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# Contents

**Federal Register**

Vol. 80, No. 30

Friday, February 13, 2015

**Agriculture Department**
*See* Forest Service
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8055

**Army Department**
*See* Engineers Corps

**Blind or Severely Disabled, Committee for Purchase From People Who Are**
*See* Committee for Purchase From People Who Are Blind or Severely Disabled

**Broadcasting Board of Governors**
**NOTICES**
Meetings; Sunshine Act, 8058

**Bureau of Consumer Financial Protection**
**NOTICES**
Safe Student Banking, 8069–8070

**Centers for Medicare & Medicaid Services**
**RULES**
Announcement of Ruling:
Implementing United States v. Windsor for Purposes of Entitlement and Enrollment in Medicare Hospital Insurance and Supplementary Medical Insurance, 7975–7977
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8085–8086

**Children and Families Administration**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Objective Work Plan and Objective Progress Report, 8086–8087

**Civil Rights Commission**
**NOTICES**
Meetings; Sunshine Act, 8058

**Coast Guard**
**RULES**
Safety Zones:
Triathlon National Championships, Milwaukee Harbor, Milwaukee, WI, 7968–7970
**PROPOSED RULES**
Special Local Regulations and Safety Zones:
Recurring Marine Events and Fireworks Displays within the Fifth Coast Guard District, 7994–8014

**Commerce Department**
*See* Economic Development Administration
*See* Foreign-Trade Zones Board
*See* International Trade Administration
*See* National Oceanic and Atmospheric Administration

**Committee for Purchase From People Who Are Blind or Severely Disabled**
**NOTICES**
Procurement List; Additions and Deletions, 8067–8069

**Commodity Futures Trading Commission**
**NOTICES**
Meetings; Sunshine Act, 8069

**Comptroller of the Currency**
**PROPOSED RULES**
Regulatory Review, 7980–7986

**Corporation for National and Community Service**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8070

**Defense Department**
*See* Engineers Corps
*See* Navy Department
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8070–8071
Privacy Act; Systems of Records, 8072–8076

**Department of Transportation**
*See* Pipeline and Hazardous Materials Safety Administration

**Economic Development Administration**
**NOTICES**
Meetings:
National Advisory Council on Innovation and Entrepreneurship, 8058–8059

**Education Department**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application Package for Grants under the Minority Science and Engineering Improvement Program, 8079–8080
Funding Availabilities:
Migrant Education Program Consortium Incentive Grants Program; Correction, 8080

**Energy Department**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8080–8081

**Engineers Corps**
**PROPOSED RULES**
Natural Disaster Procedures:
Emergency Employment of Army and Other Resources, 8014–8017

**Environmental Protection Agency**
**RULES**
Air Quality State Implementation Plans; Approvals and Promulgations:
West Virginia; Redesignation Request and Associated Maintenance Plan of the West Virginia Portion of the Martinsburg–Hagerstown, WV–MD Nonattainment Area for the 1997 Annual Fine Particulate Matter Standard; Correction, 7970–7971
Pesticide Tolerances:
Pyrimethanil, 7971–7975
**PROPOSED RULES**
Air Quality State Implementation Plans; Approvals and Promulgations:
Alabama; Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement for the Birmingham Area, 8018–8023
Approval Requests:
Operation of Pressure-Assisted Multi-Point Ground Flare Technology, 8023–8030
**NOTICES**
Environmental Impact Statements; Availability, etc., 8081
Meetings:
Pesticide Program Dialogue Committee; Webinars, 8081–8082
Requests for Nominations:
Local Government Advisory Committee, 8083–8084
Pesticide Program Dialogue Committee, 8082–8083

**Federal Aviation Administration**
**PROPOSED RULES**
Airworthiness Directives:
Airbus Airplanes, 7986–7994
**NOTICES**
Meetings:
RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment, 8125
RTCA Special Committee 230, Airborne Weather Detection Systems Committee, 8125–8126
RTCA Special Committee 232, Airborne Selective Calling Equipment, 8126
Passenger Facility Charge Approvals and Disapprovals, 8126–8130

**Federal Communications Commission**
**RULES**
Television Broadcasting Services:
Longview, TX, 7977
**PROPOSED RULES**
Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees, 8031–8052
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approval, 8084–8085

**Federal Deposit Insurance Corporation**
**PROPOSED RULES**
Regulatory Review, 7980–7986

**Federal Highway Administration**
**NOTICES**
Buy American Waivers, 8130–8131

**Federal Maritime Commission**
**NOTICES**
Agreements Filed, 8085

**Federal Railroad Administration**
**NOTICES**
Buy American Waivers:
Illinois Department of Transportation; Use of Sure Close Self-Closing Force Adjustable Gate Hinges, 8131–8133

**Federal Reserve System**
**PROPOSED RULES**
Regulatory Review, 7980–7986

**Fish and Wildlife Service**
**PROPOSED RULES**
Endangered and Threatened Wildlife and Plants:
Removal of the Modoc Sucker, 8053–8054
**NOTICES**
Endangered and Threatened Wildlife and Plants:
Initiation of 5-Year Status Reviews of 133 species in Hawaii, Oregon, Idaho, and Washington, 8100–8103
Endangered Species Recovery Permit Application, 8103–8104

**Food and Drug Administration**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Export of Food and Drug Administration Regulated Products; Export Certificates; Correction, 8087–8088
Determinations that Products Were Not Withdrawn from Sale for Reasons of Safety or Effectiveness:
SUBUTEX (Buprenorphine Hydrochloride) Sublingual Tablets, Equivalent 2 and 8 Milligrams Base, 8088–8089
Identifying Potential Biomarkers for Qualification and Describing Contexts of Use to Address Areas Important to Drug Development, 8089–8091
Meetings:
Conditional Approval of New Animal Drugs, 8091–8092
Regulation of Combination Drug Medicated Feeds, 8092–8093
The Tobacco Products Scientific Advisory Committee, 8093–8094

**Foreign-Trade Zones Board**
**NOTICES**
Proposed Trade Zones under the Alternative Site Framework:
Central Pennsylvania, 8059

**Forest Service**
**NOTICES**
Environmental Impact Statements; Availability, etc.:
Magone Project; Malheur National Forest, Blue Mountain Ranger District, Grant County, OR, 8055–8057
Meetings:
Black Hills National Forest Advisory Board, 8057

**Health and Human Services Department**
*See* Centers for Medicare & Medicaid Services
*See* Children and Families Administration
*See* Food and Drug Administration
*See* National Institutes of Health

**Homeland Security Department**
*See* Coast Guard

**Housing and Urban Development Department**
**NOTICES**
Federal Properties Suitable as Facilities to Assist the Homeless, 8140–8163

**Indian Affairs Bureau**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Probate of Indian Estates, 8104–8105

**Interior Department**
*See* Fish and Wildlife Service
*See* Indian Affairs Bureau
*See* Land Management Bureau
*See* National Park Service
*See* Office of Natural Resources Revenue
**NOTICES**
National Environmental Policy Act Implementing Procedures:
Additions to Categorical Exclusions for Bureau of Indian Affairs, 8098–8100

**Internal Revenue Service**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8135–8136

**International Trade Administration**
**NOTICES**
Requests for Nominations:
Appointment to the U.S. Section of U.S.-Turkey Business Council; Amendment, 8059–8060

**International Trade Commission**
**NOTICES**
Investigations; Determinations, Modifications and Rulings, etc.:
Certain Laser Abraded Denim Garments, 8108–8109

**Justice Department**
*See* National Institute of Corrections
**NOTICES**
Meetings:
President's Task Force on 21st Century Policing Discussing the Task Force Report; Teleconference, 8109

**Land Management Bureau**
**NOTICES**
Environmental Impact Statements; Availability, etc.:
Gold Rock Mine Project, White Pine County, NV, 8107–8108
Gunnison Field Office, Colorado; Resource Management Plan Amendment, 8105–8107

**Legal Services Corporation**
**NOTICES**
Meetings; Sunshine Act, 8110

**Maritime Administration**
**NOTICES**
Meetings:
U.S. Merchant Marine Academy Board of Visitors, 8133

**National Institute of Corrections**
**NOTICES**
Meetings:
Advisory Board, 8109–8110

**National Institutes of Health**
**PROPOSED RULES**
Clinical Trials Registration and Results Submission, 8030–8031
**NOTICES**
Bethesda Campus Master Plan Record of Decision, 8094–8096
Gudiance:
Dissemination of NIH-Funded Clinical Trial Information, 8096–8098

**National Oceanic and Atmospheric Administration**
**RULES**
Endangered and Threatened Species:
Designation of Critical Habitat for the Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye and Canary Rockfish and Bocaccio; Correction, 7977–7979
Fisheries of the Exclusive Economic Zone Off Alaska:
Big Skate in the Central Regulatory Area of the Gulf of Alaska, 7979
**PROPOSED RULES**
Taking and Importing Marine Mammals:
Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research, 8166–8237
**NOTICES**
Applications:
Marine Mammals; File No. 18881, 8060–8061
Meetings:
Gulf of Mexico Fishery Management Council, 8064–8065
Pacific Fishery Management Council, 8063–8064
South Atlantic Fishery Management Council, 8061–8063
Permits:
Marine Mammals; File No. 13430, 8065
Marine Mammals; File No. 14301, 8065
Requests for Nominations:
Seats for National Marine Sanctuary Advisory Councils, 8065–8067

**National Park Service**
**NOTICES**
National Register of Historic Places; Pending Nominations and Related Actions, 8108

**Navy Department**
**NOTICES**
Environmental Impact Statements; Availability, etc.:
Land-Water Interface and Service Pier Extension, Naval Base Kitsap Bangor, Silverdale, WA; Meetings, 8076–8078
Privacy Act; Systems of Records, 8078–8079

**Office of Natural Resources Revenue**
**PROPOSED RULES**
Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform, 7994

**Pension Benefit Guaranty Corporation**
**RULES**
Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits, 7967–7968

**Pipeline and Hazardous Materials Safety Administration**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Hazardous Materials, 8133–8134

**Securities and Exchange Commission**
**NOTICES**
Applications:
Pacific Life Insurance Co., et al., 8115–8118
The Adams Express Co., Petroleum and Resources Corp., 8110–8115
Contract Standard for Contractor Workforce Inclusion, 8118–8122

**Small Business Administration**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8122
Disaster Declarations:
Vermont, 8122–8123
InnovateHER: Innovating for Women Business Challenge, 8123–8124

**Surface Transportation Board**
**NOTICES**
Operation Exemptions:
Bogalusa Bayou Railroad, LLC d/b/a Geaux Geaux Railroad from Geaux Geaux Railroad, LLC, 8135

**Transportation Department**
*See* Federal Aviation Administration
*See* Federal Highway Administration
*See* Federal Railroad Administration
*See* Maritime Administration
*See* Pipeline and Hazardous Materials Safety Administration
*See* Surface Transportation Board
**NOTICES**
Meetings:
Global Positioning System Adjacent Band Compatibility Assessment Workshop III, 8124–8125

**Treasury Department**
*See* Comptroller of the Currency
*See* Internal Revenue Service
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8135

**U.S.–China Economic and Security Review Commission**
**NOTICES**
Meetings:
U.S.-China Economic and Security Review Commission, 8136–8137

**Separate Parts In This Issue**

**Part II**
Housing and Urban Development Department, 8140–8163

**Part III**
Commerce Department, National Oceanic and Atmospheric Administration, 8166–8237

**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.

**12 CFR**

**Proposed Rules:**

Ch. I ..... 7980
Ch. II ..... 7980
Ch. III ..... 7980

**14 CFR**

**Proposed Rules:**

39 (3 documents) ... 7986, 7989, 7992

**29 CFR**

4022 ..... 7967

**30 CFR**

**Proposed Rules:**

1202 ..... 7994
1206 ..... 7994

**33 CFR**

165 ..... 7968

**Proposed Rules:**

100 ..... 7994
165 ..... 7994
203 ..... 8014

**40 CFR**

81 ..... 7970
180 ..... 7971

**Proposed Rules:**

52 ..... 8018
60 ..... 8023
61 ..... 8023
63 ..... 8023

**42 CFR**

406 ..... 7975
407 ..... 7975
408 ..... 7975

**Proposed Rules:**

11 ..... 8030

**47 CFR**

73 ..... 7977

**Proposed Rules:**

25 ..... 8031
73 ..... 8031
76 ..... 8031

**50 CFR**

223 ..... 7977
224 ..... 7977
679 ..... 7979

**Proposed Rules:**

17 ..... 8053
219 ..... 8166

# Rules and Regulations

Federal Register
Vol. 80, No. 30
Friday, February 13, 2015

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

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

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Part 4022

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

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

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

**DATES:** Effective March 1, 2015.

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

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

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

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

The March 2015 interest assumptions under the benefit payments regulation will be 0.50 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for February 2015, these interest assumptions represent a decrease of 0.50 percent in the immediate annuity rate and are otherwise unchanged.

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

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

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

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

**List of Subjects in 29 CFR Part 4022**

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

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

## PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

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

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

■ 2. In appendix B to part 4022, Rate Set 257, as set forth below, is added to the table.

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

* * * * *

| Rate set | For plans with a valuation date | | Immediate annuity rate (percent) | Deferred annuities (percent) | | | | |
|---|---|---|---|---|---|---|---|---|
| | On or after | Before | | $i_1$ | $i_2$ | $i_3$ | $n_1$ | $n_2$ |
| * | * | * | * | * | * | * | * | |
| 257 | 3–1–15 | 4–1–15 | 0.50 | 4.00 | 4.00 | 4.00 | 7 | 8 |

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

■ 3. In appendix C to part 4022, Rate Set 257, as set forth below, is added to the table.

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

* * * * *

| Rate set | For plans with a valuation date | | Immediate annuity rate (percent) | Deferred annuities (percent) | | | | |
|---|---|---|---|---|---|---|---|---|
| | On or after | Before | | $i_1$ | $i_2$ | $i_3$ | $n_1$ | $n_2$ |
| * | * | * | * | * | * | * | * | |
| 257 | 3–1–15 | 4–1–15 | 0.50 | 4.00 | 4.00 | 4.00 | 7 | 8 |

Issued in Washington, DC, on this 6th day of February 2015.

**Judith Starr,**

*General Counsel, Pension Benefit Guaranty Corporation.*

[FR Doc. 2015–03050 Filed 2–12–15; 8:45 am]

**BILLING CODE 7709–02–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

**[Docket No. USCG–2014–0751]**

**RIN 1625–AA00**

## Safety Zone; Triathlon National Championships, Milwaukee Harbor, Milwaukee, Wisconsin

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone within Milwaukee Harbor in Milwaukee, Wisconsin. This zone is intended to restrict vessels from a portion of Milwaukee Harbor due to the 2015 Olympic and Sprint Distance National Championships. This safety zone is necessary to protect the surrounding public and vessels from the hazards associated with the 2015 Olympic and Sprint Distance National Championships.

**DATES:** This final rule is effective from August 1, 2015, until August 30, 2015.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG–2014–0751. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, contact MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148 or by email at *Joseph.P.McCollum@USCG.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

### Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

### A. Regulatory History and Information

On December 30, 2014, The Coast Guard published an NPRM entitled Safety Zone; Triathlon National Championships, Milwaukee Harbor, Milwaukee, Wisconsin in the **Federal Register** (79 FR 78369). We did not receive any comments in response to the proposed rule. No public meeting was requested and none was held.

### B. Basis and Purpose

The legal basis for this rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

In 2014, the Coast Guard was informed that the Olympic and Sprint Distance National Championships are scheduled to return to Milwaukee Harbor in 2015. Within and around Milwaukee Harbor at Lakeshore inlet, this event is expected to involve thousands of participants competing in a swim race surrounded by thousands of spectators. The swim portion of this event is anticipated to occur on three days during the second week of August, 2015. The Captain of the Port Lake Michigan has determined that the likelihood of transiting watercraft during the swim competition involving a large number of competitors presents a significant risk of serious injuries or fatalities.

### C. Discussion of Comments, Changes and the Final Rule

The Captain of the Port Lake Michigan has determined that a safety zone is necessary to mitigate the aforementioned safety risks. Thus, this rule establishes a safety zone that encompasses all waters of Milwaukee Harbor, including Lakeshore inlet and the Marina at Pier Wisconsin, west of an imaginary line across the entrance to the Marina at Pier Wisconsin connecting coordinates 43°02.253′ N., 087°53.623′ W. and 43°01.737′ N., 087°53.727′ W. (NAD 83).

This rule will be effective from August 1, 2015, until August 30, 2015. Additionally, the Coast Guard anticipates that this safety zone will be enforced from 10:30 a.m. until 2:30 p.m. on August 7; from 6:30 a.m. until 4:30 p.m. on August 8, and from 6:30 a.m. until 11:30 a.m. on August 9, 2015. This 2015 enforcement schedule may change, and in the event of a change, the Captain of the Port Lake Michigan will issue a Notice of Enforcement with an updated enforcement schedule.

The Captain of the Port Lake Michigan will notify the public that the zone in this rule is or will be enforced by all appropriate means to the affected segments of the public including publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners.

All persons and vessels shall comply with the instructions of the Captain of the Port Lake Michigan or her designated on-scene representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or her designated on-scene representative. The Captain of

the Port Lake Michigan or her designated on-scene representative may be contacted via VHF Channel 16.

**D. Regulatory Analyses**

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

*1. Regulatory Planning and Review*

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. Overall, we expect the economic impact of this rule to be minimal and that a full Regulatory Evaluation is unnecessary.

*2. Impact on Small Entities*

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule would have significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor within the waters of the marina at Pier Wisconsin or Lakeshore inlet during the times in which the safety zone is enforced in August of 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be enforced for a limited time during the month of August; further, this safety zone has been designed to allow traffic to pass safely around the zone whenever possible, and vessels will be allowed to pass through the zone with the permission of the Captain of the Port.

*3. Assistance for Small Entities*

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in **FOR FURTHER INFORMATION CONTACT** section, above. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

*4. Collection of Information*

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

*5. Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

*6. Protest Activities*

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

*7. Unfunded Mandates Reform Act*

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

*8. Taking of Private Property*

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

*9. Civil Justice Reform*

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

*10. Protection of Children*

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

*11. Indian Tribal Governments*

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

*12. Energy Effects*

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

*13. Technical Standards*

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

*14. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and thus, is categorically excluded under paragraph (34)(g) of the Instruction. An environmental analysis checklist

supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0751 to read as follows:

**§ 165.T09–0751 Safety Zone; Triathlon National Championships, Milwaukee Harbor, Milwaukee, Wisconsin.**

(a) *Location.* The safety zone will encompass all waters of Milwaukee Harbor, including Lakeshore inlet and the marina at Pier Wisconsin, west of an imaginary line across the entrance to the Marina at Pier Wisconsin connecting coordinates 43°02.253′ N, 087°53.623′ W and 43°01.737′ N, 087°53.727′ W (NAD 83).

(b) *Effective period.* This safety zone is effective from August 1, 2015, until August 30, 2015. The Coast Guard anticipates that this safety zone will be enforced from 10:30 a.m. until 2:30 p.m. on August 7; from 6:30 a.m. until 4:30 p.m. on August 8, and from 6:30 a.m. until 11:30 a.m. on August 9, 2015. This 2015 enforcement schedule may change, and in the event of a change, the Captain of the Port Lake Michigan will issue a Notice of Enforcement with an updated enforcement schedule.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring in this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or her designated on-scene representative.

(2) This safety zone is closed to all vessel traffic except as permitted by the Captain of the Port Lake Michigan or her designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Lake Michigan to act on her behalf. The Captain of the Port Lake Michigan or her designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Lake Michigan or her designated on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or her on-scene representative.

Dated: January 30, 2014.

**A.B. Cocanour,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. 2015–03074 Filed 2–12–15; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 81

**[EPA–R03–OAR–2013–0690; FRL–9921–31–Region 3]**

## Approval and Promulgation of Air Quality Implementation Plans; West Virginia's Redesignation Request and Associated Maintenance Plan of the West Virginia Portion of the Martinsburg-Hagerstown, WV-MD Nonattainment Area for the 1997 Annual Fine Particulate Matter Standard; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** This document corrects an error in the rule language of a final rule pertaining to West Virginia's request to redesignate to attainment the West Virginia portion of the Martinsburg-Hagerstown, WV-MD nonattainment area for the 1997 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS), which was published in the **Federal Register** on Tuesday, November 25, 2014 (79 FR 70099).

**DATES:** This document is effective on February 13, 2015.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814–2182 or by email at *quinto.rose@.epa.gov.*

**SUPPLEMENTARY INFORMATION:** On November 25, 2014 (79 FR 70099), the Environmental Protection Agency (EPA) published a final rulemaking action announcing the approval of West Virginia's request to redesignate to attainment the Martinsburg-Hagerstown, WV-MD nonattainment area for the 1997 annual $PM_{2.5}$ NAAQS.

**Need for Correction**

As published, the final redesignation contains an error. EPA inadvertently added the word ''Moderate'' in the table for the 1997 annual $PM_{2.5}$ NAAQS. The intent of the final rule was to redesignate the Area to attainment. Moderate is a classification for nonattainment areas. This action corrects the table of 40 CFR part 81 for West Virginia's 1997 annual $PM_{2.5}$ NAAQS.

**List of Subjects in 40 CFR Part 81**

Air pollution, National Parks, Wilderness areas.

Dated: January 28, 2015.

**William C. Early,**

*Acting Regional Administrator, EPA Region III.*

Accordingly, 40 CFR part 81 is corrected by making the following correcting amendments:

## PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. Section 81.349 is amended by revising the entry for ''Martinsburg, WV-Hagerstown, MD: Berkeley County'' at the end of the table titled ''West Virginia—1997 Annual $PM_{2.5}$ NAAQS'' to read as follows:

**§ 81.349 West Virginia.**

* * * * *

WEST VIRGINIA—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

| Designated Area | Designation [a] | | Classification | |
|---|---|---|---|---|
| | Date [1] | Type | Date [2] | Type |
| * * * * | * | | * | * |
| Martinsburg, WV-Hagerstown, MD: | | | | |
| Berkeley County | 11/25/14 | Attainment. | | |
| * * * * | * | | * | * |

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2015–02851 Filed 2–12–15; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

**[EPA–HQ–OPP–2014–0530; FRL–9922–07]**

## Pyrimethanil; Pesticide Tolerances

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for residues of pyrimethanil in or on pomegranate at 5.0 parts per million (ppm). Janssen PMP requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective February 13, 2015. Objections and requests for hearings must be received on or before April 14, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0530, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

*C. How can I file an objection or hearing request?*

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0530 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 14, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0530, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

### II. Summary of Petitioned-For Tolerance

In the **Federal Register** of December 17, 2014 (79 FR 75107) (FRL–9918–90), EPA issued a document pursuant to

FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8213) by Janssen PMP, Janssen Pharmaceutica NV, 1125 Trenton-Harbourton Rd Titusville, NJ 08560–0200. The petition requested that the 40 CFR 180.518 be amended by establishing a tolerance for residues of the fungicide pyrimethanil in or on pomegranate at 5.0 parts per million (ppm). That document referenced a summary of the petition prepared by Janssen PMP, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

**III. Aggregate Risk Assessment and Determination of Safety**

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyrimethanil including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with pyrimethanil follows.

*A. Toxicological Profile*

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Pyrimethanil is of low acute lethality by the oral, dermal, and inhalation routes. It is a slight eye irritant, is not irritating to the skin, and it is not a dermal sensitizer. A single oral dose of 1,000 milligram/kilogram (mg/kg) produced a number of acute signs of neurotoxicity, including ataxia, dilated pupils, and decreases in motor activity, hind limb grip strength, and body temperature. However, there was no evidence of neurotoxicity with repeated dosing in a subchronic neurotoxicity study in rats. The major target organs of repeated oral exposure were the liver, kidney, and the thyroid. These effects were accompanied by decreased body weight. Reproductive toxicity was not observed, and developmental effects (*e.g.,* decreased fetal weight, retarded ossification, extra ribs) were observed only at maternally toxic doses. Special short-term exposure studies demonstrated increased liver uridine diphosphate glucuronosyl transferase (UDPGT) activity leading to decreases in thyroid hormones (T3, T4) and compensatory increases in thyroid-stimulating hormone (TSH) in adult rats.

Thyroid adenomas were seen in rats following long-term exposure, and it was concluded that they were mediated via disruption of the thyroid/pituitary axis. There were no concerns for mutagenicity. The EPA has classified pyrimethanil as ''Not Likely To Be Carcinogenic To Humans At Doses That Do Not Alter Rat Thyroid Hormone Homeostasis.'' This decision was based on the following:

1. There were treatment-related increases in thyroid follicular cell tumors in male and female Sprague-Dawley rats at doses which were considered adequate to assess carcinogenicity; however, rats are substantially more sensitive than humans are to the development of thyroid follicular cell tumors in response to thyroid hormone imbalance.

2. There were no treatment-related tumors seen in male or female CD–1 mice at doses which were considered adequate to assess carcinogenicity.

3. There is no mutagenicity concern and there is no evidence for thyroid carcinogenesis mediated through a mutagenic mode of action.

4. The non-neoplastic toxicological evidence (*i.e.,* thyroid growth, thyroid hormonal changes) indicated that pyrimethanil was inducing a disruption in the thyroid-pituitary hormonal status. The overall weight-of-evidence was considered sufficient to indicate that pyrimethanil induced thyroid follicular tumors through a non-linear, antithyroid mode of action.

