (or reduction), or other known event has a material effect on plan liabilities or assets for the current plan year if it results, or is projected to result, in an increase or decrease of five percent or more in the value of assets or liabilities from the valuation date of the notice year. For example, if the liabilities of a calendar year plan were $100 million on January 1, 2010, (the valuation date for the 2010 notice year), a scheduled increase in benefits taking effect in 2011 will have a material effect if the present value of the increase, determined using the same actuarial assumptions used to determine the $100 million in liabilities, equals or exceeds $5 million. Under the second test, an event has a material effect on plan liabilities or assets for the current plan year if, in the judgment of the plan's enrolled actuary, the event is material for purposes of the plan's funding status under section 430 or 431 of the Code, without regard to an increase or decrease of five percent or more in the value of assets or liabilities from the prior plan year. The second test is in paragraph (g)(1)(ii) of the proposal.

Third, the preamble to the proposal also specifically solicited comments on an issue addressed in the Department's Field Assistance Bulletin 2009–01 (February 10, 2009). In that Bulletin, the Department provided interim guidance under section 101(f) of ERISA in the form of an enforcement policy. Under this policy, if an otherwise disclosable event first became known to the plan administrator 120 days or less before the due date for furnishing the funding notice, the administrator did not have to disclose the event in the notice. See Question 12 of FAB 2009–01. The rationale behind this policy is that at some close point in time before the due date for furnishing the notice, it becomes impracticable for, and unreasonable to expect, plan administrators to satisfy the detailed material effect provisions even though an otherwise disclosable event is known. In addition, the event's effect on the plan's assets and liabilities will in any event be reflected in the next annual funding notice. This policy was not included in the operative text in the proposal. However, the preamble to the proposal solicited comments on whether this 120-day ''rule'' should be included in the final regulation.

(ii) Public Comments and Questions

In general, the public comments on the material effect provisions focused on the 120-day policy articulated in FAB 2009–01 and its absence from the operative text of the proposal. One commenter, however, criticized the position of the Department on the ''current plan year'' language. This person is concerned that some material events would not be covered if ''current plan year'' means the plan year following the notice year. Another commenter believes the five percent test to determine materiality is unnecessary in light of the actuary judgment test. This commenter, therefore, recommends deleting the five percent test. This commenter also asked the Department to consider a third alternative based on Code section 436. These questions and comments are addressed in the context of explaining the final rule below.

(iii) The Final Rule

The framework of the final rule is substantially the same as in the proposal. The general requirement to explain and project events that have a material effect on the assets and liabilities of the plan is in paragraph (b)(7) of the final regulation. As in the proposal, paragraph (b)(7) of the final rule simply incorporates the language from section 101(f)(2)(B)(vii) of ERISA. Paragraph (g) contains special rules and definitions related to the general requirement in paragraph (b)(7) of the final regulation. The substantive modifications to the proposal are in paragraph (g) of the final rule.

General Requirement

Paragraph (b)(7) of the final rule requires, ''in the case of any plan amendment, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the year, an explanation of the amendment, scheduled benefit increase or reduction, or event, and a projection to the end of such plan year of the effect of the amendment, scheduled benefit increase or reduction, or event on plan liabilities.'' The final regulation explicitly makes this requirement subject to the special rules and definitions in paragraph (g) of the final regulation.

Special Rules and Example

Paragraph (g) contains several special rules and definitions that collectively clarify, limit, and illustrate application of the material effect content requirement in paragraph (b)(7) of the final regulation. Paragraph (g)(1) provides that ''current plan year'' in paragraph (b)(7) means the plan year after the notice year. Paragraph (g)(2) of the final regulation states that ''[a]n event described in paragraph (b)(7) is recognized as 'taking effect' in the current plan year if the effect of the event is taken into account for the first time for funding under section 430 or 431 of the Internal Revenue Code, as applicable.'' Paragraphs (g)(3) and (g)(4) of the final regulation provide the standards for determining if an event described in paragraph (b)(7) has a ''material effect.'' Paragraph (g)(3) states that such an event ''has a 'material effect' if it results, or is projected to result, in an increase or decrease of five percent or more in the value of assets or liabilities from the valuation date of the notice year.'' Paragraph (g)(4) provides that an event also ''has a 'material effect' if, in the judgment of the plan's enrolled actuary, the effect of the event is considered material for purposes of the plan's funding status under section 430 or 431, as applicable, of the Internal Revenue Code, without regard to paragraph (g)(3). . . .'' Paragraph (g)(5) states that ''[a]n event described in paragraph (b)(7) of this section is 'known' only if it is known by the plan administrator prior to 120 days before the due date of the notice.''

The following example illustrates these requirements.

Facts: Plan Y is a single-employer calendar year plan. Company X, the sponsor of Plan Y, adopts an amendment on June 1, 2017, offering a subsidized early retirement benefit to participants age 50 or older who retire on or after September 1, 2017 and before March 1, 2018. The amendment increases the liabilities of Plan Y by an amount greater than 5% of the value of Plan Y's liabilities on January 1, 2017. Company X does not make an election under Code section 412(d)(2) to accelerate recognition of the event for funding. The amendment is taken into account for the first time under section 430 of the Code as of the January 1, 2018, valuation date. The notice year is 2017.

Conclusions: Pursuant to paragraph (g)(1) of the final rule, the ''current plan year'' is 2018 because the notice year is 2017. Pursuant to paragraph (g)(2) of the final rule, the amendment is recognized as ''taking effect'' in 2018 because it is first taken into account for funding purposes as of the January 1, 2018 valuation date. Pursuant to paragraph (g)(3) of the final rule, the event has a ''material effect'' on plan liabilities because it results in an increase of five percent or more in the value of liabilities. Pursuant to paragraph (g)(5), the amendment is ''known'' because it is adopted on June 1, 2017, which is more than 120 days prior to the April 30, 2018 due date of the 2017 funding notice. Therefore, an explanation of the amendment must be included in the 2017 funding notice.

''Taking Effect'' and ''Current Plan Year''

As mentioned above, one commenter raised a concern that by interpreting

''current plan year'' as the year after the notice year, as opposed to the notice year itself, the proposal effectively created a loophole that might result in a substantial number of events not being covered by the material effect disclosure provisions. To illustrate the commenter's point, assume the same facts as in the example above. Also assume the amendment was not known by the plan administrator before January 1, 2017. Applying the proposal, the early retirement amendment would not be explained in the 2017 notice because it does not take effect in the current plan year (*i.e.,* 2018). Nor would the amendment be explained in the 2016 notice because it was not known by the plan administrator more than 120 days before the deadline of that notice.

New paragraph (g)(2) of the final regulation addresses this loophole. Specifically, it states that ''[a]n event described in paragraph (b)(7) is recognized as 'taking effect' in the current plan year if the effect of the event is taken into account for the first time for funding under section 430 or 431 of the Internal Revenue Code, as applicable.'' Thus, a material effect event is recognized as ''taking effect'' in the first plan year that the effect of the event is taken into account for funding. Events occurring in the notice year, therefore, would not escape disclosure as feared by the commenter, if the effect of the event is taken into account for funding for the first time in a subsequent plan year. The term ''taking effect'' under the final regulation does not have the same meaning as ''take effect'' under Code sections 430 and 436 and the regulations promulgated thereunder.

Materiality—the Five Percent Test

As noted above, one commenter recommended eliminating the five percent materiality test on the grounds that it is unnecessary in light of the actuary judgment test. It is unnecessary, according to this commenter, because five percent events are the kind of events that also would be considered material to funding under the actuary judgment test. From this premise, the commenter argues that plans should not have to incur the cost of performing an unnecessary test. No data were provided regarding potential cost savings if the recommendation were adopted. The Department does not agree that the actuary judgment test makes the five percent test unnecessary. The five percent test is an objective test; it has all the certainty of a bright line, numerical test. It ensures that participants will be informed automatically of any event if its financial impact meets or exceeds this percentage. The plan has no discretion when the effect of an event is at or above the established numerical threshold. It effectively reflects the Department's determination of baseline materiality for purposes of section 101(f) disclosures, without regard to what a plan, or its enrolled actuary, may think of the significance of the event. The actuary judgment test in the proposal, by contrast, operates underneath the five percent ceiling. Below the ceiling, the plan has discretion and is not required to explain the effect of each and every event that has any effect on assets or liabilities. Instead, disclosure is required only if the plan's actuary determines the effect of the event is material for funding purposes. Even if, as is suggested by the commenter, there is some overlap in the two-test approach in the proposal, the framework recommended by the commenter would lack the certainty and consistency of the proposal and it would confer too much discretion on the plan to decide whether and what events are material under section 101(f) of ERISA. For these reasons, the Department declined to adopt this commenter's recommendation, and the final rule therefore continues to contain the five percent test.

Materiality—the Actuary Judgment Test

As mentioned above, if, in the judgment of the plan's enrolled actuary, the effect of an event is material for purposes of the plan's funding status under section 430 or 431 of the Code, paragraph (g)(1)(ii) of the proposal deemed the event to have a material effect under paragraph (b)(7). The final rule retains this provision. See paragraph (g)(4). The purpose of this ''actuary judgment test'' is to disclose any event that is not picked up by the five percent test which the actuary determines has a material effect on the funding status of the plan under section 430 or 431 of the Code (sections 303 and 304 of ERISA). Although the actuary's exercise of judgment under paragraph (g)(4) of the final regulation would not ordinarily rise to the level of fiduciary conduct, see 29 CFR 2509.75–5 D–1, it is expected that the plan's enrolled actuary will make a determination under paragraph (g)(4) in a manner that is consistent with the standards for performance of actuarial services set out in 20 CFR 901.20.

Other Known Events

Paragraph (g)(2) of the proposal contains a non-exclusive list of events that could constitute an ''other known event'' for purposes of paragraph (b)(7) of the regulation. Paragraph (g)(6) of the final rule retains this list with two noteworthy modifications. First, the examples in paragraph (g)(2)(iv) and (v) of the proposal, relating to a retirement window benefit and a cost-of-living increase for retirees, were eliminated because they describe events that typically do not happen in the absence of a plan amendment or scheduled benefit increase. Since such events constitute amendments or increases already covered by other language in the regulation, the Department, on reflection, determined that the two examples were not very helpful and possibly misleading. The second change clarifies that the Department does not view general market fluctuations (as compared to a fraud, such as a Ponzi scheme, or other similar event affecting the value of a specific investment) as an event contemplated by the material effect disclosure provision in section 101(f) of ERISA. Market fluctuations theoretically could result in numerous, yet offsetting, material effect disclosures all in the same funding notice. For instance, assume a precipitous decline in the equity market in a given month results in a 10 percent reduction in the value of a plan's assets. Also assume the decline is followed by a market correction in the next month and the correction results in a 10 percent increase in the fair market value of the plan's assets. Thus, although the plan has no net gain or loss over this two month period, its assets have changed more than five percent twice during this time. Such a decline and correction could happen over the course of two days rather than two months. The Department agrees with the commenters who believe that this kind of information is not likely to be very helpful or informative to participants in defined benefit plans, and possibly confusing to them. The Department also thinks it would be administratively burdensome for small plans to track and explain market fluctuations. Accordingly, the proposal was modified and paragraph (g)(6) of the final regulation clarifies that market fluctuations are not ''other known events'' for purposes of the material effect disclosure requirement in paragraph (b)(7), and are not required to be explained or projected in funding notices. The Department is of the view that a voluntary explanation of the effect of a market fluctuation could be added to the notice pursuant to paragraph (b)(12) of the final rule, if the plan administrator determined that the explanation would be helpful and the explanation is not misleading or confusing.

Finally, we have been asked if changes in actuarial assumptions constitute a material event for this purpose. The Department is not prepared to conclude categorically that changes in actuarial assumptions should never be subject to the material event disclosure provisions. Minor changes in actuarial assumptions or methods sometimes can result in substantial increases or decreases in liabilities whether the change in assumptions arises by operation of law, from an election or action of the plan sponsor, or automatically under the terms of the plan. Disclosure of a change in actuarial assumptions or methods could help participants better understand a material increase or decrease in the value of the plan's liabilities. Consequently, such changes have not been given the same treatment as market fluctuations and, therefore, in deciding whether such changes trigger disclosure, plans must determine whether, in the aggregate, any change or changes in actuarial assumptions or methods are material under the applicable tests.

Projection of Liabilities

The Department received a number of inquiries regarding the requirement in section 101(f)(2)(B)(vii) of ERISA to project the effect of a material effect event on liabilities to the end of the current plan year. Section 101(f)(2)(B)(vii), in relevant part, requires ''a projection to the end of such plan year of the effect of the amendment, scheduled increase or reduction, or event on plan liabilities[.]'' The inquiries illustrated numerous approaches to carry out such projection and asked whether the Department contemplated a specific methodology. The Department does not contemplate a single projection method. The Department expects only that plan administrators act reasonably and in good faith when choosing a projection method. A reasonable interpretation of the projection requirement would be to show liabilities with and without the material effect event as of last day of the current plan year based on the interest rate as of the valuation date of the notice year, with the difference expressed as a percentage, dollar amount, or both. For example:

Plan liabilities before the scheduled benefit increase	Plan liabilities after the scheduled benefit increase	Increase in liabilities	Percentage change
$525 million	$557 million	$32 million	6%

The projection requirement in section 101(f)(2)(B)(vii) of ERISA applies to any material effect event. However, paragraph (g)(7) of the final regulation gives plan administrators the option of foregoing projections in limited situations. Specifically, if an event is not expected to change the plan's liabilities by five percent or more, then a projection is not required, but the funding notice must contain an explanation of why the specific event is considered material. This special provision will reduce administrative burdens on plans because they will not have to perform projections, which may be complex and time consuming. At the same time, participants and beneficiaries will not be adversely affected by the special provision because they will receive an explanation of why the event is considered material. Knowing why an event is considered material may be significantly more helpful to participants and beneficiaries than the projection contemplated by section 101(f)(2)(B)(vii).

h. Rules on Termination or Insolvency (§ 2520.101–5(b)(8))

Paragraph (b)(8) of the final regulation, like the proposal, requires a summary of the rules under title IV of ERISA relating to plan termination or insolvency, as applicable. Specifically, in the case of single-employer plans, the regulation provides that a notice shall include a summary of the rules governing termination of single-employer plans under subtitle C of title IV of ERISA. See paragraph (b)(8)(i). In the case of multiemployer plans, the regulation provides that a notice shall include a summary of the rules governing insolvency, including limitations on benefit payments. See paragraph (b)(8)(ii). The Department received no comments on this provision and it is adopted in the final regulation without change (except for modifications to update the rule for a statutory change). [15]

i. PBGC Guarantees (§ 2520.101–5(b)(9))