For these reasons, EPA determined that quantification of carcinogenic risk is not required and that the no observed adverse effect level (NOAEL) (17 mg/kg/day) established for deriving the chronic reference dose (cPAD) would be protective of cancer effects. Due to the non-linear mode of action of pyrimethanil, exposure at the NOAEL is not expected to alter thyroid hormone homeostasis nor result in thyroid tumor formation.

Specific information on the studies received and the nature of the adverse effects caused by pyrimethanil as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in the final rule published in the **Federal Register** of August 1, 2012 (77 FR 45499) (FRL–9354–7).

*B. Toxicological Points of Departure/Levels of Concern*

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for pyrimethanil used for human risk assessment is discussed in Unit III. B. of the final rule published in the **Federal Register** of August 1, 2012 (77 FR 45500) (FRL–9354–7).

*C. Exposure Assessment*

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to pyrimethanil, EPA considered exposure under the petitioned-for tolerances as well as all existing pyrimethanil tolerances in 40 CFR 180.518. EPA assessed dietary exposures from pyrimethanil in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for pyrimethanil. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed default processing factors (as necessary), empirical processing factors for orange and apple juice, tolerance-level residues, and 100 percent crop treated (PCT) for all commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 NHNES/WWEIA. As to residue levels in food, EPA assumed default processing factors (as necessary), empirical processing factors for orange and apple juice, tolerance-level residues, and 100 PCT for all commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that pyrimethanil should be classified as ''Not Likely to be Carcinogenic to Humans at Doses That Do Not Alter Rat Thyroid Hormone Homeostasis''. Therefore a separate cancer exposure assessment was not performed.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for pyrimethanil. Tolerance-level residues and/or 100 PCT were assumed for all food commodities.

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

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of pyrimethanil for acute exposures are estimated to be 86.5 parts per billion (ppb) for surface water and 4.8 ppb for ground water. For chronic exposures for non-cancer assessments, they are estimated to be 29.4 ppb for surface water and 4.8 ppb for ground water. Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

For acute dietary risk assessment, the water concentration value of 86.5 ppb was used to assess the contribution to drinking water.

For chronic dietary risk assessment, the water concentration of value 29.4 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Pyrimethanil is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found pyrimethanil to share a common mechanism of toxicity with any other substances, and pyrimethanil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that pyrimethanil does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

*D. Safety Factor for Infants and Children*

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The prenatal and postnatal toxicology database for pyrimethanil includes rat and rabbit developmental toxicity studies and a 2-generation reproduction toxicity study in rats. As discussed in Unit III.A., there was no evidence of increased quantitative or qualitative susceptibility of fetuses or offspring following exposure to pyrimethanil in these studies.

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

i. The toxicity database for pyrimethanil is complete.

ii. Although there is evidence of neurotoxicity in the acute neurotoxicity study, concern is low since effects were only seen at the limit dose, effects are well-characterized with clearly established NOAEL/LOAEL values, and the selected endpoints are protective for the observed effects. The thyroid has been shown to be one of the target organs in adult animals for pyrimethanil-induced toxicity thus raising a potential concern for thyroid toxicity in the young. EPA, however concluded that there is no concern for thyroid toxicity in the young based on the following weight of evidence considerations: The effects seen on the thyroid and the liver database, while treatment-related, are not severe in nature; and in each of the studies that show an effect on thyroid hormone levels, as well as in all studies chosen for PODs selection, there is a wide dose spread (~10-fold difference between NOELs and LOAELs) which provides a measure of protection for any potential effects linked to decreased thyroid hormone levels in offspring.

iii. There is no evidence that pyrimethanil results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or

in young rats in the 2-generation reproduction study.

iv. The exposure databases are sufficient to determine the nature/magnitude of the residue in food and dietary analyses are unlikely to underestimate risk of exposure from pyrimethanil.

*E. Aggregate Risks and Determination of Safety*

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to pyrimethanil will occupy 38% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to pyrimethanil from food and water will utilize 78% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for pyrimethanil.

3. *Short-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short- and intermediate-term adverse effect was identified; however, pyrimethanil is not registered for any use patterns that would result in short-and/or intermediate-term residential exposure. Short-and intermediate-term risk is assessed based on short-and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short-and intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-and intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-and intermediate-term risk for pyrimethanil.

4. *Aggregate cancer risk for U.S. population.* The Agency determined that the thyroid tumors seen in rat studies arise through a non-linear mode of action and the NOAEL (17 mg/kg/day) established for deriving the cRfD is not expected to alter thyroid hormone homeostasis nor result in thyroid tumor formation. Thus, the chronic risk assessment addresses any cancer risk. Based on the results of chronic risk assessment, EPA concludes that aggregate exposure to pyrimethanil will not cause a cancer risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to pyrimethanil residues.

## IV. Other Considerations

*A. Analytical Enforcement Methodology*

Adequate enforcement methodology (high-performance liquid chromatography (HPLC)) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

*B. International Residue Limits*

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for pyrimethanil in or on pomegranate.

## V. Conclusion

Therefore, a tolerance is established for residues of pyrimethanil, in or on pomegranate at 5.0 ppm.

## VI. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, 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) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as

described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

### VII. Congressional Review Act

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

### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 6, 2015.

**Daniel J. Rosenblatt,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

## PART 180—AMENDED

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.518, alphabetically add the commodity ''Pomegranate'' to the table in paragraph (a)(1) to read as follows:

**§ 180.518 Pyrimethanil; tolerance for residues.**

(a) * * *

(1) * * *

| Commodity | Parts per million |
|---|---|
| * * * * * | |
| Pomegranate | 5.0 |
| * * * * * | |

* * * * *

[FR Doc. 2015–02949 Filed 2–12–15; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

### 42 CFR Parts 406, 407, and 408

**[CMS–4176–NR]**

## Announcement of Ruling: Implementing United States v. Windsor for Purposes of Entitlement and Enrollment in Medicare Hospital Insurance and Supplementary Medical Insurance

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

**ACTION:** Notice of CMS ruling.

**SUMMARY:** This document announces a CMS Ruling that states the CMS policies for implementing *United States* v. *Windsor* (''Windsor''), in which the Supreme Court held that section 3 of the Defense of Marriage Act (DOMA), enacted in 1996, is unconstitutional. Section 3 of DOMA defined ''marriage'' and ''spouse'' as excluding same-sex marriages and same-sex spouses, and effectively precluded the Federal government from recognizing same-sex marriages and spouses.

**DATES:** The CMS ruling announced in this document is applicable beginning February 9, 2015, with respect to appeals pending on, initiated, or reopened in accordance with applicable rules after February 9, 2015, for entitlement and enrollment determinations made on or after June 26, 2013. This ruling does not apply to appeals of entitlement and enrollment determinations made before June 26, 2013.

**FOR FURTHER INFORMATION CONTACT:** Patty Helphenstine (410) 786–0622.

**SUPPLEMENTARY INFORMATION:** In ''Windsor,'' (570 U.S. 12, 133 S. Ct. 2675 (2013), the Supreme Court held that section 3 of the Defense of Marriage Act (DOMA), enacted in 1996 (codified at 1 U.S.C. 7), is unconstitutional.

The CMS Administrator signed Ruling CMS–4176–R on February 9, 2015. This CMS Ruling, as well as other CMS Rulings are available at *http://www.cms.gov/Regulations-and-Guidance/Guidance/Rulings/index.html.* For the readers' convenience, the text of the CMS Ruling 4176–R is set forth in the Appendix to this notice of CMS ruling.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 9, 2015.

**Marilyn Tavenner,**

*Administrator, Centers for Medicare & Medicaid Services.*

### APPENDIX

### CMS Rulings

### Department of Health and Human Services

### Centers for Medicare & Medicaid Services

Ruling No.: CMS–4176–R

Date: February 9, 2015

**Centers for Medicare & Medicaid Services (CMS) Rulings** are decisions of the Administrator of CMS that serve as precedential final opinions, orders and statements of policy and interpretation. They provide clarification and interpretation of complex provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters. They are published under the authority of the Administrator.

**CMS Rulings** are binding on all CMS components, Part A and Part B Medicare Administrative Contractors (MACs), Qualified Independent Contractors (QICs), the Provider Reimbursement Review Board, the Medicare Geographic Classification Review Board, and on the Medicare Appeals Council and Administrative Law Judges (ALJs) who hear Medicare appeals. Rulings promote consistency in interpretation of policy and adjudication of disputes.

This Ruling states the CMS policies for implementing *United States* v. *Windsor,* 570 U.S. 12, 133 S. Ct. 2675 (2013) (''*Windsor*''), in which the Supreme Court held that section 3 of the Defense of Marriage Act (DOMA), enacted in 1996 (codified at 1 U.S.C. 7), is unconstitutional. Section 3 of DOMA defined ''marriage'' and ''spouse'' as excluding same-sex marriages and same-sex spouses, and effectively precluded the Federal government from recognizing same-sex marriages and spouses.

### MEDICARE PROGRAM

Entitlement and Enrollment in Medicare Hospital Insurance (Part A) and Medicare Supplementary Medical Insurance (Part B)

**CITATIONS:** Sections 216(h), 226, 226A, 1818(c)–(d), 1837(i) and 1839 of the Social Security Act (42 U.S.C. Sections 416, 426, 426–1, 1395i–2, 1395p and 1395r); 42 CFR 406.5, 406.10, 406.13, 406.24, 406.32(c)–(d), 406.33, 406.34, 407.20, 407.22(a)(5), 407.25(c), 407.27(b), 408.22 and 408.24.

**BACKGROUND**

Section 3 of the Defense of Marriage Act (DOMA), enacted in 1996 (codified at 1 U.S.C. 7), defined ''marriage'' and ''spouse'' as follows: ''The word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.'' However, in June 2013, the United States Supreme Court ruled that Section 3 of DOMA is unconstitutional. *United States* v. *Windsor,* 570 U.S. 12, 133 S. Ct. 2675 (2013) *(''Windsor'').* After the Supreme Court's opinion in *Windsor,* section 3 of DOMA no longer prohibits the Federal government from recognizing same-sex marriages when administering Federal statutes and programs and no longer controls the definition and recognition of a marital relationship in that context.

Marital status is relevant to certain Medicare entitlements, premiums, benefits, and enrollment provisions. This Ruling provides binding CMS policy for the application of these provisions in the context of a same-sex marriage.

**RULING**

This Ruling states the CMS policies for implementing *United States* v. *Windsor,* 570 U.S. 12, 133 S. Ct. 2675 (2013) for purposes of certain entitlement, eligibility and enrollment provisions for Medicare. Note that the rules for recognizing a same-sex marriage (and treatment of a same-sex relationship that is not a marriage) for purposes of eligibility and entitlement controlled by Title II of the Social Security Act (the Act) are different than the rules for recognizing a same-sex marriage (and treatment of a same-sex relationship that is not a marriage) for benefits provided under Title XVIII of the Act.

**POLICY**

Because section 3 of DOMA is unconstitutional, it no longer defines or controls the recognition of a marital relationship by the Federal government. In the absence of controlling law to the contrary, the Department of Health and Human Services (HHS) has adopted a policy of treating same-sex marriages on the same terms as opposite-sex marriages to the greatest extent reasonably possible and of recognizing marriages between individuals of the same sex who were lawfully married under the law of the state, territory, or foreign jurisdiction where the marriage was entered into (''celebration rule''), regardless of where the couple resides. As a general matter, for determinations made solely under Title II of the Act, we note that rules applicable specifically to Title II of the Act apply. In addition, for determinations made under Title XVIII, we note that rules applicable specifically to Title XVIII of the Act apply.

**Title II Provisions**

Title II determinations within the scope of this Ruling are eligibility for Medicare based on age or end-stage renal disease under sections 226 and 226A of the Act. Section 216 of the Act explicitly provides the definitions of terms describing the marital relationship and directs recognition and deeming of marital relationships for all of Title II of the Act. As a result, section 216 of the Act is the controlling provision in determining family and marital status for purposes of eligibility for Medicare when eligibility is based on a provision under Title II of the Act. Section 216(h)(1)(A)(i) explicitly controls recognition of a marriage:

An applicant is the wife, husband, widow, or widower of a fully or currently insured individual for purposes of this subchapter if the courts of the State in which such insured individual is domiciled at the time such applicant files an application, or, if such insured individual is dead, the courts of the State in which he was domiciled at the time of death, or, if such insured individual is or was not so domiciled in any State, the courts of the District of Columbia, would find that such applicant and such insured individual were validly married at the time such applicant files such application or, if such insured individual is dead, at the time he died.

The Social Security Administration (SSA) has issued policies interpreting and implementing section 216 of the Act in the context of same-sex marriages and other relationships. Generally, such policies look to the law of the domicile of the social security number holder to determine whether to recognize a marriage. Such interpretations of section 216(h) are applicable for purposes of entitlement and eligibility determinations under sections 226 and 226A. The SSA has interpreted and directed the application of section 216(h) in the following Program Operations Manual System (POMS) sections issued by SSA:

- GN 00210.002: Same-Sex Marriage—Determining Marital Status for Title II and Medicare Benefits.
- GN 00210.003: Same-Sex Marriage—Dates States Permitted or Recognized Same-Sex Marriage.
- GN 00210.004: Non-Marital Relationships (Such as Civil Unions and Domestic Partnerships).
- GN 00210.006: Same-Sex Marriages Celebrated in Foreign Jurisdictions.

CMS follows SSA interpretations on the application of section 216(h) to same sex marriages and same sex spouses for purposes of Title II. CMS policy illustrating the application of these policies to determinations made under sections 226 and 226A is articulated in the following POMS sections issued by SSA:

*Entitlement under section 226 and 42 CFR 406.5 and 406.10:*

- GN 00210.100: Same-Sex Marriage and Non-Marital Legal Relationships—Benefits for Aged Spouses.
- GN 00210.400: Same-Sex Marriage—Benefits for Surviving Spouses.

*Entitlement under section 226A and 42 CFR 406.5 and 406.13:*

- GN 00210.705: Same-Sex Marriage—Medicare Based on End-Stage Renal Disease (ESRD).

**Title XVIII Provisions**

There are no controlling provisions in Title XVIII of the Act or regulations implementing the Title XVIII provisions within the scope of this Ruling that define or direct recognition or deeming of marital relationships. Therefore, CMS has adopted a policy of interpreting sections 1818(d), 1837(i) and 1839 of the Act in a manner that treats same-sex marriages on the same terms as opposite-sex marriages to the greatest extent reasonably possible and uses a celebration rule where possible. ''Celebration rule'' means that a same-sex marriage is recognized and treated as a lawful marriage (where marital status is relevant to a determination of entitlement) if the same-sex marriage was lawful where and when it occurred. Individuals in non-marital same-sex relationships (such as domestic partnerships or civil unions that are not marriages) are not considered married.

The SSA processes applications and initial eligibility determinations under these statutes by applying CMS policy. CMS policy for the implementation of *Windsor* in the context of these Title XVIII provisions is articulated in the POMS sections issued by the SSA as follows:

*Calculation of hospital insurance (Part A) premium under section 1818(d) and 42 CFR 406.32(c):*

- GN 00210.706: Same-Sex Marriage—HI Premium Reduction for Aged and Disabled Individuals.

*Eligibility for a special enrollment period based on enrollment in a group health plan by reason of a spouse's*

*current employment under sections 1818(c) and 1837(i) and 42 CFR 406.24, 407.20, 407.22, 407.25, and 407.27:*

• GN 00210.700: Same-Sex Marriage—Eligibility for Medicare Special Enrollment Period (SEP).

*Calculation of late enrollment penalty for premium hospital insurance (Premium Part A) and supplemental medical insurance (Part B) under section 1818(c) and 1839 and 42 CFR 406.32(d), 406.33, 406.34, 408.22, and 408.24:*

• GN 00210.701: Same-Sex Marriage—Premium Surcharge Rollback.

**EFFECTIVE DATE**

This Ruling is effective on February 9, 2015, with respect to appeals on, initiated, or reopened in accordance with applicable rules after February 9, 2015, for entitlement and enrollment determinations made on or after June 26, 2013. This ruling does not apply to appeals of entitlement and enrollment determinations made before June 26, 2013.

Dated: *February 9, 2015*

Marilyn Tavenner,
Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2015–03069 Filed 2–12–15; 8:45 am]

**BILLING CODE 4120–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MB Docket No. 14–245, RM–11740; DA 15–150]**

### Television Broadcasting Services; Longview, Texas

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** A petition for rulemaking was filed by KCEB License Company, LLC (''KCEB License''), the licensee of KCEB(TV), channel 51, Longview, Texas, requesting the substitution of channel 26 for channel 51 at Longview. KCEB License filed comments reaffirming its interest in the proposed channel substitution and explained that the channel substitution will replicate KCEB(TV)'s current coverage area on channel 51 and serve 34,104 more persons than the current channel 51 facility. This will eliminate any potential interference with wireless operations in the Lower 700 MHz A Block and facilitate the clearing of the adjacent television band as expeditiously as possible.

**DATES:** Effective February 13, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jeremy Miller, *Jeremy.Miller@fcc.gov,* Media Bureau, (202) 418–1507.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order,* MB Docket No. 14–245, adopted February 9, 2015, and released February 9, 2015. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be available via ECFS (*http://fjallfoss.fcc.gov/ecfs/*). To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Television.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336, and 339.

**§ 73.622 [Amended]**

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Texas is amended by removing channel 51 and adding channel 26 at Longview.

[FR Doc. 2015–03168 Filed 2–12–15; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Parts 223 and 224

**[Docket No. 130404330–5117–03]**

**RIN 0648–BC76**

### Endangered and Threatened Species; Designation of Critical Habitat for the Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish and Bocaccio; Correction

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

**ACTION:** Correcting amendment.

**SUMMARY:** This action corrects an omission in the final rule to designate critical habitat for three DPSs of rockfish from the Puget Sound/Georgia Basin. The final rule for ''Designation of Critical Habitat for the Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish and Bocaccio'' failed to update the columns labeled ''Critical habitat,'' in the tables of threatened and endangered species to cross reference these new rules. Therefore, this document corrects the tables by citing the critical habitat designations in the columns of the tables.

**DATES:** This final rule is effective February 11, 2015.

**ADDRESSES:** Information regarding this final rule may be obtained by contacting NMFS, Endangered Species Division, 1315 East West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Dr. Dwayne Meadows, NMFS, Office of Protected Resources (301) 427–8403.

**SUPPLEMENTARY INFORMATION:**

**Need for Correction**

In a final rule NMFS published on November 13, 2014 (79 FR 68041) to designate critical habitat for 3 DPSs of rockfishes, we did not update the columns labeled ''Critical habitat'' in the tables of threatened and endangered species in 50 CFR 223.102(e) and 50 CFR 224.101(h), respectively, to cross reference these new rules.

**List of Subjects**

*50 CFR Part 223*

Endangered and threatened species, Exports, Imports, Transportation.

*50 CFR Part 224*

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

For the reasons set out in the preamble, 50 CFR parts 223 and 224 are amended to read as follows:

## PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

**Authority:** 16 U.S.C. 1531–1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102(e), under the subheading ''Fishes'', revise the table entries for ''Rockfish, canary (Puget Sound/Georgia Basin DPS)'', and ''Rockfish, yelloweye (Puget Sound/Georgia Basin DPS)'' to read as follows:

**§ 223.102 Enumeration of threatened marine and anadromous species.**

* * * * *

(e) * * *

| Species [1] | | | Citation(s) for listing determination(s) | Critical habitat | ESA rules |
|---|---|---|---|---|---|
| Common name | Scientific name | Description of listed entity | | | |
| * | * | * | * | * | * |
| FISHES | | | | | |
| * | * | * | * | * | * |
| Rockfish, canary (Puget Sound/Georgia Basin DPS). | *Sebastes pinniger*. | Canary rockfish originating from Puget Sound and the Georgia Basin. | 75 FR 22276, Apr 28, 2010 ..... | 226.224 | NA. |
| Rockfish, yelloweye (Puget Sound/Georgia Basin DPS). | *Sebastes ruberrimus*. | Yelloweye rockfish originating from Puget Sound and the Georgia Basin. | 75 FR 22276, Apr 28, 2010 ..... | 226.224 | NA. |
| * | * | * | * | * | * |

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

* * * * *

## PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 3. The authority citation for part 224 continues to read as follows:

**Authority:** 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

■ 4. In § 224.101, paragraph (h), under the subheading ''Fishes'', revise the table entry for ''Bocaccio (Puget Sound/Georgia Basin DPS)'' to read as follows:

**§ 224.101 Enumeration of endangered marine and anadromous species.**

* * * * *

(h) * * *

| Species [1] | | | Citation(s) for listing determination(s) | Critical habitat | ESA rules |
|---|---|---|---|---|---|
| Common name | Scientific name | Description of listed entity | | | |
| * | * | * | * | * | * |
| FISHES | | | | | |
| Bocaccio (Puget Sound/Georgia Basin DPS). | *Sebastes paucispinis*. | Bocaccio originating from Puget Sound and the Georgia Basin. | 75 FR 22276, Apr 28, 2010 ..... | 226.224 | NA. |
| * | * | * | * | * | * |

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

* * * * *

Dated: February 10, 2015.

**Samuel D. Rauch, III,**

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

[FR Doc. 2015–03087 Filed 2–11–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 679

**[Docket No. 130925836–4174–02]**

**RIN 0648–XD761**

## Fisheries of the Exclusive Economic Zone Off Alaska; Big Skate in the Central Regulatory Area of the Gulf of Alaska

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting retention of big skate in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2015 total allowable catch of big skate in the Central Regulatory Area of the GOA will be reached.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), February 11, 2015, through 2400 hrs, A.l.t., December 31, 2015.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2015 total allowable catch (TAC) of big skate in the Central Regulatory Area of the GOA is 1,532 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish of the GOA (79 FR 12890, March 6, 2014).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2015 TAC of big skate in the Central Regulatory Area of the GOA will be reached. Therefore, NMFS is requiring that big skate caught in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting the retention of big skate in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 9, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: February 10, 2015.

**Emily H. Menashes,**

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

[FR Doc. 2015–03051 Filed 2–10–15; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register
Vol. 80, No. 30
Friday, February 13, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

### 12 CFR Chapter I

**[Docket ID FFIEC–2014–0001**

## FEDERAL RESERVE SYSTEM

### 12 CFR Chapter II

**[Docket No. R–1510]**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Chapter III

### Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

**AGENCY:** 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 regulatory review; request for comments.

**SUMMARY:** The OCC, Board, and FDIC (we or Agencies) are conducting a review of the regulations we have issued in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions, as required by the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA). In this notice, the Agencies are seeking public comment on regulations in the following categories: Banking Operations, Capital, and the Community Reinvestment Act.

**DATES:** Written comments must be received by no later than May 14, 2015.

**ADDRESSES:** Comments may be submitted through the Federal eRulemaking Portal: ''Regulations.gov.'' You can reach this portal through the Agencies' EGRPRA Web site, *http://egrpra.ffiec.gov.* On this site, click ''Submit a Comment'' and follow the instructions. Alternatively, go to *http://www.regulations.gov,* enter ''FFIEC–2014–0001'' in the Search Box, click ''Search,'' and click ''Comment Now.'' Those who wish to submit their comments by an alternate means may do so as indicated below.

OCC:

We encourage commenters to submit comments through the Federal eRulemaking Portal, *Regulations.gov,* in accordance with the previous paragraph. Alternatively, comments may be emailed to *regs.comments@occ.treas.gov* or sent by mail to Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Mail Stop 9W–11, 400 7th Street SW., Washington, DC 20219. Comments also may be faxed to (571) 465–4326 or hand delivered or sent by courier to 400 7th Street SW., Washington, DC 20219. For comments submitted by any means other than *Regulations.gov,* you must include ''OCC'' as the agency name and ''Docket ID FFIEC–2014–0001'' in your comment.

In general, the OCC will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not include any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the OCC at 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect or photocopy comments. You may make an appointment by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

Board

We encourage commenters to submit comments regarding the Board's regulations by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov/apps/foia/proposedregs.aspx.* Follow the instructions for submitting comments on the Agency Web site.
- Federal eRulemaking Portal, in accordance with the directions above.
- *Email: regs.comments@federalreserve.gov.* Include ''EGRPRA'' and Docket No. R–1510 in the subject line of the message.
- *FAX:* (202) 452–3819.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

In general, the Board will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not enclose any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the Board at 20th and Constitution Avenue NW., Washington, DC 20551. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may make an appointment by calling (202) 452–3000. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

FDIC

We encourage commenters to submit comments through the Federal eRulemaking Portal, ''Regulations.gov,'' in accordance with the directions above. Alternatively, you may submit comments by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency Web site.
- *Email: Comments@FDIC.gov.* Include ''EGRPRA'' in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal

Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

• *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EST).

We will post all comments received to *http://www.fdic.gov/regulations/laws/federal* without change, including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by calling (877) 275–3342.

**FOR FURTHER INFORMATION CONTACT:**

*OCC:* Karen McSweeney, Counsel (202) 649–6295; Heidi Thomas, Special Counsel (202) 649–6286; for persons who are deaf or hard of hearing, TTY (202) 649–5597.

*Board:* Walter McEwen, Senior Counsel (202) 452–3321; Claudia Von Pervieux, Counsel (202) 452–2552; Matthew Bornfreund, Attorney (202) 452–3818; for persons who are deaf or hard of hearing, TDD (202) 263–4869.

*FDIC:* Ruth R. Amberg, Assistant General Counsel (202) 898–3736; Ann Taylor, Supervisory Counsel (202) 898–3573; for persons who are deaf or hard of hearing, TTY (800) 925–4618.

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

Section 2222 of EGRPRA [1] requires that not less frequently than once every 10 years, the Federal Financial Institutions Examination Council (FFIEC),[2] along with the Agencies,[3] conduct a review of their regulations to identify outdated or otherwise unnecessary requirements imposed on insured depository institutions.[4] The EGRPRA regulatory review provides an opportunity for the public and the Agencies to look at groups of related regulations and to identify opportunities for burden reduction. For example, the EGRPRA review may facilitate the identification of statutes and regulations that share similar goals or complementary methods where one or more Agencies could eliminate overlapping requirements. Alternatively, commenters may identify regulations or statutes that impose requirements that are no longer consistent with the way that business is conducted and that, therefore, the Agencies might eliminate.

The EGRPRA review also provides the Agencies and the public with an opportunity to consider how to reduce burden in general, but especially on community banks and other small, insured depository institutions or holding companies. We are keenly aware of the role that these institutions play in providing consumers and businesses across the nation with essential financial services and access to credit, and we are concerned about the impact of regulatory burden on these smaller institutions. We understand that when an Agency issues a new regulation or amends a current regulation, smaller institutions may have to devote considerable resources to determine if and how the regulation will affect them. Through the public comment process, the EGRPRA review can help the Agencies identify and target regulatory changes to reduce unnecessary burden on these smaller institutions.

Burden reduction must be consistent with the Agencies' statutory mandates, many of which require the issuance of regulations. This includes ensuring the safety and soundness of insured depository institutions, their affiliates, and the financial system as a whole. EGRPRA recognizes that effective burden reduction may require legislative change. Accordingly, as part of this review, we specifically ask the public to comment on the relationships among burden reduction, regulatory requirements, and statutory mandates.

In addition, we note that the Agencies also consider the burden imposed each time we propose, adopt, or amend a rule. For example, under the Paperwork Reduction Act of 1995 and the Regulatory Flexibility Act, the Agencies assess each rulemaking with respect to the burdens the rule might impose. Furthermore, we invite the public to comment on every rule we propose, as required by the Administrative Procedure Act (APA).

## II. The EGRPRA Review Process

Taken together for purposes of EGRPRA, the Agencies' regulations covering insured depository institutions encompass more than 100 subjects.[5] Consistent with the EGRPRA statute, the Agencies have grouped these regulations into the following 12 regulatory categories:

Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection;[6] Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. To determine these categories, we divided the regulations by type and sought to have no category be too large or broad.

To carry out the EGRPRA review, the Agencies plan to publish four **Federal Register** notices, each addressing one or more categories of rules. Each **Federal Register** notice will have a 90-day comment period. On June 4, 2014, the Agencies published the first such notice, seeking comment on three categories of rules: Applications and Reporting, Powers and Activities, and International Operations.[7] Today, we are publishing the second notice, addressing the Banking Operations, Capital, and the Community Reinvestment Act categories of regulations. We invite the public to identify outdated, otherwise unnecessary, or unduly burdensome regulatory requirements imposed on insured depository institutions and their

[1] Public Law 104–208 (1996), codified at 12 U.S.C. 3311.

[2] The FFIEC is an interagency body empowered to prescribe uniform principles, standards, and report forms for the Federal examination of financial institutions and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC does not issue regulations that impose burden on financial institutions and, therefore, we have not separately captioned the FFIEC in this notice.

[3] The FFIEC is comprised of the OCC, Board, FDIC, National Credit Union Administration (NCUA), Consumer Financial Protection Bureau (CFPB), and State Liaison Committee. Of these, only the OCC, Board, and FDIC are statutorily required to undertake the EGRPRA review. The NCUA elected to participate in the first EGRPRA review ten years ago, and the NCUA Board again has elected to participate in this review process. Consistent with its approach during the first EGRPRA review, NCUA will separately issue notices and requests for comment on its rules. The CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect. *See* 12 U.S.C. 5512(d). This process is separate from the EGRPRA process.

[4] Insured depository institutions also are subject to regulations that are not required to be reviewed under the EGRPRA process. Examples include rules for which rulemaking authority has transferred to the CFPB and anti-money laundering regulations issued by the Department of the Treasury's Financial Crimes Enforcement Network, among others.

[5] Consistent with EGRPRA's focus on reducing burden on insured depository institutions, the Agencies have not included their internal, organizational, or operational regulations in this review. These regulations impose minimal, if any, burden on insured depository institutions. Furthermore, we have not included in this review those rules that will go into effect during the EGRPRA review, new regulations that have only recently gone into effect, or rules that we have yet to fully implement. As previously noted, the Agencies were required to take burden into account in adopting these regulations.

[6] The Agencies are seeking comment only on those consumer protection regulations for which they retain rulemaking authority for insured depository institutions, and regulated holding companies following passage of section 1061 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203 (2010) (Dodd-Frank Act), codified at 12 U.S.C. 5581(b).

[7] 79 FR 32172 (First Notice).

holding companies in these three categories.

To assist the public's understanding of how we have organized the EGRPRA review, the Agencies have included a table in Section IV that lists the three categories of regulations for which we are requesting comments. On the table, the left column divides the categories into specific subject-matter areas. The headings at the top of the table identify the types of institutions affected by the regulations.

After comments have been received, the Agencies will review the comments and decide whether further action is appropriate with respect to the regulations. The Agencies will make this decision jointly in the case of rules that we have issued on an interagency basis. Similarly, we will undertake any rulemaking to amend or repeal those rules on an interagency basis. For rules issued by a single agency, the issuing agency will review the comments received and independently determine whether amendments to or repeal of its rules are appropriate. If so, that Agency will initiate a rulemaking to effect such change. In all cases, the Agencies will provide the public with an opportunity to comment on any proposed amendment to or repeal of a regulation, as required by the APA.

Further, as part of the EGRPRA review, the Agencies are holding a series of outreach meetings to provide an opportunity for bankers, consumer and community groups, and other interested persons to present their views directly to senior management and staff of the Agencies on any of the categories of regulations in the EGRPRA review.[8] More information about the outreach meetings can be found on the Agencies' EGRPRA Web site, *http://egrpra.ffiec.gov*.

Finally, EGRPRA also requires the FFIEC or the Agencies to publish in the **Federal Register** a summary of the comments received, identifying significant issues raised and commenting on these issues. It also directs the Agencies to eliminate unnecessary regulations to the extent that such action is appropriate. The statute additionally requires the FFIEC to submit to Congress a report that summarizes any significant issues raised in the public comments and the relative merits of such issues. The report also must include an analysis of whether the Agencies are able to address the regulatory burdens associated with such issues or whether these burdens must be addressed by legislative action.

[8] See 79 FR 70474 (Nov. 26, 2014).

## III. Public Response to the First Notice

In response to the First Notice, the Agencies received approximately 40 comments from financial institutions, industry trade groups, consumer advocacy groups, and other members of the public. The Agencies will carefully consider those comments, including the issues raised and the suggestions made, and discuss them in the EGRPRA report to Congress and as part of any rulemaking to which they relate.

In addition to comments regarding the regulations contained in the First Notice, the Agencies also received comments about the EGRPRA Review Process. First, we received comments concerning which of the Agencies' rules are included in the review. As explained above, we have not included in this review those rules that will go into effect during the EGRPRA review, new regulations that have only recently gone into effect, or rules that we have yet to implement fully. The Agencies consider burden when adopting regulations. In addition, the Agencies, financial institutions, and the public need the benefit of experience with these regulations in order to assess their effect on insured depository institutions.

We also received comments on which agencies participate in the EGRPRA review. As explained above, only the OCC, Board, and FDIC are statutorily required to undertake this review. Although other agencies may undertake regulatory reviews, those reviews are separate and distinct from this review. Finally, we received comments about whether the consumer regulations transferred to the CFPB by the Dodd-Frank Act are included in the EGRPRA review. The Agencies will seek comment only on those consumer regulations for which they retain rulemaking authority following passage of the Dodd-Frank Act, such as the fair housing advertising and recordkeeping, flood insurance, safeguarding customer information, and identity theft rules.[9]

## IV. Request for Burden Reduction Comments on Regulations in the Banking Operations, Capital, and the Community Reinvestment Act Categories

As noted previously, the Agencies are asking the public to comment on regulations in the Banking Operations, Capital, and the Community Reinvestment Act categories to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions and their regulated holding companies. Where possible, we ask commenters to cite to specific regulatory language or provisions. We also welcome suggested alternative provisions or language in support of a comment, where appropriate. Where implementation of a suggestion would require modification of a statute, we ask the commenter to identify the statute and the needed change, where possible.

[9] If, during the EGRPRA review, the Agencies receive a comment about a regulation that is not subject to the EGRPRA review, we will forward that comment to the appropriate agency.

The Agencies note that recently promulgated rules[10] amended, directly or by reference, several rules listed in the Capital category of the table published with the First Notice. The changes either went into effect in 2014 or will go into effect during 2015. Consistent with the above-described EGRPRA Review Process,[11] the Capital category in the table clarifies the specific regulations on which we are requesting comment. Where the table in the First Notice listed general subject-matter areas in the Capital category, the table in this notice provides citations to the specific sections that the Agencies are including in this review.

*Specific issues for commenters to consider.* The Agencies specifically invite comment on the following issues as they pertain to the Agencies' Banking Operations, Capital, and Community Reinvestment Act rules addressed in this notice.

- *Need for statutory change.* (1) Do any statutory requirements underlying the rules in these categories impose outdated or otherwise unnecessary regulatory requirements? (2) If so, please identify the statutes and indicate how they should be amended.
- *Need and purpose of the regulations.* (1) Have there been changes in the financial services industry, consumer behavior, or other circumstances that cause any regulations in these categories to be outdated or otherwise unnecessary? (2) If so, please identify and indicate how they should be amended. (3) Do any of these regulations impose burdens not required by their underlying statutes? (4) If so, please identify the regulations and indicate how they should be amended.
- *Overarching approaches/flexibility.* (1) With respect to the regulations in these categories, could an Agency use a

[10] 78 FR 62017 (Oct. 11, 2013) (Agencies jointly); 79 FR 71630 (Dec. 3, 2014) (OCC); 79 FR 69365 (Nov. 21, 2014) (FDIC); 79 FR 64026 (Oct. 27, 2014) (Board). These regulations include capital adequacy, prompt corrective action, implementation of Basel III, standardized and risk-based approaches, market risk, and stress testing.

[11] *See supra* note 5, at 8.

different approach to lessen the burden imposed by the regulations and achieve statutory intent? (2) Do any of these rules impose unnecessarily inflexible requirements? (3) If so, please identify the regulations and indicate how they should be amended.

- *Effect on competition.* (1) Do any of the regulations or underlying statutes create competitive disadvantages for one part of the financial services industry compared to another or for one type of insured depository institution compared to another? (2) If so, please identify the regulations and indicate how they should be amended.

- *Reporting, recordkeeping and disclosure requirements.* (1) Do any of the regulations or underlying statutes in these categories impose outdated or otherwise unnecessary reporting, recordkeeping, or disclosure requirements on insured depository institutions or their holding companies? (2) Could a financial institution fulfill any of these requirements electronically (if they are not already permitted to do so) and experience burden reduction? (3) If so, please identify the regulations and indicate how they should be amended.

- *Unique characteristics of a type of institution.* (1) Do any of the regulations or underlying statutes in these categories impose requirements that are unwarranted by the unique characteristics of a particular type of insured depository institution or holding company? (2) If so, please identify the regulations and indicate how they should be amended.

- *Clarity.* (1) Are the regulations in these categories clear and easy to understand? (2) Are there specific regulations for which clarification is needed? (3) If so, please identify the regulations and indicate how they should be amended.

- *Burden on community banks and other smaller, insured depository institutions.* (1) Are there regulations or underlying statutes in these categories that impose outdated or otherwise unnecessary requirements on a substantial number of community banks or other smaller, insured depository institutions or holding companies? (2) Have the Agencies issued regulations pursuant to a common statute that, as applied by the Agencies, create redundancies or impose inconsistent requirements? (3) Should any of these regulations be amended or repealed in order to minimize this impact? (4) If so, please identify the regulations and indicate how they should be amended.

- *Scope of rules.* (1) Is the scope of each rule in these categories consistent with the intent of the underlying statute(s)? (2) Could we amend the scope of a rule to clarify its applicability or reduce burden, while remaining faithful to statutory intent? (3) If so, please identify the regulations and indicate how they should be amended.

BILLING CODE 6510–01–P

**Categories and Regulations Addressed in the Second Federal Register Notice**

| Subject | National Banks | State Member Banks | State Non-Member Banks | Federal Savings Associations | State Savings Associations | BHCs & FHCs<br>- - - - - - - -<br>SLHCs |
|---|---|---|---|---|---|---|
| **1. Banking Operations** | | | | | | |
| **OCC Regulations** | | | | | | |
| Assessment of Fees | 12 CFR Part 8 | | | 12 CFR Part 8 | | |
| Bank Operations | 12 CFR Part 7, Subpart C | | | | | |
| **Board Regulations** | | | | | | |
| Availability of Funds and Collection of Checks | 12 CFR Part 229 [Reg. CC] | 12 CFR Part 229 [Reg. CC] | 12 CFR Part 229 [Reg. CC] | 12 CFR Part 229 [Reg. CC] | 12 CFR Part 229 [Reg. CC] | |
| Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire | 12 CFR Part 210 [Reg. J] | 12 CFR Part 210 [Reg. J] | 12 CFR Part 210 [Reg. J] | 12 CFR Part 210 [Reg. J] | 12 CFR Part 210 [Reg. J] | |
| Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records | 12 CFR Part 219 [Reg. S] | 12 CFR Part 219 [Reg. S] | 12 CFR Part 219 [Reg. S] | 12 CFR Part 219 [Reg. S] | 12 CFR Part 219 [Reg. S] | |
| Reserve Requirements of Depository Institutions | 12 CFR Part 204 [Reg. D] | 12 CFR Part 204 [Reg. D] | 12 CFR Part 204 [Reg. D] | 12 CFR Part 204 [Reg. D] | 12 CFR Part 204 [Reg. D] | |

| Subject | National Banks | State Member Banks | State Non-Member Banks | Federal Savings Associations | State Savings Associations | BHCs & FHCs<br>- - - - - - - -<br>SLHCs |
|---|---|---|---|---|---|---|
| The Payment System Risk Reduction Policy | Federal Reserve Regulatory Service 9-1000 | Federal Reserve Regulatory Service 9-1000 | Federal Reserve Regulatory Service 9-1000 | Federal Reserve Regulatory Service 9-1000 | Federal Reserve Regulatory Service 9-1000 | |
| **FDIC Regulations** | | | | | | |
| Assessments | 12 CFR Part 327 | 12 CFR Part 327 | 12 CFR Part 327 | 12 CFR Part 327 | 12 CFR Part 327 | |
| **2. Capital** | | | | | | |
| **Interagency Regulations** | | | | | | |
| Prompt Corrective Action | 12 CFR 6.3, 6.5, 6.6, 6.20-6.25 | 12 CFR 208.42, .44, .45; 12 CFR Part 263, Subpart H | 12 CFR 324.402, 324.404, 324.405 | 12 CFR 6.3, 6.5, 6.6, 6.20-6.25 | 12 CFR 324.402, 324.404, 324.405 | 12 CFR 208.42, .44, .45; 12 CFR Part 263, Subpart H<br>---------- |
| **OCC Regulations** | | | | | | |
| National Bank Changes in Permanent Capital; Subordinated Debt as Capital | 12 CFR 5.46-.47.[12] | | | | | |

| Subject | National Banks | State Member Banks | State Non-Member Banks | Federal Savings Associations | State Savings Associations | BHCs & FHCs<br>- - - - - - - -<br>SLHCs |
|---|---|---|---|---|---|---|
| **3. Community Reinvestment Act** | | | | | | |
| **Interagency Regulations** | | | | | | |
| Community Reinvestment Act (CRA) | 12 CFR Part 25 | 12 CFR Part 228 [Reg. BB] | 12 CFR Part 345 | 12 CFR Part 195 | 12 CFR Part 195 | 12 CFR 228<br>----------<br>12 CFR 228 |
| Disclosure and Reporting of CRA-Related Agreements | 12 CFR Part 35 | 12 CFR Part 207 [Reg. G] | 12 CFR Part 346 | 12 CFR Part 35 | 12 CFR Part 390, Subpart H | 12 CFR 207<br>----------<br>12 CFR 207 |

Dated: January 20, 2015.

**Thomas J. Curry,**

*Comptroller of the Currency.*

By order of the Board of Governors of the Federal Reserve System, February 6, 2015.

**Robert DeV. Frierson,**

*Secretary of the Board.*

Dated: January 21, 2015.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2015–02998 Filed 2–12–15; 8:45 am]

**BILLING CODE 4810–33–P; 6510–01–P; 6714–01–C**

[12] On Dec. 18, 2014, the OCC issued an interim final rule with request for comment (IFR) amending 12 CFR 5.47. 79 FR 75417. The effective date of the IFR was Jan. 1, 2015. In an effort to provide the fullest opportunity for public comment, the OCC invites comment on the IFR through both the process outlined in the IFR and the EGRPRA Review Process outlined above.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2015–0085; Directorate Identifier 2014–NM–078–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Model A330–243, A330–243F, A330–341, A330–342, and A330–343 airplanes. This proposed AD was prompted by reports indicating that certain hinge sleeves on the cowl doors of the thrust reverser units (TRUs) were not heat treated. This proposed AD would require replacing the sleeves of certain hinges on the cowl doors of the TRUs with new parts. We are proposing this AD to prevent, in the event of a fan-blade-off event due to high vibration, in-flight loss of TRU heavy components, which might damage airplane structure or control surfaces, and consequent reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by March 30, 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:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

**Examining the AD Docket**

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0085; 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 Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0085; Directorate Identifier 2014–NM–078–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0062, dated March 11, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330–243, A330–243F, A330–341, A330–342, and A330–343 airplanes. The MCAI states:

> A manufacturing discrepancy (lack of heat treatment) on a batch of the N°3 and N°4 hinge sleeves installed on [a] Thrust Reverser Unit (TRU) was identified. Those parts are only installed on A330 aeroplanes equipped with Rolls-Royce (RR) Trent 700 engines.
>
> This condition, if not corrected, in case of a Fan Blade Off event due to high vibration level, could cause in-flight loss of some heavy components of the TRU, possibly resulting in injury to persons on the ground [or damage to airplane structure or control surfaces, and consequent reduced controllability of the airplane].
>
> As current hinge sleeves are not serialized, it is not possible to identify the TRU hinge sleeves which did not receive the heat treatment. The part supplier has developed an identification procedure for these TRU hinge sleeves in order to identify the affected hinge sleeves, and to allow a better part traceability in the future.
>
> For the reason described above, this [EASA] AD requires identification and replacement of the affected TRU hinge sleeves.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0085.

**Related Service Information Under 1 CFR Part 51**

Airbus has issued Service Bulletin A330–78–3021, Revision 03, dated October 15, 2014. Aircelle has issued Service Bulletin 78–AG924, dated September 26, 2012. This service information describes procedures for modifying and marking the sleeves for hinges number 3 and number 4 on the cowl doors of Rolls-Royce Trent 700 engines. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

**FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Explanation of ''RC'' Procedures and Tests in Service Information**

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement was a new process for annotating which procedures and tests in the service information are required for compliance with an AD. Differentiating these procedures and tests from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The actions specified in Airbus Service Bulletin A330–78–3021, Revision 03, dated October 15, 2014, include procedures and tests that are identified as RC (required for compliance) because these procedures have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As specified in a NOTE under the Accomplishment Instructions of Airbus Service Bulletin A330–78–3021, Revision 03, dated October 15, 2014, procedures and tests identified as RC must be done to comply with the proposed AD. However, procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operators' maintenance or inspection program without obtaining approval of an alternative method of compliance (AMOC), provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC will require approval of an AMOC.

**Costs of Compliance**

We estimate that this proposed AD affects 24 airplanes of U.S. registry.

We also estimate that it would take about 29 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $59,160, or $2,465 per product.

In addition, we estimate that any necessary follow-on action would take up to 1 work-hour and require parts costing $0, for a cost of $85 per product. We have no way of determining the number of aircraft that might need this action.

**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; 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):

**Airbus:** Docket No. FAA–2015–0085; Directorate Identifier 2014–NM–078–AD.

**(a) Comments Due Date**

We must receive comments by March 30, 2015.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all Airbus Model A330–243, A330–243F, A330–341, A330–342, and A330–343 airplanes, certificated in any category, all manufacturer serial numbers.

**(d) Subject**

Air Transport Association (ATA) of America Code 78, Exhaust.

**(e) Reason**

This AD was prompted by reports indicating that certain hinge sleeves on the cowl doors of the thrust reverser units were not heat treated. We are issuing this AD to prevent, in the event of a fan-blade-off event due to high vibration, in-flight loss of thrust reverser unit (TRU) heavy components, which might damage airplane structure or control surfaces, and consequent reduced controllability of the airplane.

**(f) Compliance**

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

**(g) Identification of TRU Part Number**

Within 12 months after the effective date of this AD: Identify the part number of the TRUs, in accordance with Aircelle Service Bulletin 78–AG924, dated September 26, 2012.

**(h) Replacement of Thrust Reverser Unit Hinge Sleeves**

If the results of the part identification required by paragraph (g) of this AD reveal that the TRUs are affected: Within the compliance time defined in paragraph (g) of this AD, replace hinge sleeves numbers 3 and 4 of each TRU cowl door, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–78–3021, Revision 03, dated October 15, 2014.

**Note 1 to paragraph (h) of this AD:** Rolls-Royce Alert Service Bulletin RB.211–78–AG924, dated September 26, 2012, is an additional source of guidance for replacing the TRUs.

**(i) Optional Terminating Action for Paragraphs (g) and (h) of this AD**

Modifying an airplane by incorporating Airbus Modification 202463 in production terminates the requirements specified in paragraphs (g) and (h) of this AD for that airplane.

**(j) Parts Installation Limitations**

As of the effective date of this AD, no person may install a TRU on any airplane unless it has been determined, using Aircelle Service Bulletin 78–AG924, dated September 26, 2012, that the cowl door hinge sleeves installed on the TRU are not affected by the requirements of this AD.

**(k) Credit for Previous Actions**

This paragraph provides credit for the actions required by paragraph (h) of this AD if those actions were performed before the effective date of this AD using the service information identified in paragraphs (j)(1), (j)(2), or (j)(3) of this AD, which are not incorporated by reference in this AD.

(1) Airbus Service Bulletin A330–78–3021, dated October 17, 2012.

(2) Airbus Service Bulletin A330–78–3021, Revision 01, dated July 30, 2013.

(3) Airbus Service Bulletin A330–78–3021, Revision 02, dated April 17, 2014.

**(l) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227 1138; fax 425–227–1149. Information may be emailed to: *9–ANM–116–AMOC–REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Required for Compliance (RC):* Where Airbus Service Bulletin A330–78–3021, Revision 03, dated October 15, 2014, contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operators' maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(3) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(m) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0062, dated March 11, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0085.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 30, 2015.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–02537 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2015–0083; Directorate Identifier 2014–NM–131–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A330–200, A330–200 Freighter, and A330–300 series airplanes; and all A340–200 and A340–300 series airplanes. This proposed AD was prompted by reports that a bracket that attaches the cockpit instrument panel to the airplane structure, does not sustain the fatigue loads of the design service goal. This proposed AD would require repetitive inspections of that bracket for cracking and to determine if both lugs are fully broken, an inspection for cracking of an adjacent bracket, if necessary, and corrective actions if necessary. This AD would also provide an optional modification, which would terminate the repetitive inspections. We are proposing this AD to detect and correct cracking on a bracket of the cockpit instrument panel, which, combined with failure of the horizontal beam, could lead to collapse of the cockpit panel, and reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by March 30, 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:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

### Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0083; 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 Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0083; Directorate Identifier 2014–NM–131–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0127, dated May 15, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–200, A330–200 Freighter, and A330–300 series airplanes; and all A340–200, and A340–300 series airplanes. The MCAI states:

> During flight tests, high stress levels have been measured on the bracket No 6 which attaches the cockpit instrument panel to the aeroplane structure, apparently introduced through the nose landing gear due to bumps on the runway. Airbus determined that the bracket does not sustain the fatigue loads during the Design Service Goal (DSG). This condition, if not detected and corrected, combined with failure of the horizontal beam, could lead to collapse of the cockpit panel, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Airbus developed a program to inspect the condition of the affected cockpit instrument panel bracket No 6, and designed a stronger (reinforced titanium undrilled) bracket. The new bracket can be installed in-service through Airbus Service Bulletin (SB) A330–25–3548 or SB A340–25–4354, as applicable to aeroplane type.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the cockpit instrument panel bracket No 6 and, depending on findings, the accomplishment of applicable corrective actions. This [EASA] AD also provides the installation of the stronger bracket as optional terminating action for the repetitive actions required by this [EASA] AD.

The corrective actions include replacing bracket No. 6 and bracket No. 7 with serviceable parts, and repair, as applicable.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0083.

**Related Service Information Under 1 CFR Part 51**

Airbus has issued the following service information.

- Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014, which provides procedures for inspection of cockpit instrument panel bracket 6.
- Airbus Service Bulletin A330–25–3548, dated October 31, 2013, which provides procedures for reinforcement of cockpit instrument panel bracket 6.
- Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014, which provides procedures for inspection of cockpit instrument panel bracket 6.
- Airbus Service Bulletin A340–25–4354, dated October 31, 2013, which provides procedures for reinforcement of cockpit instrument panel bracket 6.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

**FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

**Explanation of ''RC'' Procedures and Tests in Service Information**

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement was a new process for annotating which procedures and tests in the service information are required for compliance with an AD. Differentiating these procedures and tests from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The actions specified in Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014; and Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014; include procedures and tests that are identified as RC (required for compliance) because these procedures have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As specified in a NOTE under the Accomplishment Instructions of the specified service information, procedures and tests identified as RC must be done to comply with the proposed AD. However, procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an alternative method of compliance (AMOC), provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC will require approval of an AMOC.

**Costs of Compliance**

We estimate that this proposed AD affects 76 airplanes of U.S. registry.

We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $51,680, or $680 per product.

We have received no definitive data that would enable us to provide cost estimates for the follow-on repairs specified in this AD.

In addition, we estimate that any necessary follow-on replacements would take about 23 work-hours and require parts costing $0, for a cost of $1,955 per product. We have no way of determining the number of aircraft that might need these actions.

We estimate that the optional modification would take about 9 work hours and require parts costing $1,770, for a cost of $2,535.

**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; 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):

**Airbus:** Docket No. FAA–2015–0083; Directorate Identifier 2014–NM–131–AD.

**(a) Comments Due Date**

We must receive comments by March 30, 2015.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Model A330–201, –202, –203, –223, –243, –223F, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –313 airplanes, all manufacturer serial numbers except those on which Airbus Modification 203287 has been embodied in production.

(2) Model A340–211, –212, –213, –311, –312, and –313 airplanes, all manufacturer serial numbers.

**(d) Subject**

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

**(e) Reason**

This AD was prompted by reports that a bracket that attaches the cockpit instrument panel to the airplane structure, does not sustain the fatigue loads of the design service goal. We are issuing this AD to detect and correct cracking on a bracket of the cockpit instrument panel, which, combined with failure of the horizontal beam, could lead to collapse of the cockpit panel, and reduced controllability of the airplane.

**(f) Compliance**

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

**(g) Inspection of Bracket No. 6 of the Cockpit Instrument Panel**

At the latest of the times specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD: Do a detailed inspection of bracket No. 6 of the cockpit instrument panel for cracking and to determine if both bracket lugs are fully broken, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014; or Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014; as applicable. Repeat the inspection thereafter at intervals not to exceed 2,600 flight cycles.

(1) Prior to accumulating 17,200 total flight cycles since the airplane's first flight.

(2) Prior to bracket No. 6 of the cockpit instrument panel accumulating 17,200 total flight cycles since installation on an airplane.

(3) Within 500 flight cycles after the effective date of this AD.

**(h) Inspection and Corrective Actions**

(1) If, during any inspection required by paragraph (g) of this AD, any cracking of bracket No. 6 of the cockpit instrument panel is found, but both bracket lugs are not fully broken: Within 2,600 flight cycles after that inspection, replace bracket No. 6 of the cockpit instrument panel with a serviceable part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014; or Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014; as applicable. Replacement of bracket No. 6 of the cockpit instrument panel does not constitute terminating action for the repetitive inspections required by paragraph (g) of this AD.

(2) If, during any inspection required by paragraph (g) of this AD, any cracking of bracket No. 6 of the cockpit instrument panel is found and both bracket lugs are fully broken: Before further flight, do a detailed inspection of bracket No. 7 of the cockpit instrument panel for cracking, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014; or Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014; as applicable.

(i) If, during the inspection required by paragraph (h)(2) of this AD, no cracking is found in bracket No. 7 of the cockpit instrument panel: Before further flight, replace bracket No. 6 and bracket No. 7 of the cockpit instrument panel with serviceable parts, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014; or Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014; as applicable. Replacement of bracket No. 6 of the cockpit instrument panel does not constitute terminating action for the repetitive inspections required by paragraph (g) of this AD.

(ii) If, during the inspection required by paragraph (h)(2) of this AD, any cracking is found in bracket No. 7 of the cockpit instrument panel: Although Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014; and Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014; specify to contact Airbus for repair instructions, and specify that action as ''RC'' (Required for Compliance), repair the cracking before further flight using a repair method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

**(i) Optional Terminating Modification for Paragraph (g) of This AD**

Modifying an airplane by replacing bracket No. 6 of the cockpit instrument panel with a new, reinforced bracket, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–25–3548, dated October 31, 2013; or Airbus Service Bulletin A340–25–4354, dated October 31, 2013; as applicable; terminates the repetitive inspections required by paragraph (g) of this AD.

**(j) Credit for Previous Actions**

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (j)(1), (j)(2), or (j)(3) of this AD, which are not incorporated by reference in this AD.

(1) Airbus Service Bulletin A330–25–3538, dated September 10, 2013.

(2) Airbus Service Bulletin A330–25–3538, Revision 01, dated April 24, 2014.

(3) Airbus Service Bulletin A340–25–4351, dated September 10, 2014.

**(k) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (h)(2)(ii) of this AD, if Airbus Service Bulletin A330–25–3538, Revision 02, dated April 24, 2014; or Airbus Service Bulletin A340–25–4351, Revision 01, dated January 31, 2014; contain procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from, using accepted methods in accordance with the operators maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

**(l) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0127, dated May 15, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0083.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 30, 2015.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–02536 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2015–0084; Directorate Identifier 2014–NM–181–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; Airbus Model A300 B4–600 series airplanes; and Airbus Model A300 B4–600R series airplanes. This proposed AD was prompted by reports indicating that, on airplanes that received a certain repair following crack findings, cracks can re-initiate. This proposed AD would require repetitive inspections for cracking of the frame (FR) 40 forward fittings for airplanes previously repaired. We are proposing this AD to detect and correct cracking on the FR 40 forward fittings, which could result in rupture of the forward fittings and reduction of in-flight structural strength.

**DATES:** We must receive comments on this proposed AD by March 30, 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:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

### Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0084; 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 Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0084; Directorate Identifier 2014–NM–181–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0199, dated September 05, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; Airbus Model A300 B4–600 series airplanes; and Airbus Model A300 B4–600R series airplanes. The MCAI states:

> During routine inspection on an A300–600 aeroplane, a crack was found in the right-hand frame (FR) 40 forward fitting between stringer (STRG) 32 and STRG 33. The subject aeroplane had previously been modified, as a crack prevention measure, in accordance with Airbus SB A300–57–6053 (mod 10453).
>
> To ensure the structural integrity of FR 40, pending completion of the full root cause analysis using a refined Finite Element Model (FEM), EASA issued AD 2009–0094 [dated April 21, 2009, *http://ad.easa.europa.eu/ad/2009–0094*], to require, a one-time Detailed Visual Inspection (DVI) of A300 and A300–600 aeroplanes on which Airbus SB A300–53–0297 or SB A300–57–6053, as applicable, was embodied as a crack prevention measure.
>
> Thereafter, cracks were found during maintenance check in the FR 40 forward fitting on two aeroplanes, one A300 with Airbus SB A300–53–0297 embodied and one A300–600 with Airbus SB A300–57–6053 embodied. EASA AD 2009–0094 had been accomplished on both aeroplanes.
>
> Consequently, EASA issued AD 2011–0163 [dated August 30, 2011, *http://ad.easa.europa.eu/ad/2011-0163*], superseding EASA AD 2009–0094, to require, for aeroplanes modified preventively, repetitive DVI of the FR 40 forward fitting (without nut removal), accomplishment of a one-time Eddy Current (EC) inspection or liquid penetrant inspection of this area (with nut removal) and, depending on findings, the accomplishment of associated corrective actions.
>
> A detailed FEM study was recently completed which demonstrated that, on aeroplanes repaired following crack findings in accordance with the instructions of Airbus SB A300–53–0297 or SB A300–57–6053 at any revision, as applicable, cracks can re-initiate.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the FR 40 forward fitting for aeroplanes repaired in accordance with the instructions of Airbus SB A300–53–0297 or SB A300–57–6053 following crack findings.

The corrective actions include a repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0084.

**Relevant Service Information Under 1 CFR Part 51**

We reviewed the following Airbus service information:

- Airbus A300 Alert Operators Transmission (AOT) A53W002–14, dated April 02, 2014.
- Airbus A300 AOT A57W003–14, Revision 01, dated April 17, 2014.

Airbus A300 Alert Operators Transmission (AOT) A53W002–14, dated April 02, 2014, describes procedures for repetitive inspections of the FR40 forward fitting on A300 aircraft post MOD 10453S20571. Airbus A300 AOT A57W003–14, Revision 01, dated April 17, 2014, describes procedures for repetitive inspections of the FR40 forward fitting on A300–600 aircraft pre MOD 10221S20394 and post MOD 10453S20571. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

**FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Costs of Compliance**

We estimate that this proposed AD affects 26 airplanes of U.S. registry.

We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $6,630, or $255 per product.

**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; 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):

**Airbus:** Docket No. FAA–2015–0084; Directorate Identifier 2014–NM–181–AD.

**(a) Comments Due Date**

We must receive comments by March 30, 2015.

**(b) Affected ADs**

None

**(c) Applicability**

(1) This AD applies to the airplanes identified in paragraphs (c)(1)(i) and (c)(1)(ii) of this AD, certificated in any category.

(i) Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes, all manufacturer serial numbers (MSN), on which modification 10453 has been embodied as a repair following a crack finding, as specified in Airbus Service Bulletin A300–53–0297 (modification 10453).

(ii) Airbus Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, and B4–622R airplanes, all MSN as specified in Airbus Service Bulletin A300–57–6053.

(2) This AD does not apply to airplanes that have been modified, as a preventive measure, as specified in Airbus Service Bulletin A300–53–0297 or A300–57–6053 (modification 10453), as applicable to airplane model.

**(d) Subject**

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

**(e) Reason**

This AD was prompted by reports indicating that, on airplanes that received a certain repair following crack findings, cracks can re-initiate. We are issuing this AD to detect and correct cracking on the frame (FR) 40 forward fittings, which could result in rupture of the forward fittings and reduction of in-flight structural strength.

**(f) Compliance**

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

**(g) Repetitive Inspections**

Within 300 flight cycles after the effective date of this AD, do a detailed inspection of the forward fitting at FR 40 without nut removal to detect cracks on both left-hand and right-hand sides of the airplane, in accordance with Airbus A300 Alert Operators Transmission (AOT) A53W002–14, dated April 2, 2014 (for Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes); or Airbus A300AOT A57W003–14, Revision 01, dated April 17, 2014 (for Airbus Model A300 B4–600 series airplanes, and Airbus Model A300 B4–600R series airplanes); as applicable. If any crack is detected, repair before further flight using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Repeat the inspection thereafter at intervals not to exceed 300 flight cycles.

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local

Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

**(i) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0199, dated September 5, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0084.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 30, 2015.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–02535 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF THE INTERIOR

### Office of Natural Resources Revenue

### 30 CFR Parts 1202 and 1206

**[Docket No. ONRR–2012–0004; DS63610000 DR2PS0000.CH7000 156D0102R2]**

**RIN 1012–AA13**

### Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform

**AGENCY:** Office of Natural Resources Revenue, Interior.

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

**SUMMARY:** The Office of Natural Resources Revenue (ONRR) published a notice of proposed rulemaking in the **Federal Register** on January 6, 2015, (80 FR 608). ONRR invited the public to submit written comments by March 9, 2015. ONRR is granting a 60-day extension to the comment period in response to stakeholder requests.

**DATES:** You must submit comments on or before May 8, 2015.

**ADDRESSES:** You may submit comments to ONRR on the proposed rulemaking, as follows: (1) Electronically go to *www.regulations.gov* and enter ''ONRR–2012–0004'' in ''Enter Keyword or ID,'' then click ''Search;'' (2) mail comments to Armand Southall, Regulatory Specialist, P.O. Box 25165, MS 61030A, Denver, Colorado 80225; or (3) hand-carry comments, or use an overnight courier service, to ONRR, Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225. Please refer to the Regulation Identifier Number (RIN) 1012–AA13 in your comments. ONRR will post all comments.

**FOR FURTHER INFORMATION CONTACT:** Armand Southall, ONRR, telephone (303) 231–3221 or email *armand.southall@onrr.gov.*

**SUPPLEMENTARY INFORMATION:** The current Federal oil valuation regulations have been in effect since 2000, with a subsequent amendment relating, primarily, to the use of index pricing in some circumstances. The current Federal gas valuation regulations have been in effect since March 1, 1988, with various subsequent amendments relating, primarily, to the transportation allowance provisions. The current Federal and Indian coal valuation regulations have been in effect since March 1, 1989, with minor subsequent amendments relating, primarily, to the Federal black lung excise taxes, abandoned mine lands fees, State and local severance taxes, and washing and transportation allowance provisions. In the years since we wrote these regulations, the Secretary of the Interior's (Secretary) responsibility to determine the royalty value of minerals produced has not changed, but the industry and marketplace have changed dramatically. ONRR proposes these amendments to our valuation regulations to permit the Secretary to discharge the Department of the Interior's (Department) royalty valuation responsibility in an environment of continuing and accelerating change in the industry and in the marketplace. The Secretary's responsibilities regarding oil and gas production from Federal leases and coal production from Federal and Indian leases require the development of flexible valuation methodologies that lessees can accurately comply with in a timely manner.

To increase the effectiveness and efficiency of our rules, ONRR is proposing proactive and innovative changes. We intend for this proposed rulemaking to provide regulations that (1) offer greater simplicity, certainty, clarity, and consistency in product valuation for mineral lessees and mineral revenue recipients; (2) are more understandable; (3) decrease industry's cost of compliance and ONRR's cost to ensure industry compliance; and (4) provide early certainty to industry and to ONRR that companies have paid every dollar due. Therefore, ONRR proposes to amend the current regulations at 30 CFR part 1202, subpart F, and part 1206, subparts C, D, F, and J, governing the valuation, for royalty purposes, of oil, gas, and coal produced from Federal leases and coal produced from Indian leases.

ONRR received requests for an extension to the comment deadline for this proposed rule. This action extends the comment period until May 8, 2015. ONRR believes that this extension allows adequate time for interested parties to submit comments. ONRR will review and carefully consider all comments that we receive on the proposed rule.

Dated: February 6, 2015.

**Gregory J. Gould,**

*Director, Office of Natural Resources Revenue.*

[FR Doc. 2015–02997 Filed 2–12–15; 8:45 am]

**BILLING CODE 4335–30–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Parts 100 and 165

**[Docket Number USCG–2014–1011]**

**RIN 1625–AA00, AA08**

### Special Local Regulations and Safety Zones; Recurring Marine Events and Fireworks Displays Within the Fifth Coast Guard District

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend the regulations established for recurring marine events and fireworks displays that take place within the Fifth Coast Guard District area of responsibility. Under that rule, the list

of recurring marine events requiring special local regulations or safety zones is updated with revisions, additional events, and removal of events that no longer take place in the Fifth Coast Guard District. When these regulations are enforced, certain restrictions are placed on marine traffic in specified areas. This rulemaking project promotes efficiency by eliminating the need to produce a separate rule for each individual recurring event, and serves to provide notice of the known recurring events requiring a special local regulation or safety zone throughout the year.

**DATES:** Comments and related material must be received by the Coast Guard on or before March 16, 2015.

**ADDRESSES:** You may submit comments identified by docket number using any one of the following methods:

(1) Federal eRulemaking Portal: *http://www.regulations.gov.*

(2) Fax: 202–493–2251.

(3) Mail or Delivery: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Dennis Sens, Fifth Coast Guard District, Prevention Division, (757) 398–6204, *Dennis.M.Sens@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

## A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

*1. Submitting Comments*

If you submit a comment, please include the docket number for this rulemaking, 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 at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–1011] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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. We will consider all comments and material received during the comment period and may change the rule based on your comments.

*2. Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–1011) 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.

*3. Privacy Act*

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

*4. Public Meeting*

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

## B. Regulatory History and Information

The special local regulations listed in 33 CFR 100.501 and safety zones listed in 33 CFR 165.506 were last amended on July 21, 2014 (79 FR 42197).

## C. Basis and Purpose

This rulemaking is authorized by 33 U.S.C. 1231, 1233; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; and DHS Delegation No. 0170.1. It updates the list of permanent special local regulations at 33 CFR 100.501 and safety zones at 33 CFR 165.506, established for recurring marine events and fireworks displays at various locations within the Fifth Coast Guard District area of responsibility (AOR). The Fifth Coast Guard District AOR is defined in 33 CFR 3.25.

Publishing these regulatory updates in a single rulemaking promotes efficiency and provides the public with notice through publication in the **Federal Register** of the upcoming recurring marine events and fireworks displays and their accompanying regulations, special local regulations, and safety zones.

## D. Discussion of Proposed Rule

*Special Local Regulations*

This rule would add 2 new special local regulations for marine events, remove 1 regulation and revise 10 previously established regulations for marine events listed in the Table to § 100.501. Other than changes to the dates and locations of certain events, the other provisions in 33 CFR 100.501 remain unchanged.

The Coast Guard proposes to revise regulations at 33 CFR 100.501 by adding 2 new special local regulations. The proposed special local regulations are listed in TABLE 1, including reference

by section as printed in the TABLE to § 100.501.

TABLE 1

[Special local regulated areas added to 33 CFR 100.501]

| | Table to § 100.501 section | Location |
|---|---|---|
| 1 | (b.) 12 | Rock Hall Harbor, Rock Hall, MD. |
| 2 | (b.) 23 | Nanticoke River, Bivalve channel and harbor, Bivalve, MD. |

One previously published special local regulation for marine event would be removed from 33 CFR 100.501, *i.e.* ''Ragin on the River'' power boat race that took place on the Susquehanna River, near Port Deposit, MD.

This rule would revise 10 preexisting special local regulations that involves change to marine event date(s) and/or coordinates. These events are listed in TABLE 2, with reference by section as printed in the TABLE to § 100.501.

TABLE 2

[Changes to special local regulation date(s) and coordinates]

| | Table to § 100.501 Section | Location | Revision (date/coordinates) |
|---|---|---|---|
| 1 | (a.) 9 | Sunset Lake, NJ | dates. |
| 2 | (a.) 13 | New Jersey Intra Coastal Waterway, Ocean City, NJ | dates. |
| 3 | (a.) 14 | New Jersey Intra Coastal Waterway, Atlantic City, NJ | dates. |
| 4 | (b.) 3 | Middle River, Essex, MD | coordinates. |
| 5 | (b.) 6 | Upper Potomac River, Washington, D.C. | dates. |
| 6 | (b.) 7 | Severn River, Annapolis, MD | coordinates. |
| 7 | (b.) 15 | Tred Avon River, Oxford, MD | dates, coordinates. |
| 8 | (b.) 17 | Spa Creek, Annapolis, MD | dates. |
| 9 | (b.) 20 | Patuxent River, Solomons, MD | dates. |
| 10 | (b.) 21 | North Atlantic Ocean, Ocean City, MD | dates. |

Based on the nature of marine events, large number of participants and spectators, and event locations, the Coast Guard has determined that the events listed in this rule could pose a risk to participants or waterway users if normal vessel traffic were to interfere with the event. Possible hazards include risks of participant injury or death resulting from near or actual contact with non-participant vessels traversing through the regulated areas. In order to protect the safety of all waterway users including event participants and spectators, this rule establishes special local regulations for the time and location of each marine event.

This rule prevents vessels from entering, transiting, mooring or anchoring within areas specifically designated as regulated areas during the periods of enforcement unless authorized by the Captain of the Port (COTP), or designated Coast Guard Patrol Commander. The designated ''Patrol Commander'' includes Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on their behalf. On-scene patrol commander may be augmented by local, State or Federal officials authorized to act in support of the Coast Guard.

Safety Zones

This rule would add 6 new safety zones, remove 1 safety zone and revise 11 previously established safety zones listed in the Table to § 165.506. Other than changes to the dates and locations of certain safety zones, the other provisions in 33 CFR 165.506 remain unchanged.

The Coast Guard proposes to revise the regulations at 33 CFR 165.506 by adding 6 new safety zone locations to the permanent regulations listed in this section. The new safety zones are listed in TABLE 3, including reference by section as printed in the Table to § 165.506.

TABLE 3

[Safety zones added to 33 CFR 165.506]

| | Table to § 165.506 section | Location |
|---|---|---|
| 1 | (b.) 4 | Upper Potomac River, Washington, DC. |
| 2 | (c.) 22 | Urbanna Creek, Urbanna, VA. |
| 3 | (c.) 23 | Elizabeth River—Eastern Branch, Norfolk, VA. |
| 4 | (d.) 16 | Shallowbag Bay, Manteo, NC. |
| 5 | (d.) 17 | Pasquotank River, Elizabeth City, NC. |
| 6 | (d.) 18 | Atlantic Intracoastal Waterway, Bogue Inlet, Swansboro, NC. |

One safety zone would be removed from 33 CFR 165.506, specifically, the fireworks display that took place over the Potomac River, near Newburg, MD.

The rule would revise 11 preexisting safety zones that involves change to event date(s) and coordinates. These

revised safety zones are shown in Table 4, with reference by section as printed in the Table to § 165.506.

TABLE 4

[Changes to safety zone date(s) and coordinates]

| | Table to § 165.506 Section | Location | Revision (date/coordinates) |
|---|---|---|---|
| 1 | (a.) 1 | North Atlantic Ocean, Bethany Beach, DE | dates. |
| 2 | (a.) 3 | North Atlantic Ocean, Rehoboth Beach, DE | dates. |
| 3 | (a.) 4 | North Atlantic Ocean, Avalon, NJ | dates. |
| 4 | (a.) 6 | North Atlantic Ocean, Cape May, NJ | dates. |
| 5 | (a.) 7 | Delaware Bay, North Cape May, NJ | dates. |
| 6 | (a.) 9 | Metedeconk River, Brick Township, NJ | dates. |
| 7 | (a.) 10 | North Atlantic Ocean, Atlantic City, NJ | dates, coordinates. |
| 8 | (a.) 11 | North Atlantic Ocean, Ocean City, NJ | dates. |
| 9 | (a.) 13 | Little Egg Harbor, Parker Island, NJ | dates. |
| 10 | (b.) 20 | Upper Potomac River, Washington, DC | dates, coordinates. |
| 11 | (c.) 9 | North Atlantic Ocean, Virginia Beach, VA | dates. |

Each year, organizations in the Fifth Coast Guard District sponsor fireworks displays in the same general location and time period. Each event uses a barge or an on-shore site near the shoreline as the fireworks launch platform. A safety zone is used to control vessel movement within a specified distance surrounding the launch platforms to ensure the safety of persons and property. Coast Guard personnel on scene may allow boaters within the safety zone if conditions permit.

The enforcement period for these safety zones is from 5:30 p.m. to 1 a.m. local time. However, vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the COTP or designated Coast Guard patrol commander on scene, as provided for in 33 CFR 165.23. This rule provides for the safety of life on navigable waters during the events.

**E. Regulatory Analyses**

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

*1. Regulatory Planning and Review*

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This finding is based on the short amount of time that vessels will be restricted from regulated areas, and the small size of these areas that are usually positioned away from high vessel traffic zones. Generally vessels would not be precluded from getting underway, or mooring at any piers or marinas currently located in the vicinity of the regulated areas. Advance notifications would also be made to the local maritime community by issuance of Local Notice to Mariners, Broadcast Notice to Mariners, Marine information and facsimile broadcasts so mariners can adjust their plans accordingly. Notifications to the public for most events will typically be made by local newspapers, radio and TV stations. The Coast Guard anticipates that these special local regulated areas and safety zones will only be enforced one to three times per year.

*2. Impact on Small Entities*

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities some of which may be small entities: The owners and operators of vessels intending to transit or anchor in these regulated areas during the times the zones are enforced.

These special local regulated areas and safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: The Coast Guard will ensure that small entities are able to operate in the areas where events are occurring to the extent possible while ensuring the safety of event participants and spectators. The enforcement period will be short in duration and, in many of the areas, vessels can transit safely around the regulated area. Generally, blanket permission to enter, remain in, or transit through these regulated areas will be given, except during the period that the Coast Guard patrol vessel is present. Before the enforcement period, we will issue maritime advisories widely.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

*3. Assistance for Small Entities*

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

*4. Collection of Information*

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

*5. Federalism*

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

*6. Protest Activities*

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

*7. Unfunded Mandates Reform Act*

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

*8. Taking of Private Property*

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

*9. Civil Justice Reform*

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

*10. Protection of Children From Environmental Health Risks*

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

*11. Indian Tribal Governments*

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

*12. Energy Effects*

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

*13. Technical Standards*

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

*14. Environment*

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule involves implementation of regulations within 33 CFR part 100 that apply to organized marine events on the navigable waters of the United States. Some marine events by their nature may introduce potential for adverse impact on the safety or other interest of waterway users or waterfront infrastructure within or close proximity to the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, and sail board racing. This section of the rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are not required for this section of the rule.