Paragraph (b)(9) of the final regulation, like the proposal, requires a funding notice to include a general description of the benefits under the plan that are eligible to be guaranteed by the PBGC, and an explanation of the limitations on the guarantee and the circumstances under which such limitations apply. The requirement in paragraph (b)(9) directly incorporates the requirements of the statute. See section 101(f)(2)(B)(ix) of ERISA. One commenter observed that the information required under paragraph (b)(9) is somewhat similar to information that pension plans already must include in their summary plan descriptions pursuant to 29 CFR 2520.102–3, although the commenter also noted that the funding notice is an annual disclosure and the summary plan description is not. This commenter asked the Department to consider exercising its authority under section 110 of ERISA to establish an alternative method of compliance under which a plan administrator's obligation under paragraph (b)(9) of the regulation (and, therefore, section 101(f)(2)(B)(ix) of ERISA) would be considered satisfied if the plan administrator otherwise complied with summary plan description requirements under § 2520.102–3. Section 110 of ERISA grants the Secretary of Labor authority to prescribe an alternative method of compliance for any requirement of part 1 of subtitle B of title I of ERISA, under certain circumstances, if the Secretary makes certain findings, including that the requirement would increase the costs to or impose unreasonable administrative burdens on the plan and be adverse to the interests of plan participants in the aggregate and that the alternative is consistent with the purposes of title I of ERISA and provides adequate disclosure to the participants and beneficiaries in the plan. The public record, however, does not contain sufficient information on whether, and to what extent, the specific content requirement of section 101(f)(2)(B)(ix) would increase the costs to plans or impose unreasonable administrative burdens. Nor does it contain sufficient information on whether, and to what extent, the specific content requirement of section 101(f)(2)(B)(ix) would be adverse to the interests of plan participants in the aggregate. In the absence of such information, and evidence that the proposed alternative method provides adequate disclosure to the participants

[15] The proposal also required the funding notices of multiemployer plans to include a summary of the reorganization rules. This requirement was deleted from the final rule as the result of the repeal of the reorganization rules of title IV of ERISA by section 108 of the MPRA.

and beneficiaries in the plan, the Department is unable to accommodate the commenter's request. Nothing in this final rule, however, precludes the commenter, or any other interested person, from pursuing this matter further with the Department in the future and supplying the information needed for the Department to make the requisite determinations under section 110 of ERISA.

j. Annual Report Information (§ 2520.101–5(b)(10))

Paragraph (b)(10) of the final regulation, like the proposal, provides that a funding notice shall include a statement that any person entitled to notice under paragraph (f) may obtain a copy of the annual report of the plan filed under section 104(a) of ERISA upon request, through the Internet Web site of the Department of Labor (*www.efast.dol.gov*), or through any Intranet Web site maintained by the applicable plan sponsor (or plan administrator on behalf of the plan sponsor). The Department received no comments on this provision and it is adopted in the final regulation without change.

k. Information Disclosed to PBGC (§ 2520.101–5(b)(11))

Paragraph (b)(11) of the proposal required funding notices to state whether the contributing sponsor or a controlled group member was subject to the reporting requirements under section 4010 of ERISA. Section 4010 of ERISA generally requires plan sponsors (and each member of their controlled group) to report identifying, financial, and actuarial information about themselves and their plans to the PBGC if one or more single-employer plans maintained by any member of the controlled group has a funding target attainment percentage of less than 80 percent, has a minimum funding waiver in excess of $1 million any portion of which is still outstanding, or has met the conditions for imposition of a lien for failure to make required contributions (including interest) with an unpaid balance in excess of $1 million. The Department received no comments on this provision.

The requirement is adopted in the final rule with a slight technical adjustment in response to an issue raised by PBGC. PBGC advised that the section 4010 reporting obligation relates to the ''information year'' and not the ''plan year.'' Generally, the information year is the fiscal year of the plan sponsor. However, if any two members of the controlled group report financial information on the basis of different financial years, the information year is the calendar year. Thus, ''information year'' does not necessarily align with the plan year or the notice year. Accordingly, the final regulation was modified to deal with possible misalignments such that the statement requirement under paragraph (b)(11) is triggered if an ERISA section 4010 report is required for the information year ending within the notice year.

l. Additional Information (§ 2520.101–5(b)(12))

Paragraph (b)(12) of the final regulation, like the proposal, permits the plan administrator to include in a funding notice any additional information that the administrator determines would be necessary or helpful to understanding the information required to be contained in the notice. The purpose of this provision is to limit the type of information that may be added to these notices so that recipients do not face confusion or distraction based on information lacking an appropriate nexus to the funding status of the plan. In addition, paragraph (b)(12) also permits information that is ''otherwise permitted by law.'' This clause, by contrast, reflects the fact that some plan administrators may elect to satisfy the requirements of section 101(f) and other disclosure requirements through a combined notification where such combined notification is permitted by law. For example, where a plan elects the waiver described in 29 CFR 2520.104–46 (small pension plan audit waiver regulation), the plan administrator must include specified information about the waiver in the funding notice in order to satisfy the requirements of § 2520.104–46.[16] No public comments were received on this provision as proposed and it is adopted without change in the final regulation.

3. Style and Format (§ 2520.101–5(c))

Paragraph (c) of the final regulation sets forth the style and format requirements for the annual funding notice requirements. Specifically, it provides that funding notices shall be written in a manner that is consistent with the style and format requirements of 29 CFR 2520.102–2 (style and format requirements for summary plan descriptions). Thus, as with summary plan descriptions, funding notices shall be written in a manner calculated to be understood by the average plan participant and in a format that does not have the effect of misleading or misinforming recipients. This means that plan administrators must, among other things, exercise considered judgment and discretion by taking into account such factors as the level of comprehension and education of typical participants in the plan.

4. Timing Requirements (§ 2520.101–5(d))

Paragraph (d) of the final regulation, like the proposal, describes when a funding notice must be furnished to recipients. Paragraph (d)(1) provides that notices generally must be furnished not later than 120 days after the end of the notice year. Paragraph (d)(2) provides that in the case of small plans, notices must be furnished no later than the earlier of the date on which the annual report required by section 104 of ERISA is filed or the latest date the report could be filed (with granted filing extensions). For this purpose, a plan is a small plan if it had 100 or fewer participants on each day during the plan year preceding the notice year. See section 101(f)(3)(B) of ERISA (referencing section 303(g)(2)(B) of ERISA). Although section 303(g)(2)(B) of ERISA relates to single-employer plans only, the Department interprets section 101(f)(3)(B) of ERISA as applying the 100 or fewer participant standard in section 303(g)(2)(B) of ERISA to both single-employer and multiemployer plans.

One commenter recommended that the deadline for furnishing the funding notice for large plans be shortened from no later than 120 days after the end of the notice year to no later than 180 days after the valuation date of the notice year. This would accelerate the deadline by approximately 10 months for plans whose valuation date is January 1. The commenter favors timelier information. The Department also favors timely information for participants and beneficiaries. However, the statutory deadline is clear and unambiguous, thereby limiting the Department's authority to accept this comment under section 101(f) of ERISA. In addition, adopting the commenter's recommendation would make it impossible for many plan administrators to comply with other content requirements in section 101(f) of ERISA. For instance, section 101(f)(2)(B)(iv) of ERISA requires that funding notices contain a statement setting forth the asset allocation of investments under the plan as of the end of the plan year. For plans with a January 1 valuation date, the plan administrators could not comply with the foregoing requirement because the end of the plan year always would be after the 180-day deadline

[16] Section D of this preamble discusses amendments to § 2520.104–46.

recommended by the commenter. Accordingly, the Department did not adopt this recommendation.

5. Manner of Furnishing (§ 2520.101–5(e))

Paragraph (e) of the regulation relates to how funding notices must be furnished to recipients, with paragraph (e)(1) addressing how notices must be furnished to participants and beneficiaries and paragraph (e)(2) addressing how notices must be furnished to the PBGC. As with the proposal, paragraph (e)(1) of the final regulation is reserved. The reservation reflects the fact that the Department has not yet finished exploring whether, and possibly how, to expand or modify the standards in 29 CFR 2520.104b–1(c) applicable to the electronic distribution of required plan disclosures.[17] Pending the completion of this review and issuance of further guidance, the Department notes that the general disclosure regulation at § 2520.104b–1 applies to material furnished under this regulation, including the safe harbor for electronic disclosures at paragraph (c) of that regulation. Paragraph (e)(2) of the final regulation provides that funding notices shall be furnished to the PBGC consistent with the requirements of 29 CFR part 4000.

6. Persons Entitled to Notice (§ 2520.101(5)(f))

Paragraph (f) of the proposed regulation defines a person entitled to receive a funding notice as: each participant covered under the plan on the last day of the notice year, each beneficiary receiving benefits under the plan on the last day of the notice year, each labor organization representing participants under the plan on the last day of the notice year, the PBGC, and, in the case of a multiemployer plan, each employer that, as of the last day of the notice year, is a party to the collective bargaining agreement(s) pursuant to which the plan is maintained or who otherwise may be subject to withdrawal liability pursuant to section 4203 of ERISA.

One commenter asked for clarification whether alternate payees must be furnished annual funding notices under this provision. The language in the proposal could be read as mandating disclosure to alternate payees only after they have entered pay status. We agree with the commenter that there is a need for further clarification on this issue. Section 206(d)(3)(J) of ERISA, in relevant part, explicitly states that ''a person who is an alternate payee under a qualified domestic relations order shall be considered for purposes of any provision of this Act a beneficiary under the plan.'' Section 101(f) of ERISA, in relevant part, states that for each plan year the plan administrator shall provide a funding notice to ''each plan participant and beneficiary.'' Unlike the summary plan description and summary annual report requirements of sections 104(b)(1) and 104(b)(3) of ERISA, respectively, the annual funding notice disclosures are not limited expressly to beneficiaries ''receiving benefits under the plan.'' Of course, the Department is concerned that furnishing annual funding notices to all beneficiaries could result in costs and burdens that outweigh the benefits. However, the Department agrees with the commenter that alternate payees, especially those who have a separate interest qualified domestic relations order, have an interest in the plan's funding status equal to the other categories of persons entitled to notices listed in paragraph (f) of the proposal. The Department, therefore, has provided the clarification requested by the commenter by adding ''[e]ach alternate payee under the plan on the last day of the notice year . . .'' to the list of persons entitled to a funding notice under paragraph (f) of the final regulation. See § 2520.101–5(f)(3).

Another commenter suggested that plan administrators should have the option of using either the first or last day of the notice year to determine whether someone is entitled to a notice, subject to a consistency rule. According to this commenter, valuation date data may be the most up to date data available to a plan sponsor without additional cost and effort to the plan. In the Department's view, however, the identity of each participant and alternate payee covered under the plan and each beneficiary receiving benefits on the last day of the plan year should be readily available to the plan administrator by the due date of the funding notice. The commenter offers no empirical data showing a cost differential between valuation date determinations and determinations on the last day of the plan year. In addition, if, in accordance with the commenter's recommendation, the participant/beneficiary population were determined on the valuation date, which is generally the first day of the plan year, any individuals who become participants, alternate payees or beneficiaries receiving benefits during the notice year would not receive a notice for that year. For these reasons, the Department did not adopt the commenter's suggestion.

7. Model Notices (§ 2520.101–5(h))

The appendices to § 2520.101–5 include two model notices (one for single-employer plans and one for multiemployer plans) that may be used by plan administrators for purposes of section 101(f) of ERISA. The model in Appendix A is for single-employer plans (including multiple employer plans) and the model in Appendix B is for multiemployer plans. These models are intended to assist plan administrators in discharging their notice obligations under section 101(f) of ERISA and the regulation. Use of a model notice is not mandatory. However, the regulation provides that use of a model notice will be deemed to satisfy the content requirements in paragraph (b) of the regulation, as well as the style and format requirements in paragraph (c) of the regulation.

The Department solicited comments on how the models could be improved to enhance understandability and comprehensibility. One commenter submitted an alternative to the Department's model for single-employer plans. This alternative essentially would move definitions and descriptions to a glossary at the end of the notice on the premise that it would help participants to focus on the funding status data located in the chart in the front of the notice. Another commenter subjected both notices to a passive sentences readability test, the Flesch Reading Ease Test, and the Flesch-Kincaid Grade Level Test. The tests were applied to both models and to each paragraph within the models. Both models are below the suggested readability scores according to the commenter. This commenter recommended improving readability by replacing much of the content in the models with a single sentence; for single-employer plans, the sentence would state whether the plan is or is not ''at risk;'' for multiemployer plans, the sentence would state whether the plan is a ''green, yellow, orange or red'' zone plan. Another commenter encouraged the Department to create a model notice that does not exceed a single page. This commenter would limit the content to the name of the plan, the funded percentage, the dollar amount of the shortfall, the risk of not being able to fund pension obligations, a description of the plan sponsor's plan to reduce such risk, and an explanation

[17] The same reasoning was behind the reservation in the Department's final regulation on fiduciary requirements for disclosure in participant-directed individual account plans. *See* 29 CFR 2550.404a–5(g), 75 FR 64910, 64922 (October 20, 2010). *See also* Request for Information Regarding Electronic Disclosure by Employee Benefit Plans, 76 FR 19285 (April 7, 2011).

of how to get more information, in order to meet the one page standard. Other miscellaneous comments were made to improve the single-employer plan model. Many of these comments focused on emphasizing or deemphasizing certain information relative to other information, such as, for example, emphasizing the fact that the notice is ''required by law.''

The Department retained the general framework of the proposed models. The Department was unable to accommodate the single page and single sentence approaches discussed above without eliminating statutorily mandated information. However, the models were revised to eliminate passive sentences where possible. Modifications to address the Flesch scores, on the other hand, were more difficult given the nature of the specific disclosure requirements under section 101(f) of ERISA. Nonetheless, where possible, lengthy sentences were made shorter and more concise, funding jargon was removed, and readability was improved determined using the same testing methods used by the commenter. The Department was not persuaded that the alternative with a glossary, submitted by one commenter, is any more user-friendly or understandable than the models appended to the final rule. Finally, the opening paragraph of the models now contains the following sentence: ''The notice is required by federal law.''

The Department's intent behind models, in part, is to ease the burden on plan administrators by providing model language to satisfy applicable regulatory requirements. As noted above, use of a model notice is not mandatory. To the extent a plan administrator elects to include in a model notice additional information described in paragraph (b)(12) of the regulation, such additional information must be consistent with the style and format requirements in paragraph (c) of the regulation. Thus, such additional information should not have the effect of misleading or misinforming recipients.

8. Alternative Methods of Compliance

The Department recognizes that there are situations in which some of the information to be provided in the annual funding notice is duplicative of other information sources or irrelevant. In the preamble to the proposed rule, the Department discussed and sought comments on whether there should be special rules with respect to (1) the furnishing of an annual funding notice to the PBGC in the case of certain single-employer plans; (2) the scope of the content of a notice for multiemployer plans terminated by mass withdrawal; and (3) the scope of the content of a notice for certain insurance contract plans to which Code section 412(e)(3) applies.

Section 110 of ERISA permits the Department to prescribe alternative methods of complying with any of the reporting and disclosure requirements of ERISA if it finds: (1) That the use of the alternative is consistent with the purposes of ERISA and that it provides adequate disclosure to plan participants and beneficiaries and to the Department; (2) that the application of the statutory reporting and disclosure requirements would increase the costs to the plan or impose unreasonable administrative burdens with respect to the operation of the plan; and (3) that the application of the statutory reporting and disclosure requirements would be adverse to the interests of plan participants in the aggregate. The Department finds, for the reasons discussed below, these three conditions to be satisfied in each of the circumstances described above. Thus, it includes in paragraphs (j), (k), and (l) of this final regulation alternative methods of complying with the annual funding notice requirements under section 101(f) in these limited circumstances.

a. Alternative Method of Compliance for Furnishing Notice to PBGC for Certain Single-Employer Plans (§ 2520.101–5(j))

The final regulation includes an alternative method of compliance for single-employer plans to furnish their funding notices to the PBGC. Under this alternative, the plan administrator of a single-employer plan with liabilities that do not exceed plan assets by more than $50 million is not required to furnish a funding notice to the PBGC provided that the administrator furnishes the latest available funding notice to the PBGC within 30 days of receiving a written request from the PBGC. To determine whether a plan's liabilities exceed its assets by more than $50 million, the plan administrator should subtract the plan's total assets from its liabilities, using the assets and liabilities disclosed in the funding notice in accordance with paragraph (b)(3)(i)(A) of this regulation. The alternative method of compliance does not have any effect on the plan administrator's obligation to furnish notices to parties other than the PBGC.

The Department explained the rationale for this alternative in the proposal. First, the PBGC has determined that, in light of the extended due date for small plans, it will have electronic access to the information included on the funding notice for most single-employer plans as a result of ERISA's annual reporting requirement under section 104(a) on or around the time it would receive a copy of a funding notice under section 101(f) of ERISA. Second, under the PBGC's Reportable Events regulation (29 CFR part 4043), the PBGC typically would receive information about certain events that might indicate increased exposure or risk before it would receive information under either ERISA section 101(f) or 104(a). Third, the Department believes the alternative method will reduce administrative burdens for plans that meet its conditions. Fourth, such an alternative should be limited to single-employer plans because PBGC does not have the same early access to this information in the case of multiemployer plans. For instance, multiemployer plans are not subject to ERISA section 4043 and very few multiemployer plans will qualify for the small plan extended annual funding notice due date. The Department received only positive comments on the proposed provision. The final regulation adopts the alternative, with only minor changes to improve readability.

b. Alternative Method of Compliance for Multiemployer Plans That Terminate by Reason of Mass Withdrawal (§ 2520.101–5(k))

The Department sought comments on whether a special rule should be provided for multiemployer plans that terminate by mass withdrawal pursuant to ERISA section 4041A(a)(2). ERISA section 4041A(a)(2) provides that the termination of a multiemployer plan occurs as a result of the withdrawal of every employer from the plan or the cessation of the obligation of all employers to contribute under the plan. Specifically, the Department noted that while some information required by the regulation may not be relevant, other information, such as PBGC guarantee levels, assets and liabilities, participant status, and insolvency information may still be important to participants and beneficiaries receiving benefits from such plans. Specific comments were requested on whether a special rule should be provided, and if so, information that should be excluded from the notice as well as the information that should be included, and any data on cost savings as a result of a special rule.

Commenters made the following observations about these plans. First, the minimum funding standards cease to apply to these plans and the Schedule MB of the Form 5500 is no longer required. Second, because of that, the Code's critical/endangered status rules become inoperable. Third, since the

minimum funding and Schedule MB reporting requirements no longer apply, there is no reason for the plan's enrolled actuary to perform a funding valuation. Thus, information needed to satisfy section 101(f) and the requirements of the regulation is not readily available. Fourth, the actuarial and other costs needed to generate such information will be borne entirely by the participants and beneficiaries because there are no contributing employers to defray the costs. Fifth, participants in these plans might be better served with different or less information than is otherwise included in an annual funding notice.

Based on the foregoing, the Department has adopted an alternative method of compliance in paragraph (k) of the final regulation for plans that terminate pursuant to section 4041A(a)(2) of ERISA. These plans no longer have any contributing employers and, therefore, typically have no cash in-flow other than investment return and, perhaps, withdrawal liability payments. Thus, such a plan exists merely to pay benefits to participants, until such time as the plan's trust runs out of money. This ''wasting trust'' period often can span several years depending on the particular plan.

The rules in paragraph (k), on the one hand, acknowledge that such plans hardly ever have all the section 101(f) information because they are no longer required to comply with the minimum funding rules. At the same time, however, these rules acknowledge that participants and beneficiaries continue to have an interest in the funding status of the plan during the wasting trust period. Thus, instead of the specific funding information required by the regulation more generally, the final rule allows plan administrators of a plan terminated by mass withdrawal to comply with the annual funding notice rules under ERISA section 101(f) through this alternative method. The rules in paragraph (k) focus mainly on the plan's assets and benefit payments being made so that participants are able to draw a rough estimate of how long the plan will be able to pay benefits. Paragraph (k) also focuses on information about PBGC guarantees, insolvency and possible benefit reductions, *i.e.,* the kind of information that is directly relevant to participants when their plan is in this situation. The rules do not require disclosure of this alternative notice to labor organizations representing participants, contributing employers, or the PBGC under paragraphs (f)(4), (5), and (6) of the final regulation.

c. Alternative Method of Compliance for Code Section 412(e)(3) Insurance Contract Plans (§ 2520.101–5(l))

During the development of the proposed regulation, concerns were expressed about the relevance of section 101(f) information to Code section 412(e)(3) insurance contract plans. Code section 412(e)(3) insurance contract plans are plans under which retirement benefits are provided through contracts that are guaranteed by an insurance carrier. In general, such contracts must provide for level premium payments over the individual's period of participation in the plan (to retirement age), premiums must be timely paid as currently required under the contract, no rights under the contract may be subject to a security interest, and no policy loans may be outstanding. Consequently, the Department sought comments on whether a special rule should be adopted with respect to Code section 412(e)(3) plans and if so, what information should or should not be included in the annual funding notice for these plans.

If a plan is funded exclusively by the purchase of such contracts, the minimum funding requirements of section 412 of the Code and section 302 of ERISA do not apply for the plan year and neither the Schedule MB nor the Schedule SB of the Form 5500 Annual Return/Report is required to be filed. Consequently, nearly all of the content requirements in section 101(f) are irrelevant to section 412(e)(3) plans. These content requirements are irrelevant because they reflect funding rules and concepts that simply are not applicable to these plans. For this reason, the final rule adopts an alternative method of compliance for section 412(e)(3) plans which is set forth in paragraph (l) of the final regulation. Specifically, the alternative method focuses on whether the premiums necessary to fund retirement benefits under these plans are being paid to the insurer in a timely manner and the consequences of a failure to do so. This alternative approach is needed so that participants in section 412(e)(3) plans do not receive information inapplicable to their plans and benefits, and so that plans do not incur the cost of providing such information.

9. Plans Not Immediately Subject to New Funding Rules or to Which Special Funding Rules Apply

a. CSEC Plans

On April 7, 2014, section 104(a)(1) of the Cooperative and Small Employer Charity Pension Plan Flexibility Act (CSEC Act), Public Law 113–97, 128 Stat. 1101 (as amended by the Consolidated and Continuing Appropriations Act, 2015, Public Law 113–235), added new disclosures to the funding notices of CSEC plans for plan years beginning after December 31, 2013.[18] The additional disclosures relate to the CSEC plan funding rules of new section 306 of ERISA.[19] A CSEC plan is a defined benefit pension plan (other than a multiemployer plan) that is either a multiple employer cooperative plan described in section 104 of the PPA, a plan that as of June 25, 2010, was maintained by more than one employer and all of the employers were Code section 501(c)(3) charitable organizations, or a plan, as of June 25, 2010, maintained by a Code section 501(c)(3) charitable organization chartered under part B of subtitle II of title 36 of the Code, with employees in at least 40 states, and whose primary exempt purpose is to provide services with respect to children.[20] A CSEC plan sponsor can elect out of CSEC plan status by the end of the first plan year beginning after December 31, 2013.[21]

The final rule does not address the new disclosures required by the CSEC Act. Since the CSEC Act covers only a small number of plans subject to section 101(f) of ERISA, the Department decided it is better for the vast majority of defined benefit plans to proceed with the final rule now and subsequently address the disclosure requirements for CSEC plans. The final rule, therefore, reserves paragraph (m) to address CSEC plan disclosures in the future, if necessary. Pending further guidance, the Department, as a matter of enforcement policy, will treat a plan administrator as satisfying the requirements of section 101(f)(2)(E) (which contains the new CSEC disclosures), if the administrator acts in accordance with a good faith, reasonable interpretation of those requirements.

b. PPA Section 104 and 402 Plans

Section 104 of the PPA defers the effective date of the amendments to the funding rules made by the PPA for certain multiple employer plans of rural

[18] ERISA section 101(f)(2)(E).

[19] Section 306 of ERISA and corresponding section 433 of the Code were added by sections 102 and 202 of the CSEC Act, respectively.

[20] ERISA section 210(f)(1). Section 210(f)(1) of ERISA and corresponding section 414(y)(1) of the Code were added by sections 101 and 201 of the CSEC Act, respectively. These provisions were amended by the Consolidated and Continuing Appropriations Act, 2015, Public Law 113–235, Division P, section 3 (2014).

[21] ERISA section 210(f)(3). Section 210(f)(3) of ERISA and corresponding section 414(y)(3) of the Code were added by sections 103 and 203 of the CSEC Act, respectively.

cooperatives and eligible charity plans.[22] Generally, these plans will be CSEC plans, unless they elect out of CSEC status (or are maintained by charities that are under common control). In addition, section 402 of the PPA applies special funding rules to certain plans of commercial passenger airlines and airline caterers.[23] Neither section 104 nor section 402 of the PPA affected the application of section 101(f) of ERISA to such plans. Consequently, plans electing out of CSEC status, eligible charity plans that are not CSEC plans, and section 402 plans should disclose their funding target attainment percentage (and related asset and liability information) in accordance with guidance provided by the Secretary of the Treasury until such time as they become subject to the PPA funding rules. For example, the funding target attainment percentage of a plan described in section 104 is determined in accordance with paragraph (b)(2)(i) of the final regulation, except that the value of plan assets is determined without subtraction of the funding standard carryover balance or prefunding balance. See 26 CFR 1.430(d)–1(b)(3)(ii).

10. Multiple Employer Pension Plans

After the Department issued FAB 2009–01, a number of plan administrators of multiple employer plans raised questions regarding whether, and how, the new annual funding notice requirements apply to such plans. The central question was whether all participants in such a plan must receive the same funding notice containing funding data at the plan level or whether each participant must receive a notice that reflects funding information relevant to his employer. It is the view of the Department that if all assets of the multiple employer pension plan are, on an ongoing basis, available to pay benefits to all plan participants and beneficiaries covered under the plan, then the information in the funding notice should be reflective of the plan as a whole. The plan administrator need not create a separate funding notice for the employees of each participating employer in the multiple employer plan containing the funding information (assets, liabilities, etc.) pertaining to that employer in the case of a multiple employer plan to which section 413(c)(4)(A) of the Code applies. Based on the foregoing, the proposal did not contain any special rules for multiple employer pension plans. However, the Department requested comments on whether funding notices for such plans should alert participants to the fact that some funding rules under the Code, *e.g.,* benefit restrictions under Code section 436, may apply on an employer-by-employer basis. The Department received no comments in response to this request. The final rule contains no special rules for multiple employer plans.

D. Overview of Amendments to 29 CFR 2520.104–46—Waiver of Examination and Report of an Independent Qualified Public Accountant for Employee Benefit Plans With Fewer Than 100 Participants

Department of Labor regulation 29 CFR 2520.104–46 governs the circumstances under which small pension plans (plans with fewer than 100 participants at the beginning of the plan year) are exempt from the requirements to engage an independent qualified public accountant and to include a report of the accountant as part of the plan's annual report under title I of ERISA. The waiver of the requirement to engage an accountant is conditioned on, among other things, the disclosure of certain information to participants and beneficiaries. A requirement of § 2520.104–46 is that such disclosure must be included in the summary annual report (SAR) of a plan electing the waiver. However, section 503(c) of the PPA amended section 104(b)(3) of ERISA by repealing the SAR requirement for defined benefit plans to which the annual funding notice requirements of section 101(f) of ERISA apply.[24] Therefore, in conjunction with the annual funding notice regulation (29 CFR 2520.101–5), as set forth in the final rule and discussed in section C of this preamble, above, the Department is adopting conforming amendments to § 2520.104–46 to enable plans subject to section 101(f) of ERISA to elect to use the waiver provision in § 2520.104–46. Under § 2520.104–46, as amended, a plan subject to section 101(f) of ERISA that elects to use the waiver must include the information in § 2520.104–46(b)(1)(i)(B)(*1*)–(*4*) in the plan's annual funding notice. The model audit waiver language in the Appendix to § 2520.104–46, modified for the format of the annual funding notice, may be used to meet those information requirements.

E. Overview of Amendments to 29 CFR 2520.104b–10—Summary Annual Report

As discussed in section D of this preamble, the PPA repealed the summary annual report (SAR) requirement for plans subject to section 101(f) of ERISA, effective for plan years beginning after December 31, 2007. The Department, therefore, is making technical conforming amendments to the SAR regulation (§ 2520.104b–10) to give effect to the repeal. Specifically, the proposal added a new paragraph (g)(9) to provide that a SAR is not required to be furnished if the plan is subject to title IV of ERISA. The Department received no comments on this provision. The final regulation adopts paragraph (g)(9) of the proposal, without change.