This rule involves implementation of regulations at 33 CFR part 165 that establish safety zones on navigable waters of the United States for fireworks events. These safety zones are enforced for the duration of fireworks display events. The fireworks are generally launched from or immediately adjacent to navigable waters of the United States. The category of activities includes fireworks launched from barges or at the shoreline that generally rely on the use of navigable waters as a safety buffer. Fireworks displays may introduce potential hazards such as accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. This section of the rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

**List of Subjects**

*33 CFR Part 100*

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

*33 CFR Part 165*

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 100 and 165 as follows:

## PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Amend § 100.501 by revising TABLE TO § 100.501 to read as follows:

**§ 100.501 Special Local Regulations; Marine Events within the Fifth Coast Guard District.**

* * * * *

TABLE TO § 100.501

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| **(a.) Coast Guard Sector Delaware Bay—COTP Zone** | | | | |
| 1 | June—1st Sunday | Atlantic County Day at the Bay. | Atlantic County, New Jersey. | The waters of Great Egg Harbor Bay, adjacent to Somers Point, New Jersey, bounded by a line drawn along the following boundaries: The area is bounded to the north by the shoreline along John F. Kennedy Park and Somers Point, New Jersey; bounded to the east by the State Route 52 bridge; bounded to the south by a line that runs along latitude 39°18′00″ N.; and bounded to the west by a line that runs along longitude 074°37′00″ W. |
| 2 | May—3rd Sunday; September—3rd Saturday. | Annual Escape from Fort Delaware Triathlon. | Escape from Fort Delaware Triathlon, Inc.. | All waters of the Delaware River between Pea Patch Island and Delaware City, Delaware, bounded by a line connecting the following points: Latitude 39°36′35.7″ N., longitude 075°35′25.6″ W., thence southeast to latitude 39°34′57.3″ N., longitude 075°33′23.1″ W., thence southwest to latitude 39°34′11.9″ N., longitude 075°34′28.6″ W., thence northwest to latitude 39°35′52.4″ N, longitude 075°36′33.9″ W, thence to point of origin. |
| 3 | June—last Saturday | Westville Parade of Lights. | Borough of Westville and Westville Power Boat. | All waters of Big Timber Creek in Westville, New Jersey from shoreline to shoreline bounded on the south from the Route 130 Bridge and to the north by the entrance of the Delaware River. |
| 4 | June—4th Sunday | OPA Atlantic City Grand Prix. | Offshore Performance Assn. (OPA). | The waters of the North Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: From a point along the shoreline at latitude 39°21′50″ N., longitude 074°24′37″ W., thence southeasterly to latitude 39°20′40″ N., longitude 074°23′50″ W., thence southwesterly to latitude 39°19′33″ N., longitude 074°26′52″ W., thence northwesterly to a point along the shoreline at latitude 39°20′43″ N., longitude 074°27′40″ W., thence northeasterly along the shoreline to point of origin at latitude 39°21′50″ N., longitude 074°24′37″ W. |
| 5 | July—on or about July 4th. | U.S. holiday celebrations. | City of Philadelphia | The waters of the Delaware River, adjacent to Philadelphia, PA and Camden, NJ, from shoreline to shoreline, bounded on the south by the Walt Whitman Bridge and bounded on the north by the Benjamin Franklin Bridge. |
| 6 | August—2nd Friday, Saturday and Sunday. | Point Pleasant OPA/NJ Offshore Grand Prix. | Offshore Performance Association (OPA) and New Jersey Offshore Racing Assn. | The waters of the North Atlantic Ocean bounded by a line drawn from a position along the shoreline near Normandy Beach, NJ at latitude 40°00′00″ N., longitude 074°03′30″ W., thence easterly to latitude 39°59′40″ N., longitude 074°02′00″ W., thence southwesterly to latitude 39°56′35″ N., longitude 074°03′00″ W., thence westerly to a position near the Seaside Heights Pier at latitude 39°56′35″ N., longitude 074°04′15″ W., thence northerly along the shoreline to the point of origin. |
| 7 | July—3rd Wednesday and Thursday. | New Jersey Offshore Grand Prix. | Offshore Performance Assn. & New Jersey Offshore Racing Assn. | The waters of the Manasquan River from the New York and Long Branch Railroad Bridge to Manasquan Inlet, together with all of the navigable waters of the United States from Asbury Park, New Jersey, latitude 40°14′00″ N.; southward to Seaside Park, New Jersey latitude 39°55′00″ N., from the New Jersey shoreline seaward to the limits of the Territorial Sea. The race course area extends from Asbury Park to Seaside Park from the shoreline, seaward to a distance of 8.4 nautical miles. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 8 | August—3rd Friday | Thunder Over the Boardwalk Air show. | Atlantic City Chamber of Commerce. | The waters of the North Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: From a point along the shoreline at latitude 39°21′31″ N., longitude 074°25′04″ W., thence southeasterly to latitude 39°21′08″ N., longitude 074°24′48″ W., thence southwesterly to latitude 39°20′16″ N., longitude 074°27′17″ W., thence northwesterly to a point along the shoreline at latitude 39°20′44″ N., longitude 074°27′31″ W., thence northeasterly along the shoreline to latitude 39°21′31″ N., longitude 074°25′04″ W. |
| 9 | September—2nd, 3rd or 4th Friday, Saturday and Sunday; October—1st Friday, Saturday and Sunday. | Sunset Lake Hydrofest | Sunset Lake Hydrofest Assn. | All waters of Sunset Lake, New Jersey, from shoreline to shoreline, south of latitude 38°58′32″ N. |
| 10 | October—2nd Saturday and Sunday. | The Liberty Grand Prix | Offshore Performance Assn. (OPA). | The waters of the Delaware River, adjacent to Philadelphia, PA and Camden, NJ, from shoreline to shoreline, bounded on the south by the Walt Whitman Bridge and bounded on the north by the Benjamin Franklin Bridge. |
| 11 | October—1st Monday (Columbus Day). | U.S. holiday celebrations. | City of Philadelphia | The waters of the Delaware River, adjacent to Philadelphia, PA and Camden, NJ, from shoreline to shoreline, bounded on the south by the Walt Whitman Bridge and bounded on the north by the Benjamin Franklin Bridge. |
| 12 | December 31st (New Year's Eve). | U.S. holiday celebrations. | City of Philadelphia | The waters of the Delaware River, adjacent to Philadelphia, PA and Camden, NJ, from shoreline to shoreline, bounded on the south by the Walt Whitman Bridge and bounded on the north by the Benjamin Franklin Bridge. |
| 13 | September—2nd or 3rd Sunday. | Ocean City Air Show | Ocean City, NJ | All waters of the New Jersey Intracoastal Waterway (ICW) bounded by a line connecting the following points; latitude 39°15′57″ N., longitude 074°35′09″ W. thence northeast to latitude 39°16′34″ N., longitude 074°33′54″ W. thence southeast to latitude 39°16′17″ N., longitude 074°33′29″ W. thence southwest to latitude 39°15′40″ N., longitude 074°34′46″ W. thence northwest to point of origin, near Ocean City, NJ. |
| 14 | June—4th Sunday and August 2nd or 3rd Sunday. | Atlantic City International Triathlon. | Atlantic City, NJ | All waters of the New Jersey Intracoastal Waterway (ICW) bounded by a line connecting the following points; latitude 39°21′20″ N., longitude 074°27′18″ W. thence northeast to latitude 39°21′27.47″ N., longitude 074°27′10.31″ W. thence northeast to latitude 39°21′33″ N., longitude 074°26′57″ W. thence northwest to latitude 39°21′37″ N., longitude 074°27′03″ W. thence southwest to latitude 39°21′29.88″ N., longitude 074°27′14.31″ W. thence south to latitude 39°21′19″ N., longitude 074°27′22″ W. thence east to latitude 39°21′18.14″ N, longitude 074°27′19.25″ W thence north to point of origin, near Atlantic City, NJ. |
| **(b.) Coast Guard Sector Baltimore—COTP Zone** | | | | |
| 1 | March—4th or last Saturday; or April—1st Saturday. | Safety at Sea Seminar. | U.S. Naval Academy | All waters of the Severn River from shoreline to shoreline, bounded to the northwest by the Naval Academy (SR–450) Bridge and bounded to the southeast by a line drawn from U.S. Naval Academy Light at latitude 38°58′39.5″ N., longitude 076°28′49″ W. thence easterly to Carr Point, MD at latitude 38°58′58″ N., longitude 076°27′41″ W. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 2 | March—3rd, 4th or last Friday, Saturday and Sunday; April and May—every Friday, Saturday and Sunday. | USNA Crew Races | U.S. Naval Academy | All waters of the Severn River from shoreline to shoreline, bounded to the northwest by a line drawn from the south shoreline at latitude 39°00′58″ N., longitude 076°31′32″ W. thence to the north shoreline at latitude 39°01′11″ N., longitude 076°31′10″ W. The regulated area is bounded to the southeast by a line drawn from U.S. Naval Academy Light at latitude 38°58′39.5″ N., longitude 076°28′49″ W. thence easterly to Carr Point, MD at latitude 38°58′58″ N., longitude 076°27′41″ W. |
| 3 | July—3rd, 4th or last Saturday, or Sunday. | Dinghy Poker Run | Norris Trust Foundation | The waters of Middle River, from shoreline to shoreline, within an area bounded to the north by a line drawn along latitude 39°19′33″ N., and bounded to the south by a line drawn from latitude 39°17′24.4″ N., longitude 076°23′53.3″ W. to latitude 39°18″06.4″ N., longitude 076°23′10.9″ W., located in Baltimore County, at Essex, MD. |
| 4 | May—1st Sunday | Nanticoke River Swim and Triathlon. | Nanticoke River Swim and Triathlon, Inc. | All waters of the Nanticoke River, including Bivalve Channel and Bivalve Harbor, bounded by a line drawn from a point on the shoreline at latitude 38°18′00″ N., longitude 075°54′00″ W., thence westerly to latitude 38°18′00″ N., longitude 075°55′00″ W., thence northerly to latitude 38°20′00″ N., longitude 075°53′48″ W., thence easterly to latitude 38°19′42″ N., longitude 075°52′54″ W. |
| 5 | May—Saturday before Memorial Day. | Chestertown Tea Party Re-enactment Festival. | Chestertown Tea Party Festival. | All waters of the Chester River, within a line connecting the following positions: latitude 39°12′27″ N., longitude 076°03′46″ W.; thence to latitude 39°12′19″ N., longitude 076°0353 W.; thence to latitude 39°12′15″ N., longitude 076°03′41″ W.; thence to latitude 39°12′26″ N., longitude 076°03′38″ W.; thence to the point of origin at latitude 39°12′27″ N., longitude 076°03′46″ W. |
| 6 | May—3rd Friday, Saturday and Sunday. June 2nd or 3rd Friday, Saturday and Sunday. | Dragon Boat Races at Georgetown, Washington, DC. | Washington, DC Dragon Boat Festival, Inc. | The waters of the Upper Potomac River, Washington, DC, from shoreline to shoreline, bounded upstream by the Francis Scott Key Bridge and downstream by the Roosevelt Memorial Bridge. |
| 7 | May—Tuesday and Wednesday before Memorial Day (observed). | USNA Blue Angels Air Show. | U.S. Naval Academy | All waters of the Severn River from shoreline to shoreline, bounded to the northwest by a line drawn from the south shoreline at latitude 39°00′38.02″ N., longitude 076°31′01.49″ W. thence to the north shoreline at latitude 39°00′52.7″ N., longitude 076°30′46.01″ W., this line is approximately 1300 yards northwest of the U.S. 50 fixed highway bridge. The regulated area is bounded to the southeast by a line drawn from U.S. Naval Academy Light at latitude 38°58′39.5″ N., longitude 076°28′49″ W. thence southeast to a point 1500 yards ESE of Chinks Point, MD at latitude 38°57′41″ N., longitude 076°27′36″ W. thence northeast to Greenbury Point at latitude 38°58′27.66″ N., longitude 076°27′16.38″ W. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 8 | June—2nd Sunday | The Great Chesapeake Bay Bridges Swim Races. | Great Chesapeake Bay Swim, Inc. | The waters of the Chesapeake Bay between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges from shoreline to shoreline, bounded to the north by a line drawn parallel and 500 yards north of the north bridge span that originates from the western shoreline at latitude 39°00′36″ N., longitude 076°23′05″ W. and thence eastward to the eastern shoreline at latitude 38°59′14″ N., longitude 076°20′00″ W., and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′16″ N., longitude 076°24′30″ W. and thence eastward to the eastern shoreline at latitude 38°58′38.5″ N., longitude 076°20′06″ W. |
| 9 | June—3rd, 4th or last Saturday or July—2nd or 3rd Saturday. | Maryland Swim for Life | District of Columbia Aquatics Club. | The waters of the Chester River from shoreline to shoreline, bounded on the south by a line drawn at latitude 39°10′16″ N., near the Chester River Channel Buoy 35 (LLN–26795) and bounded on the north at latitude 39°12′30″ N. by the Maryland S.R. 213 Highway Bridge. |
| 10 | June—last Saturday and Sunday or July—2nd Saturday and Sunday. | Bo Bowman Memorial—Sharptown Regatta. | Virginia/Carolina Racing Assn. | All waters of the Nanticoke River near Sharptown, MD, from shoreline to shoreline, bounded to the south by Maryland S.R. 313 Highway Bridge and bounded to the north by a line drawn from latitude 38°33′09″ N., longitude 075°42′45″ W., thence southeasterly to latitude 38°33′04″ N., longitude 075°42′37″ W. |
| 11 | June—2nd, 3rd, 4th or last Saturday and Sunday or August—1st Saturday and Sunday. | Thunder on the Narrows. | Kent Narrows Racing Assn. | All waters of Prospect Bay enclosed by the following points: Latitude 38°57′52″ N., longitude 076°14′48″ W., thence to latitude 38°58′02″ N., longitude 076°15′05″ W., thence to latitude 38°57′38″ N., longitude 076°15′29″ W., thence to latitude 38°57′28″ N., longitude 076°15′23″ W., thence to point of origin at latitude 38°57′52″ N., longitude 076°14′48″ W. |
| 12 | May/June—Saturday and Sunday after Memorial Day (observed); and October—1st Saturday and Sunday. | Rock Hall and Waterman's Triathlon Swims. | Kinetic Endeavors, LLC | The waters of Rock Hall Harbor from shoreline to shoreline, bounded by a line drawn from latitude 39°07′59″ N., longitude 076°15′03″ W. to latitude 39°07′50″ N., longitude 076°14′41″ W., located at the entrance to Rock Hall, MD. |
| 13 | September—2nd Saturday or the Saturday after Labor Day. | Dragon Boat Races in the Inner Harbor. | Associated Catholic Charities, Inc. | The waters of the Patapsco River, Baltimore, MD, Inner Harbor from shoreline to shoreline, bounded on the east by a line drawn along longitude 076°36′30″ W. |
| 14 | June—3rd, 4th or last Saturday or Sunday. | Baltimore Dragon Boat Challenge. | Baltimore Dragon Boat Club. | The waters of Patapsco River, Northwest Harbor, in Baltimore, MD, from shoreline to shoreline, within an area bounded on the east by a line drawn along longitude 076°35′ W. and bounded on the west by a line drawn along longitude 076°36′ W. |
| 15 | May—2nd, 3rd, 4th or last Saturday. June—1st, 2nd or 3rd Saturday. | Oxford-Bellevue Sharkfest Swim. | Enviro-Sports Productions Inc. | The waters of the Tred Avon River from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42′25″ N., longitude 076°10′45″ W., thence south to latitude 38°41′37″ N., longitude 076°10′26″ W., and bounded on the west by a line drawn from latitude 38°41′58″ N., longitude 076°11′04″ W., thence south to latitude 38°41′25″ N., longitude 076°10′49″ W., thence east to latitude 38°41′25″ N., longitude 076°10′30″ W., located at Oxford, MD. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 16 | June—1st Sunday | Swim Across the Potomac. | U.S. Open Water Swimming Assn.—Wave One Swimming. | The waters of the Potomac River, from shoreline to shoreline, bounded to the north by a line drawn that originates at Jones Point Park, VA at the west shoreline latitude 38°47′35″ N., longitude 077°02′22″ W., thence east to latitude 38°47′2″ N., longitude 077°00′58″ W., at east shoreline near National Harbor, MD. The regulated area is bounded to the south by a line drawn originating at George Washington Memorial Parkway highway overpass and Cameron Run, west shoreline latitude 38°47′23″ N., longitude 077°03′03″ W. thence east to latitude 38°46′52″ N., longitude 077°01′13″ W., at east shoreline near National Harbor, MD. |
| 17 | October—last Saturday; or November—1st or 2nd Saturday. | The MRE Tug of War | Maritime Republic of Eastport. | The waters of Spa Creek from shoreline to shoreline, extending 400 feet from either side of a rope spanning Spa Creek from a position at latitude 38°58′36.9″ N., longitude 076°29′03.8″ W. on the Annapolis shoreline to a position at latitude 38°58′26.4″ N., longitude 076°28′53.7″ W. on the Eastport shoreline. |
| 18 | December—2nd Saturday. | Eastport Yacht Club Lighted Boat Parade. | Eastport Yacht Club | The waters of Spa Creek, and the Severn River, shore to shore, bounded on the south by a line drawn from Carr Point, at latitude 38°58′58″ N., longitude 076°27′40″ W., thence to Horn Point Warning Light (LLNR 17935), at 38°58′24″ N., longitude 076°28′10″ W., thence to Horn Point, at 38°58′20″ N., longitude 076°28′27″ W., and bounded on the north by Naval Academy SR 450 Bridge. |
| 19 | Memorial Day weekend—Thursday, Friday, Saturday and Sunday; or Labor Day weekend—Thursday, Friday, Saturday and Sunday. | NAS Patuxent River Air Expo. | U.S. Naval Air Station Patuxent River, MD. | All waters of the lower Patuxent River, near Solomons, Maryland, located between Fishing Point and the base of the break wall marking the entrance to the East Seaplane Basin at Naval Air Station Patuxent River, within an area bounded by a line connecting position latitude 38°17′39″ N., longitude 076°25′47″ W.; thence to latitude 38°17′47″ N., longitude 076°26′00″ W.; thence to latitude 38°18′09″ N., longitude 076°25′40″ W.; thence to latitude 38°18′00″ N., longitude 076°25′25″ W., located along the shoreline at U.S. Naval Air Station Patuxent River, Maryland. All waters of the lower Patuxent River, near Solomons, Maryland, located between Hog Point and Cedar Point, within an area bounded by a line drawn from a position at latitude 38°18′41″ N., longitude 076°23′43″ W.; to latitude 38°18′16″ N., longitude 076°22′35″ W.; thence to latitude 38°18′12″ N., longitude 076°22′37″ W.; thence to latitude 38°18′36″ N., longitude 076°23′46″ W., located adjacent to the shoreline at U.S. Naval Air Station Patuxent River, Maryland. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 20 | September—2nd, 3rd or 4th Friday, Saturday and Sunday. October—1st Friday, Saturday and Sunday. | Chesapeake Challenge/ Solomons Offshore Grand Prix. | Chesapeake Bay Powerboat Association. | All waters of the Patuxent River, within boundary lines connecting the following positions; originating near north entrance of MD Route 4 bridge, latitude 38°19′45″ N., longitude 076°28′06″ W., thence southwest to south entrance of MD Route 4 bridge, latitude 38°19′24″ N., longitude 076°28′30″ W., thence south to a point near the shoreline, latitude 38°18′32″ N., longitude 076°28′14″ W., thence southeast to a point near the shoreline, latitude 38°17′38″ N, longitude 076°27′26″ W., thence northeast to latitude 38°18′00″ N., longitude 076°26′41″ W., thence northwest to latitude 38°18′59″ N., longitude 076°27′20″ W., located at Solomons, MD, thence continuing northwest and parallel to shoreline to point of origin. |
| 21 | May—1st or 2nd Saturday and Sunday. | Ocean City Maryland Offshore Grand Prix. | Offshore Performance Assn. Racing, LLC. | The waters of the North Atlantic Ocean commencing at a point on the shoreline at latitude 38°25′42″ N., longitude 075°03′06″ W.; thence east southeast to latitude 38°25′30″ N., longitude 075°02′12″ W., thence south southwest parallel to the Ocean City shoreline to latitude 38°19′12″ N., longitude 075°03′48″ W.; thence west northwest to the shoreline at latitude 38°19′30″ N., longitude 075°05′00″ W. |
| 22 | June—1st or 2nd Thursday, Friday, Saturday and Sunday. | Ocean City Air Show .... | Town of Ocean City, Maryland. | All waters of the North Atlantic Ocean within an area bounded by the following coordinates: Latitude 38°21′38″ N., longitude 075°04′04″ W.; latitude 38°21′27″ N., longitude 075°03′29″ W.; latitude 38°19′35″ N., longitude 075°04′19″ W.; and latitude 38°19′45″ N., longitude 075°04′54″ W., located at Ocean City, MD. |
| 23 | June—4th or last Sunday. | Coastal Aquatics Swim Team Open Water Summer Shore Swim. | Coastal Aquatics Swim Club. | All waters of the Nanticoke River, including Bivalve Channel and Bivalve Harbor, bounded by a line drawn from a point on the shoreline at latitude 38°18′00″ N., longitude 075°54′00″ W., thence westerly to latitude 38°18′00″ N., longitude 075°55′00″ W., thence northerly to latitude 38°20′00″ N., longitude 075°53′48″ W., thence easterly to latitude 38°19′42″ N., longitude 075°52′54″ W. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| **(c.) Coast Guard Sector Hampton Roads—COTP Zone** | | | | |
| 1 ..... | May—last Friday, Saturday and Sunday and/or June—1st Friday, Saturday and Sunday. | Blackbeard Festival ..... | City of Hampton ..... | The waters of Sunset Creek and Hampton River shore to shore bounded to the north by the I–64 Bridge over the Hampton River and to the south by a line drawn from Hampton River Channel Light 16 (LL 5715), located at latitude 37°01′03″ N., longitude 76°20′26″ W., to the finger pier across the river at Fisherman's Wharf, located at latitude 37°01′01.5″ N., longitude 76°20′32″ W. Spectator Vessel Anchorage Areas—Area A: Located in the upper reaches of the Hampton River, bounded to the south by a line drawn from the western shore at latitude 37°01′48″ N., longitude 76°20′22″ W., across the river to the eastern shore at latitude 37°01′44″ N., longitude 76°20′13″ W., and to the north by the I–64 Bridge over the Hampton River. The anchorage area will be marked by orange buoys.<br>Area B: Located on the eastern side of the channel, in the Hampton River, south of the Queen Street Bridge, near the Riverside Health Center. Bounded by the shoreline and a line drawn between the following points: Latitude 37°01′26″ N., longitude 76°20′24″ W., latitude 37°01′22″ N., longitude 76°20′26″ W., and latitude 37°01′22″ N., longitude 76°20′23″ W.. The anchorage area will be marked by orange buoys. |
| 2 ..... | June—1st Friday, Saturday and Sunday or 2nd Friday, Saturday and Sunday. | Norfolk Harborfest ..... | Norfolk Festevents, Ltd. | The waters of the Elizabeth River and its branches from shoreline to shoreline, bounded to the northwest by a line drawn across the Port Norfolk Reach section of the Elizabeth River between the northern corner of the landing at Hospital Point, Portsmouth, Virginia, latitude 36°50′51″ N., longitude 076°18′09″ W. and the north corner of the City of Norfolk Mooring Pier at the foot of Brooks Avenue located at latitude 36°51′00″ N., longitude 076°17′52″ W.; bounded on the southwest by a line drawn from the southern corner of the landing at Hospital Point, Portsmouth, Virginia, at latitude 36°50′50″ N., longitude 076°18′10″ W., to the northern end of the eastern most pier at the Tidewater Yacht Agency Marina, located at latitude 36°50′29″ N., longitude 076°17′52″ W.; bounded to the south by a line drawn across the Lower Reach of the Southern Branch of the Elizabeth River, between the Portsmouth Lightship Museum located at the foot of London Boulevard, in Portsmouth, Virginia at latitude 36°50′10″ N., longitude 076°17′47″ W., and the northwest corner of the Norfolk Shipbuilding & Drydock, Berkley Plant, Pier No. 1, located at latitude 36°50′08″ N., longitude 076°17′39″ W.; and to the southeast by the Berkley Bridge which crosses the Eastern Branch of the Elizabeth River between Berkley at latitude 36°50′21.5″ N., longitude 076°17′14.5″ W., and Norfolk at latitude 36°50′35″ N., longitude 076°17′10″ W. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 3 | June—2nd or 3rd Saturday. | Cock Island Race | Portsmouth Boat Club & City of Portsmouth, VA. | The waters of the Elizabeth River and its branches from shoreline to shoreline, bounded to the northwest by a line drawn across the Port Norfolk Reach section of the Elizabeth River between the northern corner of the landing at Hospital Point, Portsmouth, Virginia, latitude 36°50′51″ N., longitude 076°18′09″ W. and the north corner of the City of Norfolk Mooring Pier at the foot of Brooks Avenue located at latitude 36°51′00″ N., longitude 076°17′52″ W.; bounded on the southwest by a line drawn from the southern corner of the landing at Hospital Point, Portsmouth, Virginia, at latitude 36°50′50″ N., longitude 076°18′10″ W., to the northern end of the eastern most pier at the Tidewater Yacht Agency Marina, located at latitude 36°50′29″ N., longitude 076°17′52″ W.; bounded to the south by a line drawn across the Lower Reach of the Southern Branch of the Elizabeth River, between the Portsmouth Lightship Museum located at the foot of London Boulevard, in Portsmouth, Virginia at latitude 36°50′10″ N., longitude 076°17′47″ W., and the northwest corner of the Norfolk Shipbuilding & Drydock, Berkley Plant, Pier No. 1, located at latitude 36°50′08″ N., longitude 076°17′39″ W.; and to the southeast by the Berkley Bridge which crosses the Eastern Branch of the Elizabeth River between Berkley at latitude 36°50′21.5″ N., longitude 076°17′14.5″ W., and Norfolk at latitude 36°50′35″ N., longitude 076°17′10″ W. |
| 4 | June—last Saturday or July—1st Saturday. | RRBA Spring Radar Shootout. | Rappahannock River Boaters Association (RRBA). | The waters of the Rappahannock River, adjacent to Layton, VA, from shoreline to shoreline, bounded on the west by a line running along longitude 076°58′30″ W., and bounded on the east by a line running along longitude 076°56′00″ W. |
| 5 | July—last Wednesday and following Friday; or August—1st Wednesday and following Friday. | Pony Penning Swim | Chincoteague Volunteer Fire Department. | The waters of Assateague Channel from shoreline to shoreline, bounded to the east by a line drawn from latitude 37°55′01″ N., longitude 075°22′40″ W., thence south to latitude 37°54′50″ N., longitude 075°22′46″ W.; and to the southwest by a line drawn from latitude 37°54′54″ N., longitude 075°23′00″ W., thence east to latitude 37°54′49″ N., longitude 075°22′49″ W. |
| 6 | August 1st or 2nd Friday, Saturday and Sunday. | Hampton Cup Regatta | Hampton Cup Regatta Boat Club. | The waters of Mill Creek, adjacent to Fort Monroe, Hampton, Virginia, enclosed by the following boundaries: To the north, a line drawn along latitude 37°01′00″ N., to the east a line drawn along longitude 076°18′30″ W., to the south a line parallel with the shoreline adjacent to Fort Monroe, and the west boundary is parallel with the Route 258—Mercury Boulevard Bridge. |
| 7 | September 1st Friday, Saturday and Sunday or 2nd Friday, Saturday and Sunday. | Hampton Virginia Bay Days Festival. | Hampton Bay Days Inc | The waters of Sunset Creek and Hampton River shore to shore bounded to the north by the I–64 Bridge over the Hampton River and to the south by a line drawn from Hampton River Channel Light 16 (LL 5715), located at latitude 37°01′03″ N., longitude 076°20′26″ W., to the finger pier across the river at Fisherman's Wharf, located at latitude 37°01′01.5″ N., longitude 076°20′32″ W. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 8 | September—last Sunday or October—1st Sunday. | Poquoson Seafood Festival Workboat Races. | City of Poquoson | The waters of the Back River, Poquoson, Virginia, bounded on the north by a line drawn along latitude 37°06′30″ N., bounded on the south by a line drawn along latitude 37°06′15″ N., bounded on the east by a line drawn along longitude 076°18′52″ W. and bounded on the west by a line drawn along longitude 076°19′30″ W. |
| 9 | June—3rd Saturday and Sunday or 4th Saturday and Sunday. | Mattaponi Drag Boat Race. | Mattaponi Volunteer Rescue Squad and Dive Team. | All waters of Mattaponi River immediately adjacent to Rainbow Acres Campground, King and Queen County, Virginia. The regulated area includes a section of the Mattaponi River approximately three-quarter mile long and bounded in width by each shoreline, bounded to the east by a line that runs parallel along longitude 076°52′43″ W., near the mouth of Mitchell Hill Creek, and bounded to the west by a line that runs parallel along longitude 076°53′41″ W. just north of Wakema, Virginia. |
| **(d.) Coast Guard Sector North Carolina—COTP Zone** | | | | |
| 1 | June—1st Saturday and Sunday. | Carolina Cup Regatta ... | Virginia Boat Racing Assn. | The waters of the Pasquotank River, adjacent to Elizabeth City, NC, from shoreline to shoreline, bounded on the west by the Elizabeth City Draw Bridge and bounded on the east by a line originating at a point along the shoreline at latitude 36°17′54″ N., longitude 076°12′00″ W., thence southwesterly to latitude 36°17′35″ N., longitude 076°12′18″ W. at Cottage Point. |
| 2 | August—1st Friday, Saturday and Sunday. | SBIP—Fountain Powerboats Kilo Run and Super Boat Grand Prix. | Super Boat International Productions (SBIP), Inc. | The waters of the Pamlico River including Chocowinity Bay, from shoreline to shoreline, bounded on the south by a line running northeasterly from Camp Hardee (North Carolina) at latitude 35°28′23″ N., longitude 076°59′23″ W., to Broad Creek Point at latitude 35°29′04″ N., longitude 076°58′44″ W., and bounded on the north by the Norfolk Southern Railroad Bridge. |

TABLE TO § 100.501—Continued

[All coordinates listed in the Table to § 100.501 reference Datum NAD 1983]

| No. | Date | Event | Sponsor | Location |
|---|---|---|---|---|
| 3 | September—3rd and or 4th or last Sunday. | Crystal Coast Grand Prix. | North Carolina East Sports, Inc. N/P. | The waters of Bogue Sound, adjacent to Morehead City, NC, from the southern tip of Sugar Loaf Island approximate position latitude 34°42′55″ N., longitude 076°42′48″ W., thence westerly to Morehead City Channel Day beacon 7 (LLNR 38620), thence southwest along the channel line to Bogue Sound Light 4 (LLRN 38770), thence southerly to Causeway Channel Day beacon 2 (LLNR 38720), thence southeasterly to Money Island Day beacon 1 (LLNR 38645), thence easterly to Eight and One Half Marina Day beacon 2 (LLNR 38685), thence easterly to the western most shoreline of Brant Island approximate position latitude 34°42′36″ N., longitude 076°42′11″ W., thence northeasterly along the shoreline to Tombstone Point approximate position latitude 34°42′14″ N., longitude 076°41′20″ W., thence southeasterly to the east end of the pier at Coast Guard Sector North Carolina approximate position latitude 34°42′00″ N., longitude 076°40′52″ W., thence easterly to Morehead City Channel Buoy 20 (LLNR 29427), thence northerly to Beaufort Harbor Channel LT 1BH (LLNR 34810), thence northwesterly to the southern tip of Radio Island approximate position latitude 34°42′22″ N., longitude 076°40′52″ W., thence northerly along the shoreline to approximate position latitude 34°43′00″ N., longitude 076°4125 W., thence westerly to the North Carolina State Port Facility, thence westerly along the State Port to the southwest corner approximate position latitude 34°42′55″ N., longitude 076°42′12″ W., thence westerly to the southern tip of Sugar Loaf Island the point of origin. |
| 4 | September—3rd, 4th or last Saturday; October—last Saturday; November—1st and or 2nd Saturday. | Wilmington YMCA Triathlon. | Wilmington, NC, YMCA | The waters of, and adjacent to, Wrightsville Channel, from Wrightsville Channel Day beacon 14 (LLNR 28040), located at 34°12′18″ N., longitude 077°48′10″ W., to Wrightsville Channel Day beacon 25 (LLNR 28080), located at 34°12′51″ N., longitude 77°48′53″ W. |
| 5 | August—2nd Saturday | The Crossing | Organization to Support the Arts, Infrastructure, and Learning on Lake Gaston, AKA O'SAIL. | All waters of Lake Gaston, from shoreline to shoreline, directly under the length of Eaton Ferry Bridge (NC State Route 903), latitude 36°31′06″ N., longitude 077°57′37″ W., bounded to the west by a line drawn parallel and 100 yards from the western side of Eaton Ferry Bridge near Littleton, NC. |

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 4. Amend § 165.506 by revising TABLE TO § 165.506 to read as follows:

**§ 165.506 Safety Zones; Fireworks Displays in the Fifth Coast Guard District.**

* * * * *

TABLE TO § 165.506

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

| No. | Date | Location | Regulated area |
|---|---|---|---|
| **(a.) Coast Guard Sector Delaware Bay—COTP Zone** | | | |
| 1 | July 3rd, 4th or 5th | North Atlantic Ocean, Bethany Beach, DE, Safety Zone. | The waters of the North Atlantic Ocean within a 500 yard radius of the fireworks barge in approximate position latitude 38°32′08″ N., longitude 075°03′15″ W., adjacent to shoreline of Bethany Beach, DE. |
| 2 | Labor Day | Indian River Bay, DE, Safety Zone. | All waters of the Indian River Bay within a 700 yard radius of the fireworks launch location on the pier in approximate position latitude 38°36′42″ N., longitude 075°08′18″ W. |
| 3 | July 3rd or 4th | North Atlantic Ocean, Rehoboth Beach, DE, Safety Zone. | All waters of the North Atlantic Ocean within a 360 yard radius of the fireworks barge in approximate position latitude 38°43′01.2″ N., longitude 075°04′21″ W., approximately 400 yards east of Rehoboth Beach, DE. |
| 4 | July 3rd, 4th or 5th | North Atlantic Ocean, Avalon, NJ, Safety Zone. | The waters of the North Atlantic Ocean within a 500 yard radius of the fireworks barge in approximate location latitude 39°06′19.5″ N., longitude 074°42′02.15″ W., in the vicinity of the shoreline at Avalon, NJ. |
| 5 | July 4th, or September 1st—2nd Saturday. | Barnegat Bay, Barnegat Township, NJ, Safety Zone. | The waters of Barnegat Bay within a 500 yard radius of the fireworks barge in approximate position latitude 39°44′50″ N., longitude 074°11′21″ W., approximately 500 yards north of Conklin Island, NJ. |
| 6 | July 3rd, 4th or 5th | North Atlantic Ocean, Cape May, NJ, Safety Zone. | The waters of the North Atlantic Ocean within a 500 yard radius of the fireworks barge in approximate location latitude 38°55′36″ N., longitude 074°55′26″ W., immediately adjacent to the shoreline at Cape May, NJ. |
| 7 | July 3rd, 4th or 5th | Delaware Bay, North Cape May, NJ, Safety Zone. | All waters of the Delaware Bay within a 360 yard radius of the fireworks barge in approximate position latitude 38°58′00″ N., longitude 074°58′30″ W. |
| 8 | August—3rd Sunday | Great Egg Harbor Inlet, Margate City, NJ, Safety Zone. | All waters within a 500 yard radius of the fireworks barge in approximate location latitude 39°19′33″ N., longitude 074°31′28″ W., on the Intracoastal Waterway near Margate City, NJ. |
| 9 | July 3rd, 4th or 5th. August every Thursday; September 1st Thursday. | Metedeconk River, Brick Township, NJ, Safety Zone. | The waters of the Metedeconk River within a 300 yard radius of the fireworks launch platform in approximate position latitude 40°03′24″ N., longitude 074°06′42″ W., near the shoreline at Brick Township, NJ. |
| 10 | July—3rd, 4th or 5th | North Atlantic Ocean, Atlantic City, NJ, Safety Zone. | The waters of the North Atlantic Ocean within a 500 yard radius of the fireworks barge located at latitude 39°20′58″ N., longitude 074°25′58″ W., and within 500 yard radius of a fireworks barge located at latitude 39°21′12″ N., longitude 074°25′06″ W., near the shoreline at Atlantic City, NJ. |
| 11 | July 3rd, 4th or 5th. October—1st or 2nd Saturday. | North Atlantic Ocean, Ocean City, NJ, Safety Zone. | The waters of the North Atlantic Ocean within a 500 yard radius of the fireworks barge in approximate location latitude 39°16′22″ N., longitude 074°33′54″ W., in the vicinity of the shoreline at Ocean City, NJ. |
| 12 | May—4th Saturday | Barnegat Bay, Ocean Township, NJ, Safety Zone. | All waters of Barnegat Bay within a 500 yard radius of the fireworks barge in approximate position latitude 39°47′33″ N., longitude 074°10′46″ W. |
| 13 | July 3rd, 4th or 5th | Little Egg Harbor, Parker Island, NJ, Safety Zone. | All waters of Little Egg Harbor within a 500 yard radius of the fireworks barge in approximate position latitude 39°34′18″ N., longitude 074°14′43″ W., approximately 100 yards north of Parkers Island. |
| 14 | September—3rd Saturday | Delaware River, Chester, PA, Safety Zone. | All waters of the Delaware River near Chester, PA just south of the Commodore Barry Bridge within a 250 yard radius of the fireworks barge located in approximate position latitude 39°49′43.2″ N., longitude 075°22′42″ W. |
| 15 | September—3rd Saturday | Delaware River, Essington, PA, Safety Zone. | All waters of the Delaware River near Essington, PA, west of Little Tinicum Island within a 250 yard radius of the fireworks barge located in the approximate position latitude 39°51′18″ N., longitude 075°18′57″ W. |
| 16 | July 3rd, 4th or 5th; Columbus Day; December 31st, January 1st. | Delaware River, Philadelphia, PA, Safety Zone. | All waters of Delaware River, adjacent to Penns Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 39°56′31.2″ N., longitude 075°08′28.1″ W.; thence to latitude 39°56′29.1″ N., longitude 075°07′56.5″ W., and bounded on the north by the Benjamin Franklin Bridge. |

TABLE TO § 165.506—Continued

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

| No. | Date | Location | Regulated area |
|---|---|---|---|
| **(b.) Coast Guard Sector Baltimore—COTP Zone** | | | |
| 1 | April—1st or 2nd Saturday | Washington Channel, Upper Potomac River, Washington, DC, Safety Zone. | All waters of the Upper Potomac River within a 150 yard radius of the fireworks barge in approximate position latitude 38°52′20″ N., longitude 077°01′17″ W., located within the Washington Channel in Washington Harbor, DC. |
| 2 | July 4th. December—1st and 2nd Saturday; December 31st. | Severn River and Spa Creek, Annapolis, MD, Safety Zone. | All waters of the Severn River and Spa Creek within an area bounded by a line drawn from latitude 38°58′43.75″ N., longitude 076°28′01.42″ W.; thence to latitude 38°58′21.14″ N., longitude 076°28′22.12″ W.; thence to latitude 38°58′39.47″ N., longitude 076°28′48.72″ W.; thence to latitude 38°58′53″ N., longitude 076°28′33.74″ W., thence to latitude 38°58′57.22″ N., longitude 076°28′39.83″ W., thence to latitude 38°59′02.15″ N., longitude 076°28′34.61″ W., thence to point of origin; located near the entrance to Spa Creek and Severn River, Annapolis, MD. |
| 3 | July—4th, or Saturday before or after Independence Day holiday. | Middle River, Baltimore County, MD, Safety Zone. | All waters of the Middle River within a 300 yard radius of the fireworks barge in approximate position latitude 39°17′45″ N., longitude 076°23′49″ W., approximately 300 yards east of Rockaway Beach, near Turkey Point. |
| 4 | July—1st, 2nd or 3rd Saturday;. | Upper Potomac River, Washington, DC, Safety Zone. | All waters of the Upper Potomac River within a 300 yard radius of the fireworks barge in approximate position 38°48′14″ N., 077°02′00″ W., located near the waterfront (King Street) at Alexandria, Virginia. |
| 5 | June 14th; July 4th; September—2nd Saturday; December 31st. | Northwest Harbor (East Channel), Patapsco River, MD, Safety Zone. | All waters of the Patapsco River within a 300 yard radius of the fireworks barge in approximate position 39°15′55″ N., 076°34′33″ W., located adjacent to the East Channel of Northwest Harbor. |
| 6 | May—2nd or 3rd Thursday or Friday; July 4th; December 31st. | Baltimore Inner Harbor, Patapsco River, MD, Safety Zone. | All waters of the Patapsco River within a 100 yard radius of the fireworks barge in approximate position latitude 39°17′01″ N., longitude 076°36′31″ W., located at the entrance to Baltimore Inner Harbor, approximately 125 yards southwest of pier 3. |
| 7 | May—2nd or 3rd Thursday or Friday; July 4th; December 31st. | Baltimore Inner Harbor, Patapsco River, MD, Safety Zone. | The waters of the Patapsco River within a 100 yard radius of approximate position latitude 39°17′04″ N., longitude 076°36′36″ W., located in Baltimore Inner Harbor, approximately 125 yards southeast of pier 1. |
| 8 | July 4th; December 31st | Northwest Harbor (West Channel) Patapsco River, MD, Safety Zone. | All waters of the Patapsco River within a 300 yard radius of the fireworks barge in approximate position latitude 39°16′21″ N., longitude 076°34′38″ W., located adjacent to the West Channel of Northwest Harbor. |
| 9 | July—4th, or Saturday before or after Independence Day holiday. | Patuxent River, Calvert County, MD, Safety Zone. | All waters of the Patuxent River within a 200 yard radius of the fireworks barge located at latitude 38°19′17″ N., longitude 076°27′45″ W., approximately 800 feet from shore at Solomons Island, MD. |
| 10 | July 3rd | Chesapeake Bay, Chesapeake Beach, MD, Safety Zone. | All waters of the Chesapeake Bay within a 150 yard radius of the fireworks barge in approximate position latitude 38°41′36″ N., longitude 076°31′30″ W., and within a 150 yard radius of the fireworks barge in approximate position latitude 38°41′28″ N., longitude 076°31′29″ W., located near Chesapeake Beach, Maryland. |
| 11 | July 4th | Choptank River, Cambridge, MD, Safety Zone. | All waters of the Choptank River within a 300 yard radius of the fireworks launch site at Great Marsh Point, located at latitude 38°35′06″ N., longitude 076°04′46″ W. |
| 12 | July—2nd or 3rd Saturday and last Saturday. | Potomac River, Fairview Beach, Charles County, MD, Safety Zone. | All waters of the Potomac River within a 300 yard radius of the fireworks barge in approximate position latitude 38°19′57″ N., longitude 077°14′40″ W., located north of the shoreline at Fairview Beach, Virginia. |
| 13 | May—last Saturday; July 4th | Potomac River, Charles County, MD—Mount Vernon, Safety Zone. | All waters of the Potomac River within an area bound by a line drawn from the following points: latitude 38°42′30″ N., longitude 077°04′47″ W.; thence to latitude 38°42′18″ N., longitude 077°04′42″ W.; thence to latitude 38°42′11″ N., longitude 077°05′10″ W.; thence to latitude 38°42′22″ N., longitude 077°05′12″ W.; thence to point of origin located along the Potomac River shoreline at George Washington's Mount Vernon Estate, Fairfax County, VA. |
| 14 | October—1st Saturday | Dukeharts Channel, Potomac River, MD, Safety Zone. | All waters of the Potomac River within a 300 yard radius of the fireworks barge in approximate position latitude 38°13′27″ N., longitude 076°44′48″ W., located adjacent to Dukeharts Channel near Coltons Point, Maryland. |

TABLE TO § 165.506—Continued

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

| No. | Date | Location | Regulated area |
|---|---|---|---|
| 15 | July—day before Independence Day holiday and July 4th; November—3rd Thursday, 3rd Saturday and last Friday. December—1st, 2nd and 3rd Friday. | Potomac River, National Harbor, MD, Safety Zone. | All waters of the Potomac River within an area bound by a line drawn from the following points: latitude 38°47′13″ N., longitude 077°00′58″ W.; thence to latitude 38°46′51″ N., longitude 077°01′15″ W.; thence to latitude 38°47′25″ N., longitude 077°01′33″ W.; thence to latitude 38°47′32″ N., longitude 077°01′08″ W.; thence to the point of origin, located at National Harbor, Maryland. |
| 16 | Sunday before July 4th, July 4th. | Susquehanna River, Havre de Grace, MD, Safety Zone. | All waters of the Susquehanna River within a 300 yard radius of approximate position latitude 39°32′06″ N., longitude 076°05′22″ W., located on the island at Millard Tydings Memorial Park. |
| 17 | June and July—Saturday before Independence Day holiday. | Miles River, St. Michaels, MD, Safety Zone. | All waters of the Miles River within a 200 yard radius of approximate position latitude 38°47′42″ N., longitude 076°12′51″ W., located at the entrance to Long Haul Creek. |
| 18 | July 3rd | Tred Avon River, Oxford, MD, Safety Zone. | All waters of the Tred Avon River within a 150 yard radius of the fireworks barge in approximate position latitude 38°41′24″ N., longitude 076°10′37″ W., approximately 500 yards northwest of the waterfront at Oxford, MD. |
| 19 | July 3rd | Northeast River, North East, MD, Safety Zone. | All waters of the Northeast River within a 300 yard radius of the fireworks barge in approximate position latitude 39°35′26″ N., longitude 075°57′00″ W., approximately 400 yards south of North East Community Park. |
| 20 | December 31st | Upper Potomac River, Washington, DC, Safety Zone. | All waters of the Upper Potomac River within a 300 yard radius of the fireworks barge in approximate position 38°48′38″ N., 077°01′56″ W., located east of Oronoco Bay Park at Alexandria, Virginia. |
| 21 | March through October, at the conclusion of evening MLB games at Washington Nationals Ball Park. | Anacostia River, Washington, DC, Safety Zone. | All waters of the Anacostia River within a 150 yard radius of the fireworks barge in approximate position latitude 38°52′13″ N., longitude 077°00′16″ W., located near the Washington Nationals Ball Park. |
| 22 | June—last Saturday or July—1st Saturday; July—3rd, 4th or last Saturday or Sunday. | Potomac River, Prince William County, VA, Safety Zone. | All waters of the Potomac River within a 200 yard radius of the fireworks barge in approximate position latitude 38°34′08″ N., longitude 077°15′38″ W., located near Cherry Hill, Virginia. |
| 23 | July 4th | North Atlantic Ocean, Ocean City, MD, Safety Zone. | All waters of the North Atlantic Ocean in an area bound by the following points: latitude 38°19′39.9″ N., longitude 075°05′03.2″ W.; thence to latitude 38°19′36.7″ N., longitude 075°04′53.5″ W.; thence to latitude 38°19′45.6″ N., longitude 075°04′49.3″ W.; thence to latitude 38°19′49.1″ N., longitude 075°05′00.5″ W.; thence to point of origin. The size of the safety zone extends approximately 300 yards offshore from the fireworks launch area located at the high water mark on the beach. |
| 24 | May—Sunday before Memorial Day (observed). June 29th; July 4th and July every Sunday. August—1st Sunday and Sunday before Labor Day (observed). | Isle of Wight Bay, Ocean City, MD, Safety Zone. | All waters of Isle of Wight Bay within a 200 yard radius of the fireworks barge in approximate position latitude 38°22′31″ N., longitude 075°04′34″ W. |
| 25 | July 4th | Assawoman Bay, Fenwick Island—Ocean City, MD, Safety Zone. | All waters of Assawoman Bay within a 360 yard radius of the fireworks launch location on the pier at the West end of Northside Park, in approximate position latitude 38°25′55″ N., longitude 075°03′53″ W. |
| 26 | July 4th; December 31st | Baltimore Harbor, Baltimore Inner Harbor, MD, Safety Zone. | All waters of Baltimore Harbor, Patapsco River, within a 280 yard radius of a fireworks barge in approximate position latitude 39°16′36.7″ N., longitude 076°35′53.8″ W., located northwest of the Domino Sugar refinery wharf at Baltimore, Maryland. |
| **(c.) Coast Guard Sector Hampton Roads—COTP Zone** | | | |
| 1 | July 4th | Linkhorn Bay, Virginia Beach, VA, Safety Zone. | All waters of the Linkhorn Bay within a 400 yard radius of the fireworks display in approximate position latitude 36°52′20″ N., longitude 076°00′38″ W., located near the Cavalier Golf and Yacht Club, Virginia Beach, Virginia. |
| 2 | September—last Friday or October—1st Friday. | York River, West Point, VA, Safety Zone. | All waters of the York River near West Point, VA within a 400 yard radius of the fireworks display located in approximate position latitude 37°31′25″ N., longitude 076°47′19″ W. |