In the preamble of the proposal, the Department mentioned that some items and language in the form prescribed in paragraph (d)(3) and the appendix to § 2520.104b–10 might be irrelevant on and after the effective date of the repeal and solicited comments regarding how best to revise the form and Appendix. The Department received no comments in response to this request. After reviewing the coverage requirements of titles I and IV of ERISA, the Department recognizes that not all defined benefit plans covered under title 1 of ERISA are subject to title IV.[25] Such plans would remain subject to the SAR requirements of § 2520.104b–10. Accordingly, the Department is not making any changes to paragraph (d)(3) and the appendix of § 2520.104b–10 at this time.

F. Removal of 29 CFR 2520.101–4

In 2004, the Pension Funding Equity Act (PFEA '04), Public Law 108–218, amended title I of the Employee Retirement Income Security Act of 1974 (ERISA) by adding section 101(f), which required multiemployer defined benefit plans to furnish a plan funding notice annually to each participant and beneficiary, to each labor organization representing such participants or beneficiaries, to each employer that has an obligation to contribute under the plan, and to the PBGC. On January 11, 2006, the Department published a final regulation, 29 CFR 2520.101–4,

[22] Section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, Public Law 111–192, amended section 104 of the Pension Protection Act of 2006, Pub. L. 109–280, by expanding the group of plans that are eligible for a deferred effective date under section 104 to include eligible charity plans.

[23] Section 402 of the PPA as amended by the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110–28.

[24] The repeal is effective for plan years beginning after December 31, 2007.

[25] A plan established and maintained by a professional services employer which does not at any time after September 2, 1974 have more than 25 active participants is not covered by title IV. *See* section 4021(b)(13) of ERISA. Also, plans funded entirely by employee contributions are not covered by title IV. *See* section 4021(b)(5) of ERISA. There are no comparable provisions under section 4 of ERISA excluding such plans from title I.

implementing the requirements of section 101(f) of ERISA as amended by PFEA '04. The final regulation published today implements changes to section 101(f) of ERISA, as amended by PPA, and supersedes and reserves 29 CFR 2520.101–4.

G. Regulatory Impact Analysis

Summary

The final rule contains a model notice and other guidance necessary to implement section 101(f) of ERISA as amended. Section 101(f) and the final rule increase the transparency of information about the funding status of plans, affording all parties interested in the financial viability of these plans with a greater opportunity to monitor their funding status and take action where necessary. In addition, the rule offers separate model notices to administrators of single-employer and multiemployer defined benefit pension plans, which are expected to mitigate burden and contribute to the efficiency of compliance. Another benefit is that the rule would afford plan administrators greater certainty that they have discharged their notice obligation under section 101(f) by clarifying certain terms used in the statute. The Department has concluded that the benefits of the rule justify their costs. These benefits—increased transparency, greater efficiency, certainty, and clarity—are expected to be substantial, but cannot be specifically quantified.

The cost of the final rule is expected to amount to $51 million in the first year of implementation and $46.5 million in each subsequent year. The total estimated cost includes the one-time development of a notice by each plan and the annual preparation and mailing of the notices to the required recipients.[26] The first year estimate is higher to account for the time required for plan administrators to adapt and review the model notice. The Department also makes the following additional cost estimates regarding the components of the total estimated cost:

—The total mailing costs are estimated to be about $22.6 million annually in the first three years; and

—In addition to the mailing costs, the Department estimates that firms will spend about $28.4 million in the year of implementation and $23.9 million in subsequent years on labor costs.[27]

The Department has attempted to provide guidance in the final rule to assist administrators in meeting their responsibilities in the most economically efficient manner possible. Because the costs of the rule arise only from notice provisions in PPA, the data and methodology used in developing these estimates are more fully described in the Paperwork Reduction Act section of this analysis of regulatory impact.

TABLE 1—ACCOUNTING TABLE

Qualitative Benefits	Section 101(f) and the final rule increase the transparency of information about the funding status of plans, affording all parties interested in the financial viability of these plans with a greater opportunity to monitor their funding status and take action where necessary. In addition, the rule offers a model notice to administrators of single-employer and multiemployer defined benefit pension plans, which is expected to mitigate burden and contribute to the efficiency of compliance. Another benefit is that the rule would afford plan administrators greater certainty that they have discharged their notice obligation under section 101(f) by clarifying certain terms used in the statute.					
	Primary estimate	Low estimate	High estimate	Year dollar	Discount rate (%)	Period covered
Annualized Monetized Costs ($millions/year)	48.1 48.0	45.1 45.0	60.2 60.0	2014 2014	7 3	2015–2017 2015–2017
Discussion of Costs	Monetized costs are a result of labor hours in preparing the annual funding notice and from materials and mailing costs.					

Executive Order 12866 and 13563

Under Executive Order 12866, the Department must determine whether a regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB). Executive Order 13563 reaffirms the principles set forth in Executive Order 12866 by emphasizing, among other things, the importance of proposing or adopting regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify), tailoring regulations to impose the least burden on society consistent with obtaining regulatory objectives, coordinating across agencies to reduce costs by simplifying and harmonizing rules, and encouraging public participation in the rulemaking process.

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

[26] As discussed earlier in this preamble, this final regulation will implement the statutory requirement for defined benefit pension plan administrators to provide an annual funding notice that meets the requirements of ERISA section 101(f). Because plans were required to comply with ERISA section 101(f) before the issuance of implementing regulations, and taking into account guidance previously issued by the Department in Field Assistance Bulletin 2009–01, this regulatory impact analysis includes a small initial cost for plans to make adjustments that would be necessary to ensure compliance with implementing regulations. These estimates then take into account the ongoing annual costs for plan administrators to create and send the annual funding notices.

[27] The total hour burden is estimated to be about 603,000 hours in the year of implementation and 562,000 hours in each subsequent year.

Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)), the Department submitted an information collection request (ICR) to OMB regarding the ICRs contained in the final rule in accordance with 44 U.S.C. 3507(d), for OMB's review. OMB approved the ICR under OMB Control Number 1210–0126, which currently is scheduled to expire on January 31, 2018.

A copy of the ICR may be obtained by contacting the PRA addressee: G. Christopher Cosby, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Room N–5718, Washington, DC 20210. Telephone (202) 693–8410; Fax: (202) 219–5333. These are not toll-free numbers. ICRs submitted to OMB also are available at *http://www.RegInfo.gov.*

The final rule implements the disclosure requirements of section 101(f) of ERISA, as amended by section 501 of the PPA and section 201(a)(4) of MPRA. As described earlier in the preamble, section 101(f) of ERISA and section 2520.101–5(a) of the final rule require the administrator of a defined benefit plan to which title IV of ERISA applies to furnish an annual funding notice to the PBGC, each participant and beneficiary, each labor organization representing participants and beneficiaries, and for multiemployer plans only, each employer with an obligation to contribute to the plan. The annual funding notice is an ICR subject to the

Paperwork Reduction Act

The content requirements for the ICR are contained in section 2520.101–5(b). Model notices are provided in the appendices to the rule to facilitate compliance and moderate the burden attendant to supplying notices to participants and beneficiaries, labor organizations, contributing employers, and PBGC. Use of the model notice is not mandatory; however, use of the model will be deemed to satisfy the requirements for content, style, and format of the notice, except with respect to any other information the plan administrator elects to include. The final rule also is intended to clarify several statutory requirements with respect to content, style and format, manner of furnishing, and persons entitled to receive the annual funding notice. Increasing the transparency of information about the funding status of defined benefit plans for participants and beneficiaries, labor organizations, contributing employers, and the PBGC will afford all parties interested in the financial viability of these plans greater opportunity to monitor their funding status.

In order to estimate the potential costs of the notice provisions of section 101(f) of ERISA and the final rule, the Department estimated the number of single-employer and multiemployer defined benefit plans, and the numbers of participants, beneficiaries receiving benefits, labor organizations representing participants, and employers with an obligation to contribute to these plans. The Department lacks sufficient information to estimate the number of alternate payees.

The PBGC Pension Insurance Data Tables 2011 indicates that there are 1,454 multiemployer defined benefit plans with approximately 10.3 million participants and beneficiaries receiving benefits. These estimates are based on premium filings with PBGC for fiscal year 2011. This total has been adjusted slightly to reflect the exception from the requirement to furnish annual funding notices to plans that are receiving financial assistance from PBGC.[28] The PBGC Pension Insurance Data Tables 2011 also indicates that there are 25,607 single-employer defined benefit plans with approximately 33.4 million participants.

The Department is not aware of a direct source of information for the number of notices that must be sent to labor organizations that represent participants of multiemployer defined benefit plans and that would be entitled to receive notice under section 101(f). The Department has relied on data from the 1998 Form 5500 which collected information on plans that are collectively bargained to approximate the distribution of the number of unions per plan. This leads to an estimated 1,834 labor organizations for the 1,454 multiemployer plans and 34,263 labor organizations for the 25,607 single-employer plans (a total of approximately 36,100 labor organizations).

There are 232,570 employers obligated to contribute to multiemployer defined benefit plans that are required to receive a funding notice.[29]

For purposes of its estimates of regulatory impact, the Department has assumed that each plan will develop a notice, and that each year approximately 44.0 million notices will be prepared and sent. The 44.0 million estimate breaks down as follows: 10.3 million notices to participants and beneficiaries of approximately 1,454 multiemployer defined benefit plans; 33.4 million notices to participants and beneficiaries of close to 25,607 single-employer plans; 36,100 notices to labor organizations; 232,570 notices to contributing employers of multiemployer plans; and 27,000 notices to the PBGC.

Estimates of notice preparations are based on the assumption that plan service providers, actuaries, lawyers, and financial professionals will produce the notices. It is assumed that the availability of a model notice will lessen the time otherwise required by a plan administrator to draft a required notice. The Department received one comment questioning the estimates of the time required to complete the notices. The Department did consult with an individual familiar with the industry and adjusted its estimates as recommended. The estimates are as follows: On average, actuaries will spend 3.5 hours in the first year and 2.5 hours in each succeeding year preparing notices for single-employer plans and two hours in the first year and two hours in each succeeding year preparing notices for multiemployer plans making specific calculations for information that must be provided in the notice; on average legal professionals will spend one hour in the first year and 0.5 hours in each succeeding year reviewing the notice; [30] and financial professionals will spend on average one hour in the first year and thereafter drafting the notice for single-employer plans and two hours in the first year and one hour in each succeeding year preparing the notice for multiemployer plans. The final preparation and distribution of the notice will be done by a clerical professional using an estimate of one minute per notice mailed.

[28] According to the PBGC Pension Insurance Data Tables 2011, there were 1,454 multiemployer defined benefit plans in 2010. This number was reduced by 49 in order to account for the 49 plans that received financial assistance and are not required to furnish an annual funding notice.

[29] PBGC, ''Multiemployer Pension Plans: Report to Congress Required by the Pension Protection Act of 2006.) *See* page 13 table 3. *http://www.pbgc.gov/documents/pbgc-report-multiemployer-pension-plans.pdf.*

[30] The estimate of the number of hours needed for a legal professional is based on the average time required. While the Department acknowledges that more time could be required for each plan to draft its own notice, based on its conversations with industry groups, the Department believes that trade associations, service providers, or others would draft the first version of the notice using the provided model notice as a starting point, which could then be used by multiple plans. This economy of scale would result in a lower average hour burden than if every plan used a legal professional to create its own notice. The time estimate would still allow for plans to have a legal professional review the unique pieces of its notice.

Assuming 44.0 million notices are distributed,[31] the burden hours for that initial year of implementation are 92,500 actuarial hours, 28,500 financial professional hours, and 27,100 legal professional hours. Total clerical professional hours are calculated based on the total number of notices mailed and the preparation time of one minute per notice resulting in 454,600 hours. The total hour burden for the year of implementation is 603,000 hours (rounded to the nearest thousand). Each subsequent year requires 66,900 actuarial hours, 454,600 clerical hours, 27,100 financial professional hours, and 13,500 legal professional hours for a total of 562,100 hours.[32]

Hourly labor rates were calculated using the rates based on the Bureau of Labor Statistics, National Occupational Employment Survey (March 2013) and the Bureau of Labor Statistics, Employment Cost Index (September 2013).[33] Calculations of the 2014 hourly labor costs were $29.60 for a clerical professional, $68.68 for a financial professional, $103.15 for an actuary, and $126.56 for a legal professional.[34]

Based on the foregoing, the total equivalent cost for the initial year is estimated at approximately $9,545,000 for actuarial services, $13,457,000 for clerical services, $1,958,000 for financial professional services, and $3,425,000 for legal professional services. The total equivalent cost is approximately $28,385,000 in the initial year.

The total equivalent cost in each subsequent year is estimated at approximately $6,963,000 for actuarial services, $13,457,000 for clerical services, $1,859,000 for financial professional services, and $1,712,000 for legal professional services. The total equivalent cost is estimated at approximately $23,931,000 in each subsequent year.

The cost of mailing the notices was based on the assumption that each notice would be seven pages for single-employer plans and six pages for multiemployer plans, with printing costs of 5 cents per page and postage of 49 cents resulting in an estimated 84 cent cost per paper notice for single-employer plans and a 79 cent cost per paper notice for multiemployer plans. It was further assumed that 38 percent of notices would be sent electronically. The Department has not estimated any additional burden for preparation or distribution of notices via electronic means, because the Department assumes that plans will utilize pre-existing electronic communications systems and email lists for these purposes and the process of preparation and distribution involves only a de minimis additional effort, *e.g.,* a few computer key strokes or the equivalent. This assumption will result in a total of approximately 16.7 million notices being sent electronically by multiemployer and single-employer plans. Single-employer plans will mail out approximately 20.7 million paper notices and multiemployer plans will mail out approximately 6.5 million paper notices. Total annual paper mailing costs are estimated to be approximately $22.6 million.

Sensitivity Analysis

There is uncertainty surrounding the estimates of the time required to prepare and review the notice. The Department has sought to model this uncertainty by varying the time estimates and creating a range around the estimates reported above. The Department reduced the actuarial, financial professional and legal professional time by 25 percent. This change lowered the total cost of the rule to $47.2 million in the first year and $43.9 million in the subsequent years. The Department is more concerned about the effect on costs if it underestimated the cost of the rule, so it doubled the time estimates as well and found that this increased the total costs of the rule to $65.9 million it the first year and $57.0 million in subsequent years.

These paperwork burden estimates are summarized as follows:

Type of Review: Revised collection.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Annual Funding Notice for Defined Benefit Plans.

OMB Control Number: 1210–0126.

Affected Public: Business or other for-profit; not-for-profit institutions.

Respondents: 27,061.

Responses: 43,996,000. *Frequency of Response:* Annually.

Estimated Total Annual Burden Hours: 576,000 (average over first three years); 603,000 (first year) (562,000 subsequent years).

Estimated Total Annual Burden Cost: $22,586,000 (first year and subsequent years).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and which are likely to have a significant economic impact on a substantial number of small entities. Unless the head of an agency certifies that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 604 of the RFA requires that the agency present final regulatory flexibility analysis describing the rule's impact on small entities and explaining how the agency made its decisions with respect to the application of the rule to small entities.

For purposes of the RFA, the Department continues to consider a small entity to be an employee benefit plan with fewer than 100 participants.[35] Further, while some large employers may have small plans, in general small employers maintain most small plans. Thus, the Department believes that assessing the impact of this final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business that is based on size standards promulgated by the Small Business Administration (SBA) (13 CFR 121.201) pursuant to the Small Business Act (15 U.S.C. 631 *et seq.*).

By this standard, data from the 2011 Form 5500 indicates that for more than 90 percent of small affected plans, the average per plan compliance cost is $1,030 ($27.8 million/27,061 plans) plus plan specific mailing cost (84 cents per participant in single-employer plans, and 79 cents in multiemployer plans, which cannot exceed $84 per plan because small plans have less than 100 participants) is less than one percent of plan assets.

Based on the foregoing, the Department has determined that while the rule is likely to impact a substantial number of small entities, the economic impact on such entities will not be significant for most small entities. Therefore, pursuant to section 605(b) of RFA, the Assistant Secretary of the

[31] The Department assumes that 38 percent of notices are sent electronically resulting in a de minimis cost.

[32] The average Total Annual Burden Hours over the first three years is 575,700.

[33] EBSA estimates of labor rates include wages, other benefits, and overhead.

[34] The Department received a comment from the public expressing concern that the wage estimate for legal professionals is low. While the Department acknowledges that the labor rate of an outsourced legal professional could be higher than the reported average, many plans, service providers, and trade associations have legal professionals on staff that have a much lower labor rate and that the Department believes would do most of the work.

[35] The basis for this definition is found in section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

Employee Benefits Security Administration hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Congressional Review Act

The final rule is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) and will be transmitted to Congress and the Comptroller General for review. The final rule is not a ''major rule'' as that term is defined in 5 U.S.C. 804, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as well as Executive Order 12875, the final rule does not include any Federal mandate that may result in expenditures by State, local, or tribal governments in the aggregate of more than $100 million, adjusted for inflation, or increase expenditures by the private sector of more than $100 million, adjusted for inflation.

Federalism Statement

Executive Order 13132 (August 4, 1999) outlines fundamental principles of federalism, and requires the adherence to specific criteria by Federal agencies in the process of their formulation and implementation of policies that have substantial direct effects on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. The final rule does not have federalism implications because it has no substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Section 514 of ERISA provides, with certain exceptions specifically enumerated, that the provisions of titles I and IV of ERISA supersede any and all laws of the States as they relate to any employee benefit plan covered under ERISA. The requirements that would be implemented in the final rule do not alter the fundamental reporting and disclosure requirements of the statute with respect to employee benefit plans, and as such have no implications for the States or the relationship or distribution of power between the national government and the States.

List of Subjects in 29 CFR Part 2520

Accounting, Employee benefit plans, Employee Retirement Income Security Act, Pensions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Department of Labor amends 29 CFR part 2520 as follows:

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

■ 1. The Authority citation for part 2520 is revised to read as follows:

Authority: 29 U.S.C. 1021–1025, 1027, 1029–31, 1059, 1134 and 1135; and Secretary of Labor's Order 1–2011 77 FR 1088 (Jan. 9, 2012). Sec. 2520.101–2 also issued under 29 U.S.C. 1132, 1181–1183, 1181 note, 1185, 1185a–b, 1191, and 1191a–c. Secs. 2520.102–3, 2520.104b–1 and 2520.104b–3 also issued under 29 U.S.C. 1003, 1181–1183, 1181 note, 1185, 1185a–b, 1191, and 1191a–c. Secs. 2520.104b–1 and 2520.107 also issued under 26 U.S.C. 401 note, 111 Stat. 788. Sec. 2520.101–5 also issued under sec. 501 of Pub. L. 109–280, 120 Stat. 780 and sec. 105(a), Pub. L. 110–458, 122 Stat. 5092.

§ 2520.101–4 [Removed and Reserved]

■ 2. Remove and reserve § 2520.101–4.

■ 3. Add § 2520.101–5 to subpart A to read as follows:

§ 2520.101–5 Annual funding notice for defined benefit pension plans.

(a) *In general.* (1) Except as provided in paragraphs (a)(2) and (3) of this section, pursuant to section 101(f) of the Act, the administrator of a defined benefit plan to which title IV of the Act applies shall furnish annually to each person specified in paragraph (f) of this section a funding notice that conforms to the requirements of this section.

(2) A plan administrator shall not be required to furnish a funding notice—

(i) In the case of a multiemployer plan, for a plan year if the due date for such notice is on or after the earlier of:

(A) The date the plan complies with the insolvency notice requirements of section 4245(e) or 4281(d)(3) of the Act and regulations thereunder; or

(B) The date the plan has distributed assets in satisfaction of all nonforfeitable benefits under the plan pursuant to section 4041A of the Act and the regulations thereunder.

(ii) In the case of a single-employer plan, for a plan year if the due date for the funding notice is on or after the date:

(A) The Pension Benefit Guaranty Corporation is appointed as trustee of the plan pursuant to section 4042 of the Act;

(B) The plan has distributed assets in satisfaction of all benefit liabilities in a distress termination pursuant to section 4041(c)(3)(B)(i) of the Act or of all guaranteed benefits in a distress termination pursuant to section 4041(c)(3)(B)(ii) of the Act; or

(C) The plan administrator filed a standard termination notice with the Pension Benefit Guaranty Corporation pursuant to 29 CFR 4041.25, provided that the proposed termination date is on or before the due date of the funding notice and a final distribution of assets in satisfaction of all benefit liabilities proceeds in accordance with section 4041(b) of the Act.

(3) In the case of a merger or consolidation of two or more plans—

(i) The plan administrator of a non-successor plan shall not be required to furnish a funding notice for the plan year in which the merger or consolidation occurred; and

(ii) The funding notice of the successor plan, for the plan year in which the merger or consolidation occurred, must, in addition to the requirements of paragraph (b) of this section, contain a general explanation, including the effective date, of the merger or consolidation and an identification of each plan (*e.g.,* name and plan number) involved in the merger or consolidation.

(b) *Content of notice.* A funding notice shall include the following information:

(1) *Identifying information.* The name of the plan, the name, address, and phone number of the plan administrator and the plan's principal administrative officer (if different than the plan administrator), each plan sponsor's name and employer identification number, and the plan number.

(2) *Funding percentage*—(i) *Single-employer plans.* For single-employer plans, a statement as to whether the plan's funding target attainment percentage (as defined in section 303(d)(2) of the Act) for the notice year, and for each of the two preceding plan years, is at least 100 percent (and, if not, the actual percentages).

(ii) *Multiemployer plans.* For multiemployer plans, a statement as to whether the plan's funded percentage (as defined in section 305(i) of the Act) for the notice year, and for each of the two preceding plan years, is at least 100

percent (and, if not, the actual percentages).

(3) *Assets and liabilities*—(i) *Single-employer plans.* For single-employer plans—

(A) A statement of the total assets (separately stating the prefunding balance and the funding standard carryover balance) and liabilities of the plan, determined in the same manner as under section 303 of the Act, as of the valuation date of the notice year and for each of the two preceding plan years, as reported in the annual report filed under section 104 of the Act for each such preceding plan year, and

(B) A statement of the value of the plan's assets and liabilities determined as of the last day of the notice year. For purposes of this statement, the value of the plan's assets is the fair market value of plan assets. Plan liabilities are equal to the present value of benefits accrued through the last day of the notice year determined in the same manner as liabilities are calculated under section 303 of the Act (including actuarial assumptions and methods), but using the interest rate under section 4006(a)(3)(E)(iv) of the Act in effect for the last month of the notice year.

(ii) *Multiemployer plans.* For multiemployer plans—

(A) A statement of the value of the plan's assets (determined in the same manner as under section 304(c)(2) of the Act) and liabilities (determined in the same manner as under section 305(i)(8) of the Act, using reasonable actuarial assumptions as required under section 304(c)(3) of the Act) as of the valuation date of the notice year and each of the two preceding plan years, and

(B) A statement of the fair market value of plan assets as of the last day of the notice year, and as of the last day of each of the two preceding plan years as reported in the annual report filed under section 104(a) of the Act for each such preceding plan year.

(iii) *Contributions receivable.* For purposes of determining the fair market value of plan assets as of the last day of the notice year under paragraphs (b)(3)(i)(B) and (b)(3)(ii)(B) of this section, the plan administrator may, but is not required to, include contributions made after the notice year and before the notice is furnished to recipients, but only to the extent such contributions are treated for funding purposes as having been made on account of the notice year under section 303(g)(4) of the Act, in the case of a single-employer plan, or under section 304(c)(8) of the Act, in the case of a multiemployer plan.

(4) *Demographic information.* A statement of the number of participants and beneficiaries who, as of the valuation date of the notice year, are: Retired or separated from service and receiving benefits; retired or separated from service and entitled to future benefits (but currently not receiving benefits); or active participants under the plan. The statement shall indicate the number of participants and beneficiaries in each category and the sum of all such participants and beneficiaries. The terms ''active'' and ''retired or separated'' shall have the same meaning given to those terms in instructions to the annual report filed under section 104(a) of the Act.

(5) *Funding policy.* A statement setting forth—

(i) The funding policy of the plan;

(ii) The asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the notice year; and

(iii) A general description of any investment policy of the plan as it relates to the funding policy in paragraph (b)(5)(i) of this section and the asset allocation of investments under paragraph (b)(5)(ii) of this section.

(6) *Endangered, critical, or critical and declining status.* In the case of a multiemployer plan, a statement whether the plan was in endangered, critical, or critical and declining status under section 305 of the Act for the notice year and, if so—

(i) A statement describing how a person may obtain a copy of the plan's funding improvement plan or rehabilitation plan, as appropriate, adopted under section 305 of the Act and the actuarial and financial data that demonstrate any action taken by the plan toward fiscal improvement;

(ii) A summary of the plan's funding improvement plan or rehabilitation plan, including any update or modification of such funding improvement or rehabilitation plan adopted under section 305 of the Act during the notice year; and

(iii) In the case of a multiemployer plan in critical and declining status:

(A) The projected date of insolvency;

(B) A clear statement that such insolvency may result in benefit reductions; and

(C) A statement describing whether the plan sponsor has taken legally permitted actions to prevent insolvency.

(7) *Events having a material effect on liabilities or assets.* Subject to paragraph (g) of this section, in the case of any plan amendment, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the year, an explanation of the amendment, scheduled benefit increase or reduction, or event, and a projection to the end of such plan year of the effect of the amendment, scheduled benefit increase or reduction, or event on plan liabilities.

(8) *Rules on termination or insolvency*—(i) *Single-employer plans.* In the case of a single-employer plan, a summary of the rules governing termination of single-employer plans under subtitle C of title IV of the Act.

(ii) *Multiemployer plans.* In the case of a multiemployer plan, a summary of the rules governing insolvency, including the limitations on benefit payments.

(9) *PBGC guarantees.* A general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation, along with an explanation of the limitations on the guarantee and the circumstances under which such limitations apply.

(10) *Annual report information.* A statement that a person entitled to notice under paragraph (f) of this section may obtain a copy of the annual report of the plan filed under section 104(a) of the Act upon request, through the Internet Web site of the Department of Labor, or through any Intranet Web site maintained by the applicable plan sponsor (or plan administrator on behalf of the plan sponsor).

(11) *Information disclosed to PBGC.* In the case of a single-employer plan, if applicable, a statement that the contributing sponsor of the plan or a member of the contributing sponsor's controlled group was required to provide information under section 4010 of the Act for the information year ending in the notice year (see 29 CFR 4010.5).

(12) *Additional information.* Any additional information that the plan administrator elects to include, provided that such information is necessary or helpful to understanding the mandatory information in the notice, or is otherwise permitted by law.

(c) *Style and format of notice.* Funding notices shall be written in a manner that is consistent with the style and format requirements of § 2520.102–2 of this chapter.

(d) *When to furnish notice.* (1) Except as provided in paragraph (d)(2) of this section, a funding notice shall be provided not later than 120 days after the end of the notice year.

(2) In the case of a small plan, a funding notice shall be provided not later than the earlier of the date on which the annual report is filed under section 104(a) of the Act or the latest date the annual report must be filed under that section (including extensions). For this purpose, a single-

employer plan is a small plan if it meets the exception in section 303(g)(2)(B) of the Act, and a multiemployer plan is a small plan if it had 100 or fewer participants on each day during the plan year preceding the notice year.

(e) *Manner of furnishing notice.* (1) [Reserved.]

(2) A funding notice must be furnished to the Pension Benefit Guaranty Corporation in a manner consistent with the requirements of part 4000 of title IV of the Act. The date that the notice is furnished to the Pension Benefit Guaranty Corporation is determined consistent with that part.

(f) *Persons entitled to notice.* Persons entitled to a funding notice under this section are:

(1) Each participant covered under the plan on the last day of the notice year;

(2) Each beneficiary receiving benefits under the plan on the last day of the notice year;

(3) Each alternate payee under the plan on the last day of the notice year;

(4) Each labor organization representing participants under the plan on the last day of the notice year;

(5) In the case of a multiemployer plan, each employer that, as of the last day of the notice year, is a party to the collective bargaining agreement(s) pursuant to which the plan is maintained or who otherwise may be subject to withdrawal liability pursuant to section 4203 of the Act; and

(6) The Pension Benefit Guaranty Corporation.

(g) *Special rules and definitions for material effect disclosures.* (1) The term ''current plan year'' means the plan year after the notice year. Thus, for example, if the notice year is January 1, 2017 through December 31, 2017, then the current plan year would be January 1, 2018 through December 31, 2018.