TABLE TO § 165.506—Continued

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

| No. | Date | Location | Regulated area |
|---|---|---|---|
| 3 | July 4th | York River, Yorktown, VA, Safety Zone. | All waters of the York River within a 400 yard radius of the fireworks display in approximate position latitude 37°14′14″ N., longitude 076°30′02″ W., located near Yorktown, Virginia. |
| 4 | July 4th, July 5th, July 6th, or July 7th. | James River, Newport News, VA, Safety Zone. | All waters of the James River within a 325 yard radius of the fireworks barge in approximate position latitude 36°58′30″ N., longitude 076°26′19″ W., located in the vicinity of the Newport News Shipyard, Newport News, Virginia. |
| 5 | June—4th Friday; July—1st Friday; July 4th. | Chesapeake Bay, Norfolk, VA, Safety Zone. | All waters of the Chesapeake Bay within a 400 yard radius of the fireworks display located in position latitude 36°57′21″ N., longitude 076°15′00″ W., located near Ocean View Fishing Pier. |
| 6 | July 4th or 5th | Chesapeake Bay, Virginia Beach, VA, Safety Zone. | All waters of the Chesapeake Bay 400 yard radius of the fireworks display in approximate position latitude 36°55′02″ N., longitude 076°03′27″ W., located at the First Landing State Park at Virginia Beach, Virginia. |
| 7 | July 4th; December 31st, January—1st. | Elizabeth River, Southern Branch, Norfolk, VA, Safety Zone. | All waters of the Elizabeth River Southern Branch in an area bound by the following points: latitude 36°50′54.8″ N., longitude 076°18′10.7″ W.; thence to latitude 36°51′7.9″ N., longitude 076°18′01″ W.; thence to latitude 36°50′45.6″ N., longitude 076°17′44.2″ W.; thence to latitude 36°50′29.6″ N., longitude 076°17′23.2″ W.; thence to latitude 36°50′7.7″ N., longitude 076°17′32.3″ W.; thence to latitude 36°49′58″ N., longitude 076°17′28.6″ W.; thence to latitude 36°49′52.6″ N., longitude 076°17′43.8″ W.; thence to latitude 36°50′27.2″ N., longitude 076°17′45.3″ W.; thence to the point of origin. |
| 8 | July—3rd Saturday | John H. Kerr Reservoir, Clarksville, VA, Safety Zone. | All waters of John H. Kerr Reservoir within a 400 yard radius of approximate position latitude 36°37′51″ N., longitude 078°32′50″ W., located near the center span of the State Route 15 Highway Bridge. |
| 9 | June, July, August, September, and October—every Wednesday, Thursday, Friday, Saturday and Sunday July 4th. | North Atlantic Ocean, Virginia Beach, VA, Safety Zone A. | All waters of the North Atlantic Ocean within a 1000 yard radius of the center located near the shoreline at approximate position latitude 36°51′12″ N., longitude 075°58′06″ W., located off the beach between 17th and 31st streets. |
| 10 | September—last Saturday or October—1st Saturday. | North Atlantic Ocean, VA Beach, VA, Safety Zone B. | All waters of the North Atlantic Ocean within a 350 yard radius of approximate position latitude 36°50′35″ N., longitude 075°58′09″ W., located on the 14th Street Fishing Pier. |
| 11 | Friday, Saturday and Sunday Labor Day Weekend. | North Atlantic Ocean, VA Beach, VA, Safety Zone C. | All waters of the North Atlantic Ocean within a 350 yard radius of approximate position latitude 36°49′55″ N., longitude 075°58′00″ W., located off the beach between 2nd and 6th streets. |
| 12 | July 4th | Nansemond River, Suffolk, VA, Safety Zone. | All waters of the Nansemond River within a 350 yard radius of approximate position latitude 36°44′27″ N., longitude 076°34′42″ W., located near Constant's Wharf in Suffolk, VA. |
| 13 | July 4th | Chickahominy River, Williamsburg, VA, Safety Zone. | All waters of the Chickahominy River within a 400 yard radius of the fireworks display in approximate position latitude 37°14′50″ N., longitude 076°52′17″ W., near Barrets Point, Virginia. |
| 14 | July—3rd, 4th and 5th | Great Wicomico River, Mila, VA, Safety Zone. | All waters of the Great Wicomico River located within a 420 foot radius of the fireworks display at approximate position latitude 37°50′31″ N., longitude 076°19′42″ W. near Mila, Virginia. |
| 15 | July—1st Friday, Saturday and Sunday. | Cockrell's Creek, Reedville, VA, Safety Zone. | All waters of Cockrell's Creek located within a 420 foot radius of the fireworks display at approximate position latitude 37°49′54″ N., longitude 076°16′44″ W. near Reedville, Virginia. |
| 16 | May—last Sunday | James River, Richmond, VA, Safety Zone. | All waters of the James River located within a 420 foot radius of the fireworks display at approximate position latitude 37°31′13.1″ N., longitude 077°25′07.84″ W. near Richmond, Virginia. |
| 17 | June—last Saturday | Rappahannock River, Tappahannock, VA, Safety Zone. | All waters of the Rappahannock River located within a 400 foot radius of the fireworks display at approximate position latitude 37°55′12″ N., longitude 076°49′12″ W. near Tappahannock, Virginia. |

TABLE TO § 165.506—Continued

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

| No. | Date | Location | Regulated area |
|---|---|---|---|
| 18 | July 4th | Cape Charles Harbor, Cape Charles, VA, Safety Zone. | All waters of Cape Charles Harbor located within a 375 foot radius of the fireworks display at approximate position latitude 37°15′46.5″ N., longitude 076°01′30.3″ W. near Cape Charles, Virginia. |
| 19 | July 3rd or 4th | Pagan River, Smithfield, VA, Safety Zone. | All waters of the Pagan River located within a 420 foot radius of the fireworks display at approximate position latitude 36°59′18″ N., longitude 076°37′45″ W. near Smithfield, Virginia. |
| 20 | July 4th | Sandbridge Shores, Virginia Beach, VA, Safety Zone. | All waters of Sandbridge Shores located within a 300 foot radius of the fireworks display at approximate position latitude 36°43′24.9″ N., longitude 075°56′24.9″ W. near Virginia Beach, Virginia. |
| 21 | July 4th, 5th or 6th | Chesapeake Bay, Virginia Beach, VA, Safety Zone. | All waters of Chesapeake Bay located within a 600 foot radius of the fireworks display at approximate position latitude 36°54′58.18″ N., longitude 076°06′44.3″ W. near Virginia Beach, Virginia. |
| 22 | July 3rd, 4th and 5th | Urbanna Creek, Urbanna, VA; Safety Zone. | All waters of Urbanna Creek within a 350 foot radius of the fireworks launch site at latitude 37°38′09″ N., longitude 076°34′03″ W., located on land near the east shoreline of Urbanna Creek and south of Bailey Point. |
| 23 | April—August, every Friday and Saturday; July 2nd, 3rd, 4th and 5th; and Friday, Saturday and Sunday of Labor day weekend. | Elizabeth River Eastern Branch, Norfolk, VA; Safety Zone. | All waters of the Eastern Branch of Elizabeth River within the area along the shoreline immediately adjacent to Harbor Park Stadium ball park and outward into the river bound by a line drawn from latitude 36°50′29.65″ N., longitude 076°16′48.9″ W., thence south to 36°50′28.79″ N., longitude 076°16′49.12″ W., thence east to 36°50′26.74″ N., longitude 076°16′39.54″ W., thence north to 36°50′27.7″ N., longitude 076°16′39.36″ W terminating at the SW corner of Harbor Park finger pier. |
| **(d.) Coast Guard Sector North Carolina—COTP Zone** | | | |
| 1 | July 4th; October—1st Saturday. | Morehead City Harbor Channel, NC, Safety Zone. | All waters of the Morehead City Harbor Channel that fall within a 360 yard radius of latitude 34°43′01″ N., longitude 076°42′59.6″ W., a position located at the west end of Sugar Loaf Island, NC. |
| 2 | April—2nd Saturday; July 4th; August—3rd Monday; October—1st Saturday. | Cape Fear River, Wilmington, NC, Safety Zone. | All waters of the Cape Fear River within an area bound by a line drawn from the following points: latitude 34°13′54″ N., longitude 077°57′06″ W.; thence northeast to latitude 34°13′57″ N., longitude 077°57′05″ W.; thence north to latitude 34°14′11″ N., longitude 077°57′07″ W.; thence northwest to latitude 34°14′22″ N., longitude 077°57′19″ W.; thence east to latitude 34°14′22″ N., longitude 077°57′06″ W.; thence southeast to latitude 34°14′07″ N., longitude 077°57′00″ W.; thence south to latitude 34°13′54″ N., longitude 077°56′58″ W.; thence to the point of origin, located approximately 500 yards north of Cape Fear Memorial Bridge. |
| 3 | July 1st Saturday and July 4th | Green Creek and Smith Creek, Oriental, NC, Safety Zone. | All waters of Green Creek and Smith Creek that fall within a 300 yard radius of the fireworks launch site at latitude 35°01′29.6″ N., longitude 076°42′10.4″ W., located near the entrance to the Neuse River in the vicinity of Oriental, NC. |
| 4 | July 4th | Pasquotank River, Elizabeth City, NC, Safety Zone. | All waters of the Pasquotank River within a 300 yard radius of the fireworks launch barge in approximate position latitude 36°17′47″ N., longitude 076°12′17″ W., located approximately 400 yards north of Cottage Point, NC. |
| 5 | July 4th, or July 5th | Currituck Sound, Corolla, NC, Safety Zone. | All waters of the Currituck Sound within a 300 yard radius of the fireworks launch site in approximate position latitude 36°22′23.8″ N., longitude 075°49′56.3″ W., located near Whale Head Bay. |
| 6 | July 4th; November—3rd Saturday. | Middle Sound, Figure Eight Island, NC, Safety Zone. | All waters of the Figure Eight Island Causeway Channel from latitude 34°16′32″ N., longitude 077°45′32″ W., thence east along the marsh to a position located at latitude 34°16′19″ N., longitude 077°44′55″ W., thence south to the causeway at position latitude 34°16′16″ N., longitude 077°44′58″ W., thence west along the shoreline to position latitude 34°16′29″ N., longitude 077°45′34″ W., thence back to the point of origin. |

TABLE TO § 165.506—Continued

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

| No. | Date | Location | Regulated area |
|---|---|---|---|
| 7 | June—2nd Saturday; July 4th | Pamlico River, Washington, NC, Safety Zone. | All waters of Pamlico River and Tar River within a 300 yard radius of latitude 35°32′25″ N., longitude 077°03′42″ W., a position located on the southwest shore of the Pamlico River, Washington, NC. |
| 8 | July 4th | Neuse River, New Bern, NC, Safety Zone. | All waters of the Neuse River within a 360 yard radius of the fireworks barge in approximate position latitude 35°06′07.1″ N., longitude 077°01′35.8″ W; located 420 yards north of the New Bern, Twin Span, high-rise bridge. |
| 9 | July 4th | Edenton Bay, Edenton, NC, Safety Zone. | All waters within a 300 yard radius of position latitude 36°03′04″ N., longitude 076°36′18″ W., approximately 150 yards south of the entrance to Queen Anne Creek, Edenton, NC. |
| 10 | July 4th. November—Saturday following Thanksgiving Day. | Motts Channel, Banks Channel, Wrightsville Beach, NC, Safety Zone. | All waters of Motts Channel within a 500 yard radius of the fireworks launch site in approximate position latitude 34°12′29″ N., longitude 077°48′27″ W., approximately 560 yards south of Sea Path Marina, Wrightsville Beach, NC. |
| 11 | July 4th | Cape Fear River, Southport, NC, Safety Zone. | All waters of the Cape Fear River within a 600 yard radius of the fireworks barge in approximate position latitude 33°54′40″ N., longitude 078°01′18″ W., approximately 700 yards south of the waterfront at Southport, NC. |
| 12 | July 4th | Big Foot Slough, Ocracoke, NC, Safety Zone. | All waters of Big Foot Slough within a 300 yard radius of the fireworks launch site in approximate position latitude 35°06′54″ N., longitude 075°59′24″ W., approximately 100 yards west of the Silver Lake Entrance Channel at Ocracoke, NC. |
| 13 | August—1st Tuesday | New River, Jacksonville, NC, Safety Zone. | All waters of the New River within a 300 yard radius of the fireworks launch site in approximate position latitude 34°44′45″ N., longitude 077°26′18″ W., approximately one half mile south of the Hwy 17 Bridge, Jacksonville, North Carolina. |
| 14 | July 4th | Pantego Creek, Belhaven, NC, Safety Zone. | All waters on the Pantego Creek within a 600 foot radius of the launch site on land at position 35°32′35″ N., 076°37′46″ W. |
| 15 | July 4th | Atlantic Intracoastal Waterway, Swansboro, NC, Safety Zone. | All waters of the Atlantic Intracoastal Waterway within a 300 yard radius of approximate position latitude 34°41′02″ N., longitude 077°07′04″ W., located on Pelican Island. |
| 16 | September—4th or last Saturday. | Shallowbag Bay, Manteo, NC; Safety Zone. | All waters of Shallowbag Bay within a 200 yard radius of a fireworks barge anchored at latitude 35°54′31″ N., longitude 075°39′42″ W. |
| 17 | May—3rd Saturday | Pasquotank River; Elizabeth City, NC; Safety Zone. | All waters of the Pasquotank River within a 300 yard radius of the fireworks barge at latitude 36°17′47″ N., longitude 076°12′17′ W., located north of Cottage Point at the shoreline of the Pasquotank River. |
| 18 | October—2nd Saturday | Atlantic Intracoastal Waterway; Bogue Inlet, Swansboro, NC; Safety Zone. | All waters of the Atlantic Intracoastal Waterway within a 300 yard radius of the fireworks launch site at latitude 34°41′02″ N., longitude 077°07′04″ W., located at Bogue Inlet, near Swansboro, NC. |

Dated: February 2, 2015.

**Stephen P. Metruck,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 2015–02965 Filed 2–12–15; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF DEFENSE

## Department of the Army, Corps of Engineers

## 33 CFR Part 203

## Emergency Employment of Army and Other Resources, Natural Disaster Procedures

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) is issuing this advance notice of proposed rulemaking (ANPR) to request public comment on potential revisions to its regulations. USACE is specifically requesting input on potential changes to policies related to disaster preparedness; eligibility criteria for rehabilitation assistance for flood control works; options to address complex natural resource challenges while mitigating impacts to threatened or endangered species; and non-structural alternative projects. Consideration of Water Resources Reform and Development Act of 2014 provisions regarding resiliency for hurricane or shore protection projects, Section 3022, and the inclusion of modifications for hurricane or shore protection projects, Section 3029, are

not covered by this advanced notice of proposed rulemaking and may be addressed at a later date.

**DATES:** Comments must be received on or before April 14, 2015.

**ADDRESSES:** You may submit comments, identified by docket number COE–2015–0004, by any of the following methods:

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

*Email: 33CFR203@usace.army.mil* and include the docket number, COE–2015–0004, in the subject line of the message.

*Mail:* HQ, U.S. Army Corps of Engineers, ATTN: 33CFR203/CECW–HS/3D64, 441 G Street NW., Washington DC 20314–1000.

*Hand Delivery/Courier:* Due to security requirements, we cannot receive comments by hand delivery or courier.

*Instructions:* Direct your comments to docket number COE–2015–0004. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through 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, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey D. Jensen, Office of Homeland Security, Directorate of Contingency Operations, U.S. Army Corps of Engineers, at (703) 428–9068 or *Jeffrey.D.Jensen@usace.army.mil.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

A. Authority. Section 5 of the Flood Control Act of 1941, as amended, (*33 U.S.C. 701n*), commonly and hereinafter referred to as Public Law 84–99, authorizes an emergency fund to be expended at the discretion of the Chief of Engineers for: Preparation for natural disasters; flood fighting and rescue operations; repair or restoration of flood control works threatened, damaged, or destroyed by flood, or nonstructural alternatives thereto; emergency protection of federally authorized hurricane or shore protection projects which are threatened, when such protection is warranted to protect against imminent and substantial loss to life and property; and repair and restoration of federally authorized hurricane and shore protection projects damaged or destroyed by wind, wave, or water of other than ordinary nature. The law includes provision of emergency supplies of clean water when a contaminated source threatens the public health and welfare of a locality, and activities necessary to protect life and improved property from a threat resulting from a major flood or coastal storm. This law authorizes the Secretary of the Army (Secretary) to construct wells and to transport water within areas determined by the Secretary to be drought-distressed. The Secretary of the Army has delegated the authority vested in the Secretary under Public Law 84–99 through the Assistant Secretary of the Army (Civil Works) to the Chief of Engineers, subject to such further direction as the Secretary may provide.

B. Need for Revision. The Code of Federal Regulations, 33 CFR part 203, details administrative policies, guidance, and operating procedures for the Public Law 84–99 program and was last revised in 2003, 68 FR 19357–01, 21 April 2003. Since then, significant disasters, including Hurricane Sandy (2012), flooding on the Mississippi and Missouri Rivers (2008, 2011, and 2013) and Hurricane Katrina (2005), provided information regarding system performance and the need for improved system and community resilience that should be considered in formulating revised Pub. L. 84–99 rehabilitation policies. A more detailed understanding of the nature and severity of risk associated with flood control projects and the development of risk-informed decision making approaches and other technological advancements have influenced the outlook about how Pub. L. 84–99 activities could be implemented with a shift towards better alignment with USACE's Levee Safety and National Flood Risk Management Programs as well as the National Preparedness and Response Frameworks. Both of these USACE programs work with non-federal sponsors and stakeholders to assess, communicate and manage the risks to people, property, and the environment associated with levee systems and flood risks. Additionally, significant input from state and federal agencies, stakeholders, and other interested parties regarding the challenges of satisfying USACE vegetation management guidelines in light of the needs of listed threatened and endangered species caused USACE to reevaluate using technical criteria to determine active status in the Public Law 84–99 Rehabilitation Program.

## II. References

The following reference material is available on the Federal eRulemaking Portal at *http://www.regulations.gov* to assist the public in reviewing this ANPR and providing comments.

- 33 CFR part 203
- Engineer Regulation 500–1–1, ''Civil Emergency Management Program'', September 30, 2001
- Engineer Pamphlet 500–1–1, ''Civil Emergency Management Program Procedures'', September 30, 2001
- Engineering and Construction Bulletin, ''Interim Risk Reduction Measures (IRRMs) for Levee Safety'', March 5, 2014
- HQUSACE memorandum, ''Interim Policy Guidance for Eligibility Determinations'', March 21, 2014
- HQUSACE memorandum, ''Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs)'', November 29, 2011
- Levee Owner's Manual for Non-Federal Flood Control Works, March 2006

**III. General Information for the Advance Notice of Public Rulemaking**

A. Does this Action Apply to Me? This action is directed to the public in general, but will be of particular interest to a wide variety of organizations, to include tribal, state, and local emergency management agencies, water resource agencies, environmental and fish and wildlife management agencies and organizations, floodplain and levee safety managers, and non-federal interests (this term should be understood to include ''non-federal sponsors'' as used in 33 U.S.C. 701n and as defined at 33 CFR 203.15) with flood control works and hurricane or shore protection projects.

B. What Should I Consider As I Prepare My Comments for Submission? Commenters not familiar with current policy should review the references cited above available on the Federal eRulemaking Portal at *http://www.regulations.gov.* Comments should reference a specific paragraph or subparagraph of 33 CFR part 203 or one of the questions or issues in Section IV below. If the subject of the comment is not addressed in either the current CFR or the questions and issues below, then the commenter should clearly state the issue or concern, provide or reference any supporting documentation (*e.g.,* reports, statistical data, and studies), and make a proposal or recommendation about how to improve the current policy.

C. What Is the Intent of USACE in this Rulemaking Effort? The intent of USACE is to revise and update 33 CFR part 203 so that it incorporates new information from recent storm events and better aligns with the current strategy of the USACE National Flood Risk Management Program and Levee Safety Program, while following these guiding principles:

1. Effective risk management and levee safety includes working with non-federal sponsors and stakeholders to assess, communicate, and manage life-safety risks.

2. Federal assistance under authority of Pub. L. 84–99 supplements tribal, state, and local efforts, and does not replace them.

3. Non-federal sponsors have primary responsibility for operations and maintenance (O&M) of flood control works and risk communication activities associated with their projects.

4. USACE will promote the use of a risk-informed decision making process to guide non-federal sponsors O&M activities and inspection activities for flood control projects.

5. USACE will encourage a collaborative approach to address complex natural resources issues, tribal treaty rights, and complex systemic deficiencies.

6. USACE will work to develop policies and procedures that maintain the benefits of any federal investment(s).

**IV. Questions and Issues To Shape the Revision of 33 CFR Part 203. Summary of Intended Policy Changes and Questions on Specific Activities**

*A. Preparedness*

1. Advance Measures. USACE may undertake emergency measures in advance of imminent threats of unusual flooding. The current eligibility criteria are listed in 33 CFR 203.72.

(a) USACE may perform Advance Measures prior to flooding or flood fighting activities to protect against loss of life and significant damages to urban areas and public facilities due to an imminent threat of unusual flooding. Advance Measures assistance may be technical and/or direct assistance. Technical assistance may include: providing personnel to inspect projects to identify problems and solutions and requirements for additional flood protection; provide existing hydraulic, hydrologic, structural and/or geotechnical analysis; provide existing information to local entities for use in evacuation or contingency flood fight plans. Typically direct assistance will be temporary in nature, using temporary construction standard and methods, technically feasible, designed to deal effectively with the specific threat, and capable of construction in time to prevent projected damages. To be eligible for Advance Measures a public sponsor must agree to execute a cooperative agreement (CA), and, at no cost to USACE, when the operation is over, remove all temporary advance measures constructed by USACE or agree to upgrade the work to standards acceptable to USACE. In addition, the public sponsor is responsible for providing the traditional lands, easements, rights-of-way, relocations, and borrow and dredged or excavated materials disposal areas (LERRDs) necessary for the project, at its own expense, in accordance with the CA.

- Question 1: What (if any) additional types of Advance Measures assistance should be considered?
- Question 2: What (if any) additional eligibility or performance requirements should be considered generally for Advance Measures assistance?

(b) Permanent structures constructed as Advance Measures are currently cost shared at 75 percent federal and 25 percent local with the LERRDs necessary for the project provided at no cost to the federal government. However, flood control works constructed under other USACE authorities have a minimum cost share of 65 percent federal and 35 percent local with credit provided for the LERRDs necessary for the project. USACE is considering changing the cost share for permanent structures constructed as part of Advance Measures to be consistent with other authorities and to encourage non-federal interests to develop permanent structures through the standard USACE planning process for new projects so that full cost and benefit analyses can be conducted and appropriate public comments considered.

Question 3: Would changing the cost share serve as an effective incentive for promotion of the standard USACE planning process? If not, what other incentives or requirements for using the standard USACE planning process for permanent construction should be considered?

*B. Rehabilitation*

1. Eligibility for Rehabilitation Assistance. USACE is considering changing the criteria used to determine eligibility for rehabilitation assistance (commonly known as Active status under 33 CFR 203.41) for flood control projects from a strict, condition-based overall inspection rating of the project to a broader set of actions by non-federal sponsors such as emergency preparedness planning, flood risk communication, and implementation of risk-prioritized O&M activities. USACE is considering these changes to: 1) promote risk-informed, cost effective prioritization of risk management activities; 2) encourage community awareness of risks and promote a broad set of flood risk management activities to manage risk; 3) encourage dialogue and problem solving between USACE and non-federal sponsors, and 4) provide flexibility to align flood risk management activities with requirements to protect and restore natural resources.

Question 4: What should USACE evaluate to determine if a non-federal sponsor is adequately operating and maintaining its flood control project? What should be considered adequate operations and management for eligibility purposes?

Question 5: How should USACE evaluate a non-federal sponsor's emergency preparedness, notification, evacuation planning and exercise plan and activities to determine if they are adequate? What should USACE evaluate? What should be considered adequate?

Question 6: How should USACE evaluate a non-federal sponsor's risk communications plan and activities for informing local officials, residents, and business owners about risks associated with the potential failure of the flood control project (*e.g.,* a levee breach)?

Question 7: Are there other criteria that USACE should consider using to determine eligibility for rehabilitation assistance that would assist and encourage non-federal sponsors and flood-prone communities to reduce their risks from flooding?

2. Improving Collaboration to Address Complicated Natural Resources Challenges and System-Wide Repairs. USACE intends to incorporate the System Wide Improvement Framework (SWIF) policy into 33 CFR part 203. The SWIF allows non-federal sponsors (currently, of levees and floodwalls only) to retain eligibility for rehabilitation assistance while actively conducting longer-term, system-wide improvement activities that are beyond the scope of usual O&M activities. This includes activities related to complex, serious or systemic deficiencies, addressing complex natural resources challenges such as threatened or endangered species, undocumented encroachments, and tribal treaty rights, all of which require additional time and coordination beyond what is normally allowed under current policy. The purpose is to ensure the imperatives of public safety, tribal rights, and environmental principles are met while still reducing the risk from floods.

Question 8: What improvements to the existing SWIF policy should be made?

Question 9: Currently, the SWIF policy has only been used for levee projects. Should the SWIF concept be applied to other types of flood control projects like channels? If so, for what purposes and using what criteria?

Question 10: If the eligibility for rehabilitation assistance moves away from a standards-based inspection criteria and moves toward an activities-based approach (as is considered in Section B.1 above), what role should the SWIF policy play? Under what circumstances would development of a SWIF be useful to non-federal sponsors?

3. Mitigating Impacts to Threatened or Endangered Species and Tribal Treaty Rights During Project Rehabilitation. USACE is considering allowing additional types of features and approaches that can be incorporated into rehabilitation efforts to minimize or address impacts to threatened and endangered species and impacts on tribal treaty rights. Features currently being considered include planting berms, set back levees, and overbuilt sections.

Question 11: Are there other types of features and approaches that USACE should allow during rehabilitation efforts to minimize or address impacts on threatened and endangered species and tribal treaty rights while still providing the intended benefits of the flood control projects and reducing the risk of loss of life and significant economic damages?

4. Early identification of Nonstructural Alternative Projects (NSAPs). USACE currently has the authority to undertake a nonstructural alternative project in lieu of a structural rehabilitation effort at the request of the non-federal sponsor and in accordance with 33 CFR Section 203.50. However, 15 years of experience shows that NSAPs can be difficult to implement in the immediate aftermath of a flood. Challenges to NSAP implementation include difficulties in obtaining easements, land transfers, and municipal permits, as well as legal limitations of some non-federal sponsors, and a lack of public awareness. USACE is considering how to enable non-federal interests to identify viable NSAPs prior to a flood event so that the non-federal sponsors may be able to effectively implement as viable NSAPS an alternative to structural rehabilitation efforts after a flood event.

Question 12: What advance planning activities could USACE undertake with non-federal interests to enable non-federal interests to consider NSAPs as viable alternatives to structural rehabilitation efforts if the project is damaged in a future flood event?

Question 13: How can the current NSAP policy be improved?

## V. Statutory and Executive Order Reviews

*Executive Order 12866*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), USACE must determine whether a regulatory action is ''significant'' and therefore subject to review by OMB and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;

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

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

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

After consideration of Executive Orders 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993) and 13563, entitled ''Improving Regulation and Regulatory Review'' (76 FR 3821, January 21, 2011), this advance notice of proposed rulemaking has been determined to be not significant for the purposes of Executive Order 12866.

Because this document does not impose or propose any requirements, and instead seeks comments and suggestions for USACE to consider in possibly developing a subsequent proposed rule, the various other review requirements that apply when an agency imposes requirements do not apply to this action. Nevertheless, as part of your comments on this ANPR, you may include any comments or information that could help the Agency to assess the potential impact of a subsequent regulatory action on small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); to consider human health or environmental effects on minority or low-income populations pursuant to Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994); or to consider potential impacts to state and local governments or tribal governments. USACE will consider such comments during the development of any subsequent rulemaking.