(2) An event described in paragraph (b)(7) of this section is recognized as ''taking effect'' in the current plan year if the effect of the event is taken into account for the first time for funding under section 430 or 431 of the Internal Revenue Code, as applicable, in such year.

(3) An event described in paragraph (b)(7) of this section has a ''material effect'' if it results, or is projected to result, in an increase or decrease of five percent or more in the value of assets or liabilities from the valuation date of the notice year. For this measurement, calculate assets and liabilities in the same manner as under paragraph (b)(2) of this section.

(4) An event described in paragraph (b)(7) of this section has a ''material effect'' if, in the judgment of the plan's enrolled actuary, the effect of the event is considered material for purposes of the plan's funding status under section 430 or 431, as applicable, of the Internal Revenue Code, without regard to paragraph (g)(3) of this section.

(5) An event described in paragraph (b)(7) of this section is ''known'' only if it is known by the plan administrator prior to 120 days before the due date of the notice. Thus, if an event otherwise described in paragraph (b)(7) first becomes known to a plan administrator 120 days or less before the due date of a notice, the plan administrator is not required to explain, or project the effect of, the event in that notice.

(6) The term ''other known event'' includes, but is not limited to, an extension of coverage under the existing terms of the plan to a new group of employees; a plan merger, consolidation, or spinoff pursuant to regulations under section 414(l) of the Internal Revenue Code; or, a shutdown of any facility, plant, store, or such other similar corporate event that creates immediate eligibility for benefits that would not otherwise be immediately payable for participants separating from service. The term does not include market fluctuations.

(7) With respect to events described in paragraph (g)(4) of this section, the plan administrator may, instead of projecting the effect on plan liabilities to the end of the current plan year, include an explanation why the event is considered material by the enrolled actuary.

(8)

Example. The following example illustrates the special rules and definitions of paragraph (g) of this section: Plan Y is a single-employer calendar year plan. Company X, the sponsor of Plan Y, adopts an amendment on June 1, 2017, offering a subsidized early retirement benefit to participants age 50 or older who retire on or after September 1, 2017 and before March 1, 2018. The amendment increases the liabilities of Plan Y by an amount greater than 5% of the value of Plan Y's liabilities on January 1, 2017. Company X does not make an election under Code section 412(d)(2) to accelerate recognition of the event for funding. The amendment is taken into account for the first time under section 430 of the Code as of the January 1, 2018 valuation date. Therefore, the amendment is recognized as taking effect under the final rule in 2018. Since the amendment adopted on June 1, 2017, is known more than 120 days prior to the April 30, 2018 due date of the 2017 funding notice, the amendment must be disclosed in the 2017 funding notice under paragraph (b)(7) of the final regulations as a material effect event taking effect in 2018 (*i.e.,* the current plan year).

(h) *Model notices.* (1) The appendices to this section contain a model notice for single-employer plans and a model notice for multiemployer plans. These models are intended to assist plan administrators in discharging their notice obligations under this section. Use of a model notice is not mandatory. However, subject to paragraph (h)(2) of this section, use of a model notice will be deemed to satisfy the requirements of paragraphs (b)(1) through (b)(11) and paragraph (c) of this section.

(2) To the extent a plan administrator elects to include in a model notice information described in paragraph (b)(12) of this section, such additional information must be consistent with the style and format requirements in paragraph (c) of this section.

(i) *Notice year.* For purposes of this section, the term ''notice year'' means the plan year to which the notice relates. For example, for a calendar year plan that must furnish its 2010 funding notice no later than the 120th day of 2011, the ''notice year'' is the 2010 plan year.

(j) *Alternative method of compliance for furnishing notice to PBGC for certain single-employer plans.* Notwithstanding any other provision of this section, the plan administrator of a single-employer plan is not required to furnish a notice to the Pension Benefit Guaranty Corporation annually if, based on the data described in paragraph (b)(3)(i)(A) of this section for the notice year, plan liabilities do not exceed total plan assets by more than $50 million, provided that the plan administrator furnishes the latest available funding notice to the Pension Benefit Guaranty Corporation within 30 days of a written request.

(k) *Alternative method of compliance for multiemployer plans terminated by mass withdrawal.* (1) Notwithstanding any other provision of this section, for plan years beginning after the date specified in section 4041A(b)(2) of the Act, an alternative method of compliance is available in the case of a multiemployer plan that terminates as a result of the withdrawal of every employer from the plan or the cessation of the obligation of all employers to contribute under the plan, as described in section 4041A(a)(2) of the Act. Under this alternative method, the plan administrator shall furnish annually to each person described in paragraph (f)(1) through (3) of this section a notice that complies with paragraphs (c), (d), (e), and (k)(2) of this section.

(2) The notice includes:

(i) A statement of the fair market value of the plan's assets as of the last day of the notice year, and as of the last day of each of the two preceding plan years as reported in the annual report filed under section 104(a) of the Act for each such preceding plan year;

(ii) A statement of the amount of benefit payments made during the notice year and each of the two preceding plan years;

(iii) If a notice has not already been furnished pursuant to 29 CFR 4281.32, a statement that benefits may be reduced pursuant to section 4281(c) of the Act and a summary of the rules governing such reductions;

(iv) A summary of the rules governing insolvency, including the limitations on benefit payments, pursuant to paragraph (b)(8)(ii) of this section;

(v) The information described in paragraphs (b)(1), (b)(9), and (b)(10) of this section; and

(vi) Any additional information that the plan administrator elects to include, subject to the requirements of paragraph (b)(12) of this section.

(l) *Alternative method of compliance for Internal Revenue Code section 412(e)(3) plans.* (1) Notwithstanding any other provision of this section, an alternative method of compliance is available in the case of an insurance contract plan described in section 412(e)(3) of the Internal Revenue Code of 1986. Under this alternative method, the plan administrator shall furnish annually to each person described in paragraph (f) of this section a notice that complies with paragraphs (c), (d), (e), and (l)(2) of this section.

(2) The notice includes:

(i) An explanation that the plan is funded exclusively by an insurance contract or contracts, that such contract or contracts provide for the benefit payments to participants and beneficiaries, that such benefit payments are guaranteed by a licensed insurance company or companies, and the name of the insurance company or companies;

(ii) A statement whether, as of the last day of the notice year, there were any delinquent premiums and, if so, the amount and date of the delinquency and the effect on the plan and on participants and beneficiaries in the event of a policy lapse;

(iii) The information described in paragraph (b)(1), (b)(9), and (b)(10) of this section; and

(iv) Any additional information that the plan administrator elects to include, provided that such information meets the standard in paragraph (b)(12) of this section.

(m) *CSEC plans. [Reserved].*

Appendix A to § 2520.101–5—Single-Employer Plan Model Annual Funding Notice

PAPERWORK BURDEN DISCLOSURE NOTICE
OMB Control Number 1210-0126; expires 04/17/2017

Behind this cover page is a model notice that may be used to satisfy the mandatory disclosure requirements set forth in 29 CFR 2520.101-5. The model notice is a collection of information instrument subject to the Paperwork Reduction Act. Use of the model notice to meet the disclosure requirements is optional. You may also develop your own notice, provided it contains all of the information required by 29 CFR 2520.101-5. The Department of Labor estimates that it will take an average of approximately 21 hours for plan administrators to complete the model. You may send comments on this collection of information, including suggestions for reducing burden to: US Department of Labor, Policy and Research, Attention: PRA Officer, 200 Constitution Avenue, NW, Room N-5718, Washington, DC 20210. The disclosure requirements in 29 CFR 2520.101-5, referenced above, are also a collection of information under the PRA. The public is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DO NOT INCLUDE THIS PAPERWORK REDUCTION ACT BANNER IN NOTICES TO PARTICIPANTS AND BENEFICIAIRES

ANNUAL FUNDING NOTICE
For
[*insert name of single-employer pension plan*]

Introduction

This notice includes important information about the funding status of your single-employer pension plan (the "Plan"). It also includes general information about the benefit payments guaranteed by the Pension Benefit Guaranty Corporation ("PBGC"), a federal insurance agency. All traditional pension plans (called "defined benefit pension plans") must provide this notice every year regardless of their funding status. This notice does not mean that the Plan is terminating. It is provided for informational purposes and you are not required to respond in any way. This notice is required by federal law. This notice is for the plan year beginning [*insert beginning date*] and ending [*insert ending date*] ("Plan Year").

How Well Funded Is Your Plan

The law requires the administrator of the Plan to tell you how well the Plan is funded, using a measure called the "funding target attainment percentage." The Plan divides its Net Plan Assets by Plan Liabilities to get this percentage. In general, the higher the percentage, the better funded the plan. The Plan's Funding Target Attainment Percentage for the Plan Year and each of the two preceding plan years is shown in the chart below. The chart also shows you how the percentage was calculated.

Funding Target Attainment Percentage			
	[insert Plan Year, e.g., 2015]	[insert plan year preceding Plan Year, e.g., 2014]	[insert plan year 2 years preceding Plan year, e.g., 2013]
1. Valuation Date	[insert date]	[insert date]	[insert date]
2. Plan Assets			
a. Total Plan Assets	[insert amount]	[insert amount]	[insert amount]
b. Funding Standard Carryover Balance	[insert amount]	[insert amount]	[insert amount]
c. Prefunding Balance	[insert amount]	[insert amount]	[insert amount]
d. Net Plan Assets (a) – (b) – (c) = (d)	[insert amount]	[insert amount]	[insert amount]

3. Plan Liabilities	[insert amount]	[insert amount]	[insert amount]
4. At-Risk Liabilities	[insert amount]	[insert amount]	[insert amount]
5. Funding Target Attainment Percentage (2d)/(3)	**[insert percentage]**	**[insert percentage]**	**[insert percentage]**

{Instructions: Report Valuation Date entries in accordance with section 303(g)(2) of ERISA. Report Total Plan Assets in accordance with section 303(g)(3) of ERISA. Report credit balances (i.e., funding standard carryover balance and prefunding balance) in accordance with section 303(f) of ERISA. Report Net Plan Assets, Plan Liabilities (i.e., funding target), and Funding Target Attainment Percentage in accordance with section 303(d)(2) of ERISA. The amount reported as "Plan Liabilities" should be the funding target determined without regard to at-risk assumptions, even if the plan is in at-risk status. At-Risk Liabilities are determined under section 303(i) of ERISA (taking into account section 303(i)(5) of ERISA). Report At-Risk Liabilities for any year covered by this chart in which the plan was in "at-risk" status within the meaning of section 303(i) of ERISA, only if At-Risk Liabilities are greater than Plan Liabilities; otherwise delete the entire row designated as number 4. Round off all amounts in this chart to the nearest dollar.}

Plan Assets and Credit Balances

The chart above shows certain "credit balances" called the Funding Standard Carryover Balance and Prefunding Balance. A plan might have a credit balance, for example, if in a prior year an employer contributed money to the plan above the minimum level required by law. Generally, an employer may credit the excess money toward the minimum level of contributions required by law that it must make in future years. Plans must subtract these credit balances from Total Plan Assets to calculate their Funding Target Attainment Percentage.

{Instructions: Include the preceding discussion, entitled Plan Assets and Credit Balances, only where such balances exist.}

Plan Liabilities

Plan Liabilities in line 3 of the chart above is an estimate of the amount of assets the Plan needs on the Valuation Date to pay for promised benefits under the Plan.

At-Risk Liabilities

The law considers a plan to be in "at risk" status if its funding target attainment percentage for the prior plan year was below a legal threshold. The sponsor of an at-risk plan must make certain assumptions and contribute more money to that plan. For example, plans in "at-risk" status must assume that all workers eligible to retire in the next 10 years will do so as soon as they can, and that they will take their distribution in whatever form would create the highest cost to the plan, without regard to whether those workers actually do so. The additional contributions that result from "at-risk" status may then remove a plan from this status. The Plan was in "at-risk" status in [*enter year or years covered by the chart above*]. The At-Risk Liabilities row in the chart above shows the increased liabilities resulting from "at-risk" status.

{Instructions: Include the preceding discussion, entitled At-Risk Liabilities, only in the case of a plan required to report At-Risk Liabilities. Delete the entire row designated as number 4 in the chart above if the At-Risk Liabilities discussion is not included in the notice.}

Year-End Assets and Liabilities

The asset values in the chart above are measured as of the first day of the Plan Year. They also are "actuarial values." Actuarial values differ from market values in that they do not fluctuate daily based on changes in the stock or other markets. Actuarial values smooth out those fluctuations and can allow for more predictable levels of future contributions. Despite the fluctuations, market values tend to show a clearer picture of a plan's funded status at a given point in time. As of [*enter the last day of the Plan Year*], the fair market value of the Plan's assets was [*enter amount*]. On this same date, the Plan's liabilities, determined using market rates, were [*enter amount*].

{Instructions: Insert the fair market value of the plan's assets as of the last day of the plan year. You may include contributions made after the end of the plan year to which the notice relates and before the date the notice is timely furnished but only if such contributions are attributable to such plan year for funding purposes. A plan's liabilities as of the last day of the plan year are equal to the present value, as of the last day of the plan year, of benefits accrued as of that same date. With the exception of the interest rate assumption, the present value should be determined using assumptions used to determine the funding target under section 303. The interest rate assumption is the rate provided under section 4006(a)(3)(E)(iv), but using the last month of the year to which the notice relates rather than the month preceding the first month of the year to which the notice relates. If, consistent with section 303(g)(2) of ERISA, the plan's valuation date is not the first day of the plan year, make appropriate modifications to the preceding paragraph, e.g., replace "first day of" with "valuation date for."}

{Instructions: If, pursuant to section 303(g)(3) of ERISA, the value of the plan's assets in the chart above is fair market value, include the paragraph below rather than the paragraph above, but otherwise follow the instructions above.}

The asset values in the chart above are measured as of the first day of the Plan Year. As of [*enter the last day of the Plan Year*], the fair market value of the Plan's assets was [*enter amount*]. On this same date, the Plan's liabilities, determined using market rates, were [*enter amount*].

Participant Information

The total number of participants and beneficiaries covered by the Plan on the Valuation Date was [*insert number*]. Of this number, [*insert number*] were current employees, [*insert number*] were retired and receiving benefits, and [*insert number*] were retired or no longer working for the employer and have a right to future benefits.

Funding & Investment Policies

Every pension plan must have a procedure to establish a funding policy for plan objectives. A funding policy relates to how much money is needed to pay promised benefits. The funding policy of the Plan is [*insert a summary statement of the Plan's funding policy*].

Pension plans also have investment policies. These generally are written guidelines or general instructions for making investment management decisions. The investment policy of the Plan is [*insert a summary statement of the Plan's investment policy*].

Under the investment policy, the Plan's assets were allocated among the following categories of investments, as of the end of the Plan Year. These allocations are percentages of total assets:

{Instructions: Insert and complete either Alternative 1 or Alternative 2, below.}

Alternative 1:

Asset Allocations	**Percentage**
1. Cash (interest bearing and non-interest bearing)	_____
2. U.S. Government securities	_____
3. Corporate debt instruments (other than employer securities):	
Preferred	_____
All other	_____
4. Corporate stocks (other than employer securities):	
Preferred	_____
Common	_____
5. Partnership/joint venture interests	_____
6. Real estate (other than employer real property)	_____
7. Loans (other than to participants)	_____
8. Participant loans	_____
9. Value of interest in common/collective trusts	_____
10. Value of interest in pooled separate accounts	_____
11. Value of interest in master trust investment accounts	_____
12. Value of interest in 103-12 investment entities	_____
13. Value of interest in registered investment companies (e.g., mutual funds)	_____
14. Value of funds held in insurance co. general account (unallocated contracts)	_____
15. Employer-related investments:	
Employer Securities	_____
Employer real property	_____
16. Buildings and other property used in plan operation	_____
17. Other	_____

For information about the Plan's investment in any of the following types of investments – common/collective trusts, pooled separate accounts, master trust investment accounts, or 103-12 investment entities – contact [*insert the name, telephone number, email address or mailing address of the plan administrator or designated representative*].

{*Instructions: Percentages must total 100%. If a plan holds an interest in one or more of the direct filing entities (DFEs) noted above, i.e., MTIAs, CCTs, PSAs, or 103-12IEs and the administrator does not break out the DFE's investments among the other asset classes, immediately following the asset allocation chart include the paragraph above informing recipients how to obtain more information regarding the plan's DFE investments (e.g., the plan's Schedule D and/or the DFE's Schedule H). If a plan does not hold an interest in a DFE or the plan administrator breaks out the investments of all DFEs among the other asset classes, do not include the above paragraph. If the administrator knows the actual asset allocation of an MTIA, the MTIA entry (line 11) should not be competed and the investments of the MTIA should be reflected in the relevant asset classes.*}

Alternative 2

Asset Allocations	**Percentage:**
Stocks	_____
Investment grade debt instruments	_____
High-yield debt instruments	_____
Real estate	_____
Other	_____

{Instructions: Percentages must total 100%. Follow the instructions for the latest Schedule R to Form 5500 to allocate investments to one of the above asset classes.

Events Having a Material Effect on Assets or Liabilities

By law this notice must contain a written explanation of new events that have a material effect on plan liabilities or assets. This is because such events can significantly impact the funding condition of a plan. For the plan year beginning on [*insert the first day of the current plan year (i.e., the year after the notice year)*] and ending on [*insert the last day of the current plan year*], the Plan expects the following events to have such an effect: [*Insert explanation of any plan amendment, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the current plan year, as well as a projection to the end of the current plan of the effect of the amendment, scheduled increase or reduction, or event on plan liabilities*].

{*Instructions: Include the preceding discussion, entitled Events having a Material Effect on Assets or Liabilities, only if and to the extent applicable.*}

Right to Request a Copy of the Annual Report

Pension plans must file annual reports with the US Department of Labor. The report is called the "Form 5500." These reports contain financial and other information. You may obtain an electronic copy of your Plan's annual report by going to www.efast.dol.gov and using the search tool. Annual reports also are available from the US Department of Labor, Employee Benefits Security Administration's Public Disclosure Room at 200 Constitution Avenue, NW, Room N-1513, Washington, DC 20210, or by calling 202.693.8673. Or you may obtain a copy of the Plan's annual report by making a written request to the plan administrator. [*If the plan's annual report is available on an Intranet website maintained by the plan sponsor (or plan administrator on behalf of the plan sponsor), modify the preceding sentence to include a statement that the annual report also may be obtained through that website and include the website address.*] Annual reports do not contain personal information, such as the amount of your accrued benefits. You may contact your plan administrator if you want information about your accrued benefits. Your plan administrator is identified below under "Where To Get More Information."

Summary of Rules Governing Termination of Single-Employer Plans

If a plan terminates, there are specific termination rules that must be followed under federal law. A summary of these rules follows.

There are two ways an employer can terminate its pension plan. First, the employer can end a plan in a "standard termination" but only after showing the PBGC that such plan has enough money to pay all benefits owed to participants. Under a standard termination, a plan must either purchase an annuity from an insurance company (which will provide you with periodic retirement benefits, such as monthly for life or for a set period of time when you retire) or, if the plan allows, issue one lump-sum payment that covers your entire benefit. Your plan administrator must give you advance notice that identifies the insurance company (or companies) selected to provide the annuity. The PBGC's guarantee ends upon the purchase of an annuity or payment of the lump-sum. If the plan purchases an annuity for you from an insurance company and that company becomes unable to pay, the applicable state guaranty association guarantees the annuity to the extent authorized by that state's law.

Second, if the plan is not fully-funded, the employer may apply for a distress termination. To do so, however, the employer must be in financial distress and prove to a bankruptcy court or to the PBGC that the employer cannot remain in business unless the plan is terminated. If the application is granted, the PBGC will take over the plan as trustee and pay plan benefits, up to the legal limits, using plan assets and PBGC guarantee funds.

Under certain circumstances, the PBGC may take action on its own to end a pension plan. Most terminations initiated by the PBGC occur when the PBGC determines that plan termination is needed to protect the interests of plan participants or of the PBGC insurance program. The PBGC can do so if, for example, a plan does not have enough money to pay benefits currently due.

Benefit Payments Guaranteed by the PBGC

When the PBGC takes over a plan, it pays pension benefits through its insurance program. Only benefits that you have earned a right to receive and that cannot be forfeited (called vested benefits) are guaranteed. Most participants and beneficiaries receive all of the pension benefits they would have received under their plan, but some people may lose certain benefits that are not guaranteed.

The amount of benefits that PBGC guarantees is determined as of the plan termination date. However, if a plan terminates during a plan sponsor's bankruptcy, then the amount guaranteed is determined as of the date the sponsor entered bankruptcy.

The PBGC maximum benefit guarantee is set by law and is updated each calendar year. For a plan with a termination date or sponsor bankruptcy date, as applicable in [*insert current calendar year*], the maximum guarantee is [*insert amount from PBGC web site, www.pbgc.gov, applicable for the current calendar year*] per month, or [*insert amount from PBGC web site, www.pbgc.gov, applicable for the current calendar year*] per year, for a benefit paid to a 65-year-old retiree with no survivor benefit. If a plan terminates during a plan sponsor's bankruptcy, the maximum guarantee is fixed as of the calendar year in which the sponsor entered bankruptcy. The maximum guarantee is lower for an individual who begins receiving benefits from PBGC before age 65 reflecting the fact that younger retirees are expected to receive more monthly pension checks over their lifetimes. [*If the plan does not provide for commencement of benefits before age 65, you may omit this sentence*.] Similarly, the maximum guarantee is higher for an individual who starts receiving benefits from PBGC after age 65. The maximum guarantee by age can be found on PBGC's website, www.pbgc.gov. The guaranteed amount is also reduced if a benefit will be provided to a survivor of the plan participant.

The PBGC guarantees "basic benefits" earned before a plan is terminated, which include [*Include the following guarantees that apply to benefits available under the plan.*]:

- pension benefits at normal retirement age;
- most early retirement benefits;
- annuity benefits for survivors of plan participants; and
- disability benefits for a disability that occurred before the date the plan terminated or the date the sponsor entered bankruptcy, as applicable.

The PBGC does not guarantee certain types of benefits [*Include the following guarantee limits that apply to the benefits available under the plan.*]:

- The PBGC does not guarantee benefits for which you do not have a vested right, usually because you have not worked enough years for the company.
- The PBGC does not guarantee benefits for which you have not met all age, service, or other requirements.
- Benefit increases and new benefits that have been in place for less than one year are not guaranteed. Those that have been in place for less than five years are only partly guaranteed.
- Early retirement payments that are greater than payments at normal retirement age may not be guaranteed. For example, a supplemental benefit that stops when you become eligible for Social Security may not be guaranteed.
- Benefits other than pension benefits, such as health insurance, life insurance, death benefits, vacation pay, or severance pay, are not guaranteed.
- The PBGC generally does not pay lump sums exceeding $5,000.

In some circumstances, participants and beneficiaries still may receive some benefits that are not guaranteed. This depends on how much money the terminated plan has and how much the PBGC recovers from employers for plan underfunding.

For additional general information about the PBGC and the pension insurance program guarantees, go to the "General FAQs about PBGC" on PBGC's website at www.pbgc.gov/generalfaqs. Please contact your employer or plan administrator for specific information about your pension plan or pension benefit. PBGC does not have that information. See "Where to Get More Information About Your Plan," below.

Corporate and Actuarial Information on File with PBGC

A plan sponsor must provide the PBGC with financial information about itself and actuarial information about the plan under certain circumstances, such as when the funding target attainment percentage of the plan (or any other pension plan sponsored by a member of the sponsor's controlled group) falls below 80 percent (other triggers may also apply). The sponsor of the Plan, [*enter name of plan sponsor*] or a member of its controlled group, was subject to this requirement to provide corporate financial information and plan actuarial information to the PBGC. The PBGC uses this information for monitoring and other purposes.

{Instructions: Insert the preceding paragraph entitled "Corporate and Actuarial Information on File with PBGC" only if a reporting under section 4010 of ERISA was required for the information year ending in the Plan Year. Modify the preceding paragraph, as appropriate, if the plan sponsor is the sole member of its controlled group.

Where to Get More Information

For more information about this notice, you may contact [*enter name of plan administrator and if applicable, principal administrative officer*], at [*enter phone number and address and insert email address if appropriate*]. For identification purposes, the official plan number is [*enter plan number*] and the plan sponsor's name and employer identification number or "EIN" are [*enter name and EIN of plan sponsor*].

Appendix B to § 2520.101–5—Multiemployer Plan Model Annual Funding Notice

PAPERWORK BURDEN DISCLOSURE NOTICE
OMB Control Number 1210-0126; expires 04/17/2017

Behind this cover page is a model notice that may be used to satisfy the mandatory disclosure requirements set forth in 29 CFR 2520.101-5. The model notice is a collection of information instrument subject to the Paperwork Reduction Act. Use of the model notice to meet the disclosure requirements is optional. You may also develop your own notice, provided it contains all of the information required by 29 CFR 2520.101-5. The Department of Labor estimates that it will take an average of approximately 21 hours for plan administrators to complete the model. You may send comments on this collection of information, including suggestions for reducing burden to: US Department of Labor, Policy and Research, Attention: PRA Officer, 200 Constitution Avenue, NW, Room N-5718, Washington, DC 20210. The disclosure requirements in 29 CFR 2520.101-5, referenced above, are also a collection of information under the PRA. The public is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DO NOT INCLUDE THIS PAPERWORK REDUCTION ACT BANNER IN NOTICES TO PARTICIPANTS AND BENEFICIAIRES

ANNUAL FUNDING NOTICE

For
[*insert name of multiemployer pension plan*]

Introduction

This notice includes important information about the funding status of your multiemployer pension plan (the "Plan"). It also includes general information about the benefit payments guaranteed by the Pension Benefit Guaranty Corporation ("PBGC"), a federal insurance agency. All traditional pension plans (called "defined benefit pension plans") must provide this notice every year regardless of their funding status. This notice does not mean that the Plan is terminating. It is provided for informational purposes and you are not required to respond in any way. This notice is required by federal law. This notice is for the plan year beginning [*insert beginning date*] and ending [*insert ending date*] ("Plan Year").

How Well Funded Is Your Plan

The law requires the administrator of the Plan to tell you how well the Plan is funded, using a measure called the "funded percentage." The Plan divides its assets by its liabilities on the Valuation Date for the plan year to get this percentage. In general, the higher the percentage, the better funded the plan. The Plan's funded percentage for the Plan Year and each of the two preceding plan years is shown in the chart below. The chart also states the value of the Plan's assets and liabilities for the same period.

Funded Percentage			
	[insert Plan Year, e.g., 2015]	[insert plan year preceding Plan Year, e.g., 2014]	[insert plan year 2 years preceding Plan Year, e.g., 2013]
Valuation Date	[insert date]	[insert date]	[insert date]
Funded Percentage	[insert percentage]	[insert percentage]	[insert percentage]

Value of Assets	[insert amount]	[insert amount]	[insert amount]
Value of Liabilities	[insert amount]	[insert amount]	[insert amount]

{Instructions: The plan's "funded percentage" is equal to a fraction, the numerator of which is the actuarial value of the plan's assets (determined in the same manner as under section 304(c)(2) of ERISA) and the denominator of which is the accrued liability of the plan (under section 305(i)(8) of ERISA, using reasonable actuarial assumptions as required under section 304(c)(3) of ERISA). Report the value of the plan's assets and liabilities in the same manner as under section 304 of ERISA (but determining the plan's liabilities under section 305(i)(8) of ERISA, using reasonable actuarial assumptions as required under section 304(c)(3) of ERISA) as of the plan's valuation date for the plan year. Round off all amounts in this chart to the nearest dollar.}

Year-End Fair Market Value of Assets

The asset values in the chart above are measured as of the Valuation Date. They also are "actuarial values." Actuarial values differ from market values in that they do not fluctuate daily based on changes in the stock or other markets. Actuarial values smooth out those fluctuations and can allow for more predictable levels of future contributions. Despite the fluctuations, market values tend to show a clearer picture of a plan's funded status at a given point in time. The asset values in the chart below are market values and are measured on the last day of the Plan Year. The chart also includes the year-end market value of the Plan's assets for each of the two preceding plan years.