Dated: February 9, 2015.

**Karen Durham-Aguilera,**

*Director of Contingency Operations/ Homeland Security.*

[FR Doc. 2015–03033 Filed 2–12–15; 8:45 am]

**BILLING CODE 3720–58–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R04–OAR–2014–0867; FRL–9922–95–Region 4]**

## Approval and Promulgation of Implementation Plans; Alabama: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement for the Birmingham Area

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the State of Alabama's November 14, 2014, State Implementation Plan (SIP) revision, submitted through the Alabama Department of Environmental Management (ADEM), in support of the State's request that EPA change the Federal Reid Vapor Pressure (RVP) requirements for Jefferson and Shelby Counties (hereinafter referred to as the ''Birmingham Area'' or ''Area''). Alabama's November 14, 2014, SIP revision evaluates whether changing the Federal RVP requirements in this Area would interfere with the Area's ability to meet the requirements of the Clean Air Act (CAA or Act). Specifically, Alabama's SIP revision concludes that relaxing the Federal RVP requirement from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline sold between June 1 and September 15 of each year in the Area would not interfere with attainment or maintenance of the national ambient air quality standards (NAAQS) or with any other CAA requirement. EPA has preliminarily determined that Alabama's November 14, 2014, SIP revision is consistent with the applicable provisions of the CAA.

**DATES:** Written comments must be received on or before March 6, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R04–OAR–2014–0867 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2014–0867, Air Regulatory Managment Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA–R04–OAR–2014–0867. 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 *http://www.epa.gov/epahome/dockets.htm.*

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard Wong of the Air Regulatory Management Section, in the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Wong may be reached by phone at (404) 562–8726 or via electronic mail at *wong.richard@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. What is being proposed?
II. What is the background of the Birmingham area?
III. What is the history of the gasoline volatility requirement?
IV. What are the Section 110(l) requirements?
V. What is EPA's analysis of Alabama's submittal?
VI. Proposed Action
VII. Statutory and Executive Order Reviews

### I. What is being proposed?

This rulemaking proposes to approve Alabama's noninterference demonstration, submitted on November 14, 2014, in support of the State's request that EPA relax the Federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold between June 1 and September 15 of each year (*i.e.,* during high ozone season) in the Area. Specifically, EPA is proposing to approve Alabama's November 14, 2014, SIP revision which includes a technical demonstration that changing the federal RVP requirements in this Area from 7.8 psi to 9.0 psi will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.[1] It should be

[1] A separate rulemaking is required for relaxation of the current requirement to use gasoline with an RVP of 7.8 psi in the Area. Today's action proposes EPA's evaluation of the approvability of Alabama's noninterference demonstration pursuant to section 110(l). The decision regarding removal of Federal RVP requirements pursuant to section 211(h) in the Area includes other considerations evaluated at the discretion of the Administrator. As such, the determination regarding whether to remove the

noted that when Alabama requested that EPA redesignate the Birmingham Area to attainment for the 1997 8-hour ozone NAAQS, the 1997 annual fine particulate matter ($PM_{2.5}$) NAAQS, and the 2006 24-hour $PM_{2.5}$ NAAQS, the State took a conservative approach for the associated maintenance demonstrations and modeled the 9.0 psi RVP requirement for this Area rather than the 7.8 psi RVP requirement currently in place. While the State had already accounted for the use of fuel with an RVP of 9.0 psi in the maintenance plans to support those redesignation requests, the State did not, at that time, request the removal of the 7.8 psi RVP requirement for the Birmingham Area. Alabama is now requesting the removal of the 7.8 psi RVP requirement for this Area and, as part of that request, has reevaluated whether removal of this requirement would interfere with air quality in the Area. To make this demonstration, Alabama completed a technical analysis to estimate the change in emissions that would result from a switch to 9.0 psi RVP fuel based on current conditions. EPA has reviewed this technical analysis and is proposing to find that Alabama's technical demonstration supports the conclusion that the use of gasoline with an RVP of 9.0 psi throughout the Birmingham Area will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

This preamble is hereinafter organized into five parts. Section II provides the background of the Birmingham Area designation status with respect to the various ozone NAAQS. Section III describes the applicable history of federal gasoline regulation. Section IV provides the Agency's policy regarding relaxation of the volatility standards. Section V provides EPA's analysis of the information submitted by Alabama to support a change for the conventional gasoline volatility standard in the Birmingham Area.

## II. What is the background of the Birmingham Area?

The Birmingham Area was originally designated as a 1-hour ozone nonattainment area by EPA on March 3, 1978 (43 FR 8962). The Birmingham nonattainment area at that time was geographically defined as Jefferson County, Alabama. On November 6, 1991, by operation of law under section 181(a) of the CAA, EPA classified the Birmingham nonattainment area as a marginal nonattainment area for ozone and added Shelby County to the nonattainment area. *See* 56 FR 56693. Among the requirements applicable to nonattainment areas for the 1-hour ozone NAAQS was the requirement to meet certain volatility standards (known as Reid Vapor Pressure or RVP) for gasoline sold commercially. *See* 55 FR 23658 (June 11, 1990). As discussed in section III, below, a 7.8 psi Federal RVP requirement first applied to the Area during the high ozone season given its status as a marginal nonattainment area for the 1-hour ozone standard. Subsequently, in order to comply with the 1-hour ozone NAAQS, Alabama opted to implement a state RVP requirement of 7.0 psi for gasoline sold in the Birmingham Area during the high ozone season. EPA incorporated the state RVP requirement of 7.0 psi for gasoline sold in the Birmingham Area into the Alabama SIP on November 7, 2001. *See* 66 FR 56218.

ADEM originally requested a redesignation of the Birmingham Area to attainment for the 1-hour ozone NAAQS in 1997. EPA disapproved this request on September 19, 1997, due to a violation of the ozone NAAQS. *See* 62 FR 49154. Subsequently, the Area attained the 1-hour ozone NAAQS and was redesignated to attainment for the 1-hour ozone on March 12, 2004, based on 2001–2003 ambient air quality monitoring data. *See* 69 FR 11798. Alabama's 1-hour ozone redesignation request did not include a request to remove the 7.0 psi state RVP requirement for the Birmingham Area from the SIP nor a request to relax the 7.8 psi Federal RVP standard.

On April 30, 2004, EPA designated and classified areas for the 8-hour ozone NAAQS that was promulgated on July 18, 1997, as unclassifiable/attainment or nonattainment for the new 8-hour ozone NAAQS. *See* 69 FR 23857. The Birmingham Area was designated as nonattainment for the 1997 8-hour ozone NAAQS with a design value of 0.087 parts per million (ppm). Subsequently, the Area attained the 1997 8-hour ozone NAAQS with a design value of 0.084 ppm using three years of quality assured data for the years of 2003–2005. The Area was redesignated to attainment for the 1997 8-hour ozone NAAQS in a final rulemaking on May 12, 2006. *See* 71 FR 27631. Alabama's 1997 8-hour ozone redesignation request did not include a request for the removal of the 7.8 psi Federal RVP standard, nor did it include a request to change the 7.0 psi state RVP requirement for the Birmingham Area. However, to support its request for redesignation to attainment for the 1997 8-hour ozone NAAQS, Alabama took a conservative approach and estimated emissions using a 9.0 psi RVP in its modeling supporting the State's maintenance demonstration.

On March 2, 2012, Alabama submitted a SIP revision requesting that EPA remove the State's 7.0 psi RVP requirement for the Area from the SIP. EPA approved Alabama's March 2, 2012, SIP revision on April 20, 2012. *See* 77 FR 23619. In EPA's final rulemaking to remove the State RVP requirement, EPA noted that the action did not remove the 7.8 psi Federal RVP requirement for the Birmingham Area.

Effective July 20, 2012, EPA designated the Birmingham Area as unclassifiable/attainment for the 2008 8-hour ozone NAAQS. *See* 77 FR 30088 (April 30, 2012). Although the Birmingham Area is designated as attainment, the federal 7.8 psi RVP requirement remains in place.

Alabama is now requesting that EPA remove the federal 7.8 psi RVP requirement for the Birmingham Area, and it submitted a SIP revision on November 14, 2014, containing a noninterference demonstration to support its request.

## III. What is the history of the gasoline volatility requirement?

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide had become increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function (thereby aggravating asthma or other respiratory conditions), increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under section 211(c) of CAA, EPA promulgated regulations on March 22, 1989 (54 FR 11868), that set maximum limits for the RVP of gasoline sold during the high ozone season. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of commercial gasoline during the summer ozone control season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II

Area from those areas subject to the section 211(h) requirements is made through a separate rulemaking action.

of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the State, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS during the high ozone season).

The 1990 CAA Amendments established a new section, 211(h), to address fuel volatility. Section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. Section 211(h) prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with section 211(h) of the CAA. The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, beginning in 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658). A current listing of the RVP requirements for states can be found on EPA's Web site at: *http://www.epa.gov/otaq/fuels/gasolinefuels/volatility/standards.htm.*

As explained in the December 12, 1991 (56 FR 64704), Phase II rulemaking, EPA believes that relaxation of an applicable RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, section 107(d)(3) of the Act requires the state to make a showing, pursuant to section 175A of the Act, that the area is capable of maintaining attainment for the ozone NAAQS for ten years after redesignation. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the volatility standard unless the state requests a relaxation and the maintenance plan demonstrates, to the satisfaction of EPA, that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

As noted above, Alabama did not request relaxation of the applicable 7.8 psi federal RVP standard when the Birmingham Area was redesignated to attainment for the either the 1-hour or the 1997 8-hour ozone NAAQS but did take a conservative approach in estimating emissions for the maintenance plan associated with its redesignation request for the 1997 8-hour ozone NAAQS by using a level of 9.0 psi.

## IV. What are the Section 110(l) requirements?

To support Alabama's request to relax the federal RVP requirement in the Birmingham Area, the State must demonstrate that the requested change will satisfy section 110(l) of the CAA. Section 110(l) requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act. EPA's criterion for determining the approvability of Alabama's November 14, 2014, SIP revision is whether the noninterference demonstration associated with the relaxation request satisfies section 110(l). Although the modeling associated with Alabama's maintenance plans for the 1997 8-hour ozone NAAQS and the 1997 Annual $PM_{2.5}$ and 2006 24-hour $PM_{2.5}$ NAAQS are premised upon the 9.0 psi RVP requirements, no requests for a change in the federal RVP requirement were made at the time that EPA approved these plans. EPA's approval of the maintenance plans was based on an evaluation of the air quality monitoring data at the time of the EPA actions, the information provided in the individual maintenance plans, and the maintenance plan requirements in the CAA.

EPA evaluates each section 110(l) noninterference demonstration on a case-by-case basis considering the circumstances of each SIP revision. EPA interprets 110(l) as applying to all NAAQS that are in effect, including those that have been promulgated but for which the EPA has not yet made designations. The degree of analysis focused on any particular NAAQS in a noninterference demonstration varies depending on the nature of the emissions associated with the proposed SIP revision. EPA's analysis of Alabama's November 14, 2014, SIP revision pursuant to section 110(l) is provided below.

EPA notes that in today's action, it is only proposing to approve the State's technical demonstration that the Area can continue to attain and maintain the NAAQS and meet other CAA requirements after switching to the sale of gasoline with an RVP of 9.0 psi in the Birmingham Area during the high ozone season and to amend the SIP to include this demonstration. Consistent with CAA section 211(h) and the Phase II volatility regulations, EPA will initiate a separate rulemaking to relax the current federal requirement to use gasoline with an RVP of 7.8 psi in the Birmingham Area.

## V. What is EPA's analysis of Alabama's submittal?

### *a. Overall Preliminary Conclusions Regarding Alabama's Noninterference Analyses*

On November 14, 2014, ADEM submitted a noninterference demonstration to support the State's request to modify the RVP summertime gasoline requirement from 7.8 psi to 9.0 psi for the Birmingham Area. This demonstration includes an evaluation of the impact that the removal of the 7.8 psi RVP requirement would have on maintenance of the 1997 and 2008 ozone standards and on the maintenance of the other NAAQS.[2] Alabama focused its analysis on the impact of the change in RVP to attainment and maintenance of the ozone, PM,[3] and $NO_2$ NAAQS because RVP requirements do not affect lead, sulfur dioxide ($SO_2$), or carbon monoxide (CO) emissions; because VOC and $NO_X$ emissions are precursors for ozone[4] and PM; and because $NO_2$ is a component of $NO_X$.

ADEM's noninterference analysis utilized EPA's 2010b Motor Vehicle Emissions Simulator (MOVES) emission modeling system to estimate emissions

[2] The six NAAQS for which EPA establishes health and welfare based standards are CO, lead, $NO_2$, ozone, PM, and $SO_2$.

[3] PM is composed of $PM_{2.5}$ and $PM_{10}$.

[4] EPA notes that the Birmingham Area is located within a $NO_X$-limited region. A $NO_X$-limited region is one in which the concentration of ozone is limited by the amount of $NO_X$ emissions. $NO_X$ and VOC are precursors to the formation of ozone in the atmosphere. In a $NO_X$-limited area, high prevailing concentrations of VOC from naturally-occurring sources are present in the atmosphere to contribute to ozone formation. Consequently, reduction of manmade, or anthropogenic, sources of VOC emissions generally do not generally result in reduced ozone formation. Instead, reductions of $NO_X$ emissions provide a more effective ozone reduction strategy because reduced emissions of manmade $NO_X$ emissions limit the amount of $NO_X$ available in the atmosphere for ozone formation. *See, e.g., The State of the Southern Oxidants Study (SOS) Policy Relevant Findings in Ozone and $PM_{2.5}$ Pollution Research 1995–2003* (June 30, 2004), *http://www.ncsu.edu/sos/pubs/sos3/State_of_SOS_3.pdf.*

for mobile sources.[5] These mobile source emissions are used as part of the evaluation of the potential impacts to the NAAQS that might result exclusively from changing the high ozone season RVP requirement from 7.8 psi to 9.0 psi. As summarized in Table 1, below, the MOVES model predicted minor increases in mobile source $NO_X$ and VOC emissions from the switch to 9.0 psi RVP fuel and much larger decreases in emissions resulting from fleet turnover.[6] When considered together, these changes are projected to decrease mobile source $NO_X$ and VOC emissions. The modeling results summarized in Table 1 also demonstrate that the projected increase in mobile source $NO_X$ and VOC emissions due to relaxation of the RVP requirement is negligible when compared with total $NO_X$ and VOC emissions in the Area projected for 2015 (approximately 0.1% and 0.7%, respectively).

TABLE 1—EFFECTS ON $NO_X$ AND VOC EMISSIONS FROM RVP RELAXATION AND FLEET TURNOVER FOR JEFFERSON AND SHELBY COUNTIES

| | Mobile emissions increase (2015) with RVP change of 7.8 to 9.0 (tons) * | Mobile emissions decrease from 2014 to 2015 fleet turnover (tons) * | Net mobile emissions (tons) * | 2015 Emissions from all sources (tons) | Percent emissions from RVP change compared from all emissions sources |
|---|---|---|---|---|---|
| $NO_X$ | 24 | −489 | −465 | 16,857 | 0.14 |
| VOC | 80 | −156 | −76 | 11,791 | 0.68 |

* Emissions increases with RVP change are estimated for the period June 1 through September 15, 2015.

Tables 2 and 3, below, show that overall 24-hour and annual mobile emissions of $NO_X$ and VOC are projected to continue to decrease in the Birmingham Area using a 9.0 psi RVP for years 2015 through 2024 and the fleet turnover assumptions contained in EPA's 2010b MOVES model.

TABLE 2—24-HOUR $NO_X$ AND VOC MOBILE EMISSIONS

[*tons per year (tpy)*]

| County | 2009 | 2012 | 2015 | 2018 | 2021 | 2024 |
|---|---|---|---|---|---|---|
| *Jefferson:* | | | | | | |
| $NO_X$ | 59.26 | 46.31 | 35.62 | 28.05 | 23.46 | 20.75 |
| VOC | 25.94 | 20.82 | 16.92 | 13.97 | 12.25 | 10.76 |
| *Shelby:* | | | | | | |
| $NO_X$ | 12.72 | 10.14 | 7.60 | 5.98 | 5.01 | 4.40 |
| VOC | 4.85 | 3.97 | 3.15 | 2.60 | 2.28 | 1.99 |

TABLE 3—ANNUAL MOBILE $NO_X$ AND VOC EMISSIONS

[*(tpy)*]

| County | 2009 | 2012 | 2015 | 2018 | 2021 | 2024 |
|---|---|---|---|---|---|---|
| *Jefferson:* | | | | | | |
| $NO_X$ | 20364.40 | 15957.15 | 12237.62 | 9631.63 | 8053.95 | 7140.21 |
| VOC | 8974.65 | 7243.40 | 5882.42 | 4869.55 | 4232.64 | 3771.41 |
| *Shelby:* | | | | | | |
| $NO_X$ | 4428.17 | 3518.57 | 2641.41 | 2079.50 | 1741.02 | 1532.55 |
| VOC | 1687.59 | 1382.34 | 1100.43 | 909.52 | 789.92 | 701.11 |

*b. Noninterference Analysis for the Ozone NAAQS*

As discussed above, the Birmingham Area is currently designated as attainment for both the 1997 8-hour ozone NAAQS and the 2008 8-hour ozone NAAQS.[7] Although the Area was previously designated as nonattainment for the 1997 8-hour ozone NAAQS, the Birmingham Area was redesignated to attainment for that NAAQS on May 12, 2006. *See* 71 FR 27631. Because the 2008 8-hour ozone NAAQS is more stringent than the 1997 8-hour standard, Alabama's November 14, 2014, noninterference demonstration for the ozone NAAQS is focused on the 2008 8-hour standard. The 2008 8-hour ozone NAAQS is met when the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years is 0.075 ppm or less. As shown in Table 4, all ozone monitors in the Birmingham Area are currently well below the 2008 8-hour ozone standard.

[5] The 2010b MOVES model was the latest EPA mobile source model available to the State at the time that it developed its SIP revision. ADEM's modeling using 2010b MOVES conforms with EPA's modeling guidance.

[6] Fleet turnover refers to the phenomenon where older vehicles built to less stringent emission standards are replaced in the fleet by newer vehicles built in compliance with more stringent standards. ADEM estimated mobile source emissions using the fleet turnover assumptions included in EPA's 2010b MOVES model.

[7] EPA redesignated the Area to attainment for the 1-hour ozone standard on March 12, 2004 (69 FR 11798), and revoked the 1-hour ozone standard on April 30, 2004 (69 FR 23858).

[8] The Pinson and Providence monitors shut down after the 2012 monitoring season. There was not enough data at these locations to calculate a 3-year average design value.

TABLE 4—BIRMINGHAM AREA OZONE DESIGN VALUES

| Monitor | 2007–2009 DV | 2008–2010 DV | 2009–2011 DV | 2010–2012 DV | 2011–2013 DV | 2012–2014 DV |
|---|---|---|---|---|---|---|
| Corner | 0.076 | 0.070 | 0.070 | 0.073 | 0.070 | 0.065 |
| Fairfield | 0.074 | 0.069 | 0.070 | 0.075 | 0.071 | 0.068 |
| Helena | 0.081 | 0.074 | 0.072 | 0.075 | 0.073 | 0.068 |
| Hoover | 0.080 | 0.075 | 0.075 | 0.077 | 0.073 | 0.067 |
| Leeds | 0.072 | 0.069 | 0.071 | 0.076 | 0.074 | 0.069 |
| McAdory | 0.078 | 0.073 | 0.075 | 0.077 | 0.074 | 0.068 |
| North Birmingham | 0.079 | 0.072 | 0.071 | 0.075 | 0.071 | 0.067 |
| Pinson | 0.074 | 0.072 | 0.070 | 0.074 | [8]— | — |
| Providence | 0.074 | 0.070 | 0.070 | 0.074 | — | — |
| Tarrant | 0.079 | 0.073 | 0.074 | 0.080 | 0.076 | 0.070 |

— indicates no data available.

Table 4 also shows that there is an overall downward trend in ozone concentrations in the Birmingham Area. This decline can be attributed to federal and State programs that have led to significant emissions reductions in ozone precursors. Given this downward trend, the current ozone concentrations in the Area, and the results of Alabama's mobile source modeling, EPA has preliminarily determined that a change to 9.0 psi RVP fuel in the Birmingham Area would not interfere with maintenance of the 1997 or 2008 ozone NAAQS in the Area.

*c. Noninterference Analysis for the PM NAAQS*

Over the course of several years, EPA has reviewed and revised the $PM_{2.5}$ NAAQS a number of times. On July 16, 1997, EPA established an annual $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter ($\mu g/m^3$), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour $PM_{2.5}$ NAAQS of 65 $\mu g/m^3$, based on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 62 FR 36852 (July 18, 1997). On September 21, 2006, EPA retained the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 $\mu g/m^3$ but revised the 24-hour $PM_{2.5}$ NAAQS to 35 $\mu g/m^3$, based again on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 71 FR 61144 (October 17, 2006). On December 14, 2012, EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS of 35 $\mu g/m^3$ but revised the annual primary $PM_{2.5}$ NAAQS to 12.0 $\mu g/m^3$, based again on a 3-year average of annual mean $PM_{2.5}$ concentrations. *See* 78 FR 3086 (January 15, 2013).

EPA promulgated designations for the 1997 Annual $PM_{2.5}$ NAAQS on January 5, 2005 (70 FR 944), and April 14, 2005 (70 FR 19844). Jefferson and Shelby Counties in their entireties, and a portion of Walker County (hereinafter referred to as the ''1997 Annual $PM_{2.5}$ Birmingham Area'') were designated nonattainment for the 1997 Annual $PM_{2.5}$ standards, and all other counties (or portions thereof) in Alabama were designated unclassifiable/attainment.[9] On November 13, 2009 (74 FR 58688), EPA designated the same counties (or portions thereof) in the State that were nonattainment for the 1997 Annual $PM_{2.5}$ standards as nonattainment for the 2006 24-hour $PM_{2.5}$ standards (hereinafter referred to as the ''2006 24-hour $PM_{2.5}$ Birmingham Area''). On January 22, 2013, EPA redesignated the 1997 Annual $PM_{2.5}$ Birmingham Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.[10] *See* 78 FR 4341. Additionally, on January 25, 2013, EPA redesignated the 2006 24-hour $PM_{2.5}$ Birmingham Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 78 FR 5306.

As mentioned above, EPA revised the Annual $PM_{2.5}$ NAAQS in December 2012. EPA completed designations for the 2012 Annual $PM_{2.5}$ NAAQS for most areas on December 14, 2015, and designated the Birmingham Area as unclassifiable/attainment. *See* 80 FR 2206 (January 15, 2015).

The main precursor pollutants for $PM_{2.5}$ are $NO_X$, $SO_2$, VOC, and ammonia. As mentioned earlier in this rulemaking, the Federal RVP requirements only result in emissions benefits for VOC and $NO_X$. Therefore, Alabama focused on these two $PM_{2.5}$ precursors in its analysis of the potential impact of changing the RVP requirements for the Birmingham Area on the $PM_{2.5}$ NAAQS.

The $PM_{2.5}$ monitoring data summarized in Table 5 shows that the $PM_{2.5}$ annual and 24-hour design values are well below the NAAQS and have been decreasing overall since 2008.

TABLE 5—$PM_{2.5}$ DESIGN VALUES

| Year | 2008–2010 | 2009–2011 | 2010–2012 | 2011–2013 |
|---|---|---|---|---|
| **Annual Design Values** | | | | |
| Jersey | 12.7 | 12.0 | 12.0 | 11.1 |
| Leeds | 11.9 | 11.6 | 11.6 | 11.0 |
| McAdory | 11.5 | 11.3 | 11.2 | 10.5 |
| North Birmingham | 13.7 | 12.9 | 13.0 | 11.9 |
| **24-Hour Design Values** | | | | |
| Jersey | 28 | 26 | 25 | 23 |
| Leeds | 22 | 23 | 23 | 22 |
| McAdory | 23 | 23 | 23 | 22 |

[9] Walker County is not subject to the Federal RVP requirement because it is not part of the ozone Area.

[10] In anticipation of a future request to change the Federal RVP requirement, Alabama used an RVP of 9.0 psi in its modeling to support the maintenance plans for the 1997 Annual $PM_{2.5}$ NAAQS and the 2006 24-hour $PM_{2.5}$ NAAQS.

TABLE 5—$PM_{2.5}$ DESIGN VALUES—Continued

| Year | 2008–2010 | 2009–2011 | 2010–2012 | 2011–2013 |
|---|---|---|---|---|
| North Birmingham | 29 | 27 | 26 | 24 |

1997 Annual $PM_{2.5}$ NAAQS: 15 μg/m³.
2006 24-hour $PM_{2.5}$ NAAQS: 35 μg/m³.

Given the current $PM_{2.5}$ concentrations and downward trend of these concentrations in the Area and the results of Alabama's mobile source modeling, EPA has preliminarily determined that a change to 9.0 psi RVP fuel in the Birmingham Area would not interfere with maintenance of the 1997 Annual $PM_{2.5}$ NAAQS or the 2006 24-hour $PM_{2.5}$ NAAQS in the Area.[11]

*d. Noninterference Analysis for the 2010 $NO_2$ NAAQS*

On February 17, 2012, EPA designated