	[insert last day of Plan Year, e.g., 2015]	[insert last day of plan year preceding Plan Year, e.g., 2014]	[insert last day of plan year 2 years preceding Plan Year, e.g., 2013]
Fair Market Value of Assets	[insert amount]	[insert amount]	[insert amount]

{Instructions: Insert the fair market value of the plan's assets as of the last day of the plan year. You may include contributions made after the end of the plan year to which the notice relates and before the date the notice is timely furnished but only if such contributions are attributable to such plan year for funding purposes. For each of the two preceding plan years, you may use the fair market value of assets on the last day of the plan year as reported in the annual report for such plan year.}

Endangered, Critical, or Critical and Declining Status

Under federal pension law, a plan generally is in "endangered" status if its funded percentage is less than 80 percent. A plan is in "critical" status if the funded percentage is less than 65 percent (other factors may also apply). A plan is in "critical and declining" status if it is in critical status and is projected to become insolvent (run out of money to pay benefits) within 15 years (or within 20 years if a special rule applies). If a pension plan enters endangered status, the trustees of the plan are required to adopt a funding improvement plan. Similarly, if a pension plan enters critical status or critical and declining status, the trustees of the plan are required to adopt a rehabilitation plan. Funding improvement and rehabilitation plans establish steps and benchmarks for pension plans to improve their funding status over a

specified period of time. The plan sponsor of a plan in critical and declining status may apply for approval to amend the plan to reduce current and future payment obligations to participants and beneficiaries.

{Instructions: Select and complete the appropriate option below.}

{Option one}
The Plan was not in endangered, critical, or critical and declining status in the Plan Year.

{Option two}
The Plan was in [*insert* "endangered" *or* "critical"] status in the Plan Year ending [*insert last day of Plan Year*] because [*insert summary description of why plan was in this status based on statutory factors*]. In an effort to improve the Plan's funding situation, the trustees adopted [*insert summary of the plan's funding improvement or rehabilitation plan, including when adopted and expected duration, and a description of any modification or update to the plan adopted during the plan year to which the notice relates*]. You may get a copy of the Plan's [*insert* "funding improvement plan" *or* "rehabilitation plan"], any update to such plan and the actuarial and financial data that demonstrate any action taken by the Plan toward fiscal improvement. You may get this information by contacting the plan administrator. [*If applicable, insert:* "Or you may obtain this information at [*insert Intranet address of plan sponsor (or plan administrator on behalf of the plan sponsor)*].]

{Option three}
The Plan was in critical and declining status in the Plan Year ending [*insert last day of Plan Year*] because [*insert summary description of why plan was in this status based on statutory factors*]. The Plan is projected to be insolvent in the [*insert plan year*] Plan Year. Such insolvency may result in benefit reductions. In an effort to improve the Plan's funding situation, the trustees adopted a rehabilitation plan on [*insert date*]. The rehabilitation plan [*Insert a summary of the plan's rehabilitation plan, including expected duration and a description of any modification or update to the plan adopted during the plan year to which the notice relates*]. [*Insert the following if applicable*: The plan sponsor has taken the following legally permitted actions to prevent insolvency: [*Insert explanation of actions*]." You may get a copy of the Plan's rehabilitation plan, any update to such plan and the actuarial and financial data that demonstrate any action taken by the Plan toward fiscal improvement. You may get this information by contacting the plan administrator. [*If applicable, insert:* "Or you may obtain this information at [*insert Intranet address of plan sponsor (or plan administrator on behalf of the plan sponsor)*].]

If the Plan is in endangered, critical, or critical and declining status for the plan year ending [*insert the last day of the plan year following the Plan Year*], separate notification of that status has or will be provided.

Participant Information

The total number of participants and beneficiaries covered by the Plan on the valuation date was [*insert number*]. Of this number, [*insert number*] were current employees, [*insert number*] were retired and receiving benefits, and [*insert number*] were retired or no longer working for the employer and have a right to future benefits.

Funding & Investment Policies

Every pension plan must have a procedure to establish a funding policy for plan objectives. A funding policy relates to how much money is needed to pay promised benefits. The funding policy of the Plan is [*insert a summary statement of the Plan's funding policy*].

Pension plans also have investment policies. These generally are written guidelines or general instructions for making investment management decisions. The investment policy of the Plan is [*insert a summary statement of the Plan's investment policy*].

Under the Plan's investment policy, the Plan's assets were allocated among the following categories of investments, as of the end of the Plan Year. These allocations are percentages of total assets:

{Instructions: Insert and complete either Alternative 1 or Alternative 2, below.}

Alternative 1:

Asset Allocations	**Percentage**
1. Cash (Interest bearing and non-interest bearing)	_____
2. U.S. Government securities	_____
3. Corporate debt instruments (other than employer securities):	
Preferred	_____
All other	_____
4. Corporate stocks (other than employer securities):	
Preferred	_____
Common	_____
5. Partnership/joint venture interests	_____
6. Real estate (other than employer real property)	_____
7. Loans (other than to participants)	_____
8. Participant loans	_____
9. Value of interest in common/collective trusts	_____
10. Value of interest in pooled separate accounts	_____
11. Value of interest in 103-12 investment entities	_____
12. Value of interest in registered investment companies (e.g., mutual funds)	_____
13. Value of funds held in insurance co. general account (unallocated contracts)	_____
14. Employer-related investments:	
Employer Securities	_____
Employer real property	_____
15. Buildings and other property used in plan operation	_____
16. Other	_____

For information about the Plan's investment in any of the following types of investments– common/collective trusts, pooled separate accounts, or 103-12 investment entities – contact [*insert the name, telephone number, email address or mailing address of the plan administrator or designated representative*].

{Instructions: Percentages must total 100%. If a plan holds an interest in one or more of the direct filing entities (DFEs) noted above, i.e., CCTs, PSAs, or 103-12IEs and the administrator does not break out the DFE's investments among the other asset classes, immediately following the asset allocation chart include the paragraph above informing recipients how to obtain more information regarding the plan's DFE investments (e.g., the plan's Schedule D and/or the DFE's Schedule H). If a plan does not hold an interest in a DFE or the administrator breaks out the investments of all DFEs among the other asset classes, do not include the above paragraph.

Alternative 2

Asset Allocations	**Percentage:**
Stocks	_____
Investment grade debt instruments	_____
High-yield debt instruments	_____
Real estate	_____
Other	_____

{Instructions: Percentages must total 100%. Follow the instructions in the latest Schedule R to Form 5500 to allocate investments to one of the above asset classes.

Events Having a Material Effect on Assets or Liabilities

By law this notice must contain a written explanation of new events that have a material effect on plan liabilities or assets. This is because such events can significantly impact the funding condition of a plan. For the plan year beginning on [*insert the first day of the current plan year (i.e., the year after the notice year)*] and ending on [*insert the last day of the current plan year*], the Plan expects the following events to have such an effect: [*Insert explanation of any plan amendment, scheduled benefit increase or reduction, or other known event taking effect in the current plan year and having a material effect on plan liabilities or assets for the current plan year, as well as a projection to the end of the current plan of the effect of the amendment, scheduled increase or reduction, or event on plan liabilities*].

{*Instructions: Include the preceding discussion, entitled Events having a Material Effect on Assets or Liabilities, only if and to the extent applicable.*}

Right to Request a Copy of the Annual Report

Pension plans must file annual reports with the US Department of Labor. The report is called the "Form 5500." These reports contain financial and other information. You may obtain an electronic copy of your Plan's annual report by going to www.efast.dol.gov and using the search tool. Annual reports also are available from the US Department of Labor, Employee Benefits Security Administration's Public Disclosure Room at 200 Constitution Avenue, NW, Room N-1513, Washington, DC 20210, or by calling 202.693.8673. Or you may obtain a copy of the Plan's annual report by making a written request to the plan administrator. [*If the plan's annual report is available on an Intranet website maintained by the plan sponsor (or plan administrator on behalf of the plan sponsor), modify the preceding sentence to include a statement that the annual report also may be obtained through that website and include the website address.*] Annual reports do not contain personal information, such as the amount of your accrued benefit. You may contact your plan

administrator if you want information about your accrued benefits. Your plan administrator is identified below under "Where To Get More Information."

Summary of Rules Governing Insolvent Plans

Federal law has a number of special rules that apply to financially troubled multiemployer plans that become insolvent, either as ongoing plans or plans terminated by mass withdrawal. The plan administrator is required by law to include a summary of these rules in the annual funding notice. A plan is insolvent for a plan year if its available financial resources are not sufficient to pay benefits when due for that plan year. An insolvent plan must reduce benefit payments to the highest level that can be paid from the plan's available resources. If such resources are not enough to pay benefits at the level specified by law (see Benefit Payments Guaranteed by the PBGC, below), the plan must apply to the PBGC for financial assistance. The PBGC will loan the plan the amount necessary to pay benefits at the guaranteed level. Reduced benefits may be restored if the plan's financial condition improves.

A plan that becomes insolvent must provide prompt notice of its status to participants and beneficiaries, contributing employers, labor unions representing participants, and PBGC. In addition, participants and beneficiaries also must receive information regarding whether, and how, their benefits will be reduced or affected, including loss of a lump sum option.

Benefit Payments Guaranteed by the PBGC

The maximum benefit that the PBGC guarantees is set by law. Only benefits that you have earned a right to receive and that cannot be forfeited (called vested benefits) are guaranteed. There are separate insurance programs with different benefit guarantees and other provisions for single-employer plans and multiemployer plans. Your Plan is covered by PBGC's multiemployer program. Specifically, the PBGC guarantees a monthly benefit payment equal to 100 percent of the first $11 of the Plan's monthly benefit accrual rate, plus 75 percent of the next $33 of the accrual rate, times each year of credited service. The PBGC's maximum guarantee, therefore, is $35.75 per month times a participant's years of credited service.

Example 1: If a participant with 10 years of credited service has an accrued monthly benefit of $600, the accrual rate for purposes of determining the PBGC guarantee would be determined by dividing the monthly benefit by the participant's years of service ($600/10), which equals $60. The guaranteed amount for a $60 monthly accrual rate is equal to the sum of $11 plus $24.75 (.75 x $33), or $35.75. Thus, the participant's guaranteed monthly benefit is $357.50 ($35.75 x 10).

Example 2: If the participant in Example 1 has an accrued monthly benefit of $200, the accrual rate for purposes of determining the guarantee would be $20 (or $200/10). The guaranteed amount for a $20 monthly accrual rate is equal to the sum of $11 plus $6.75 (.75 x $9), or $17.75. Thus, the participant's guaranteed monthly benefit would be $177.50 ($17.75 x 10).

The PBGC guarantees pension benefits payable at normal retirement age and some early retirement benefits. In addition, the PBGC guarantees qualified preretirement survivor benefits (which are preretirement death benefits payable to the surviving spouse of a participant who dies before starting to receive benefit payments). In calculating a person's monthly payment,

the PBGC will disregard any benefit increases that were made under a plan within 60 months before the earlier of the plan's termination or insolvency (or benefits that were in effect for less than 60 months at the time of termination or insolvency). Similarly, the PBGC does not guarantee benefits above the normal retirement benefit, disability benefits not in pay status, or non-pension benefits, such as health insurance, life insurance, death benefits, vacation pay, or severance pay.

For additional information about the PBGC and the pension insurance program guarantees, go to the Multiemployer Page on PBGC's website at www.pbgc.gov/multiemployer. Please contact your employer or plan administrator for specific information about your pension plan or pension benefit. PBGC does not have that information. See "Where to Get More Information About Your Plan," below.

Where to Get More Information

For more information about this notice, you may contact [*enter name of plan administrator and if applicable, principal administrative officer*], at [*enter phone number and address and insert email address if appropriate*]. For identification purposes, the official plan number is [*enter plan number*] and the plan sponsor's name and employer identification number or "EIN" is [*enter name and EIN of plan sponsor*].

■ 4. Amend § 2520.104–46 by revising paragraph (b)(1)(i)(B) introductory text to read as follows:

§ 2520.104–46 Waiver of examination and report of an independent qualified public accountant for employee benefit plans with fewer than 100 participants.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) The summary annual report (described in § 2520.104b–10) or, in the case of plans subject to section 101(f) of the Act, the annual funding notice (described in § 2520.101–5), includes, in addition to any other required information:

* * * * *

■ 5. Amend § 2520.104b–10, by revising paragraphs (g)(7) and (8) and adding paragraph (g)(9) to read as follows:

§ 2520.104b–10 Summary Annual Report.

* * * * *

(g) * * *

(7) A dues financed welfare plan which meets the requirements of 29 CFR 2520.104–26;

(8) A dues financed pension plan which meets the requirements of 29 CFR 2520.104–27; and

(9) A plan to which title IV of the Act applies.

* * * * *

Signed this 23rd day of January, 2015.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2015–01884 Filed 1–30–15; 8:45 am]

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Federal Register

Vol. 80, No. 20

Monday, February 2, 2015

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5451–5664 2

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 15, 2015

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—FEBRUARY 2015

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
February 2	Feb 17	Feb 23	Mar 4	Mar 9	Mar 19	Apr 3	May 4
February 3	Feb 18	Feb 24	Mar 5	Mar 10	Mar 20	Apr 6	May 4
February 4	Feb 19	Feb 25	Mar 6	Mar 11	Mar 23	Apr 6	May 5
February 5	Feb 20	Feb 26	Mar 9	Mar 12	Mar 23	Apr 6	May 6
February 6	Feb 23	Feb 27	Mar 9	Mar 13	Mar 23	Apr 7	May 7
February 9	Feb 24	Mar 2	Mar 11	Mar 16	Mar 26	Apr 10	May 11
February 10	Feb 25	Mar 3	Mar 12	Mar 17	Mar 27	Apr 13	May 11
February 11	Feb 26	Mar 4	Mar 13	Mar 18	Mar 30	Apr 13	May 12
February 12	Feb 27	Mar 5	Mar 16	Mar 19	Mar 30	Apr 13	May 13
February 13	Mar 2	Mar 6	Mar 16	Mar 20	Mar 30	Apr 14	May 14
February 17	Mar 4	Mar 10	Mar 19	Mar 24	Apr 3	Apr 20	May 18
February 18	Mar 5	Mar 11	Mar 20	Mar 25	Apr 6	Apr 20	May 19
February 19	Mar 6	Mar 12	Mar 23	Mar 26	Apr 6	Apr 20	May 20
February 20	Mar 9	Mar 13	Mar 23	Mar 27	Apr 6	Apr 21	May 21
February 23	Mar 10	Mar 16	Mar 25	Mar 30	Apr 9	Apr 24	May 26
February 24	Mar 11	Mar 17	Mar 26	Mar 31	Apr 10	Apr 27	May 26
February 25	Mar 12	Mar 18	Mar 27	Apr 1	Apr 13	Apr 27	May 26
February 26	Mar 13	Mar 19	Mar 30	Apr 2	Apr 13	Apr 27	May 27
February 27	Mar 16	Mar 20	Mar 30	Apr 3	Apr 13	Apr 28	May 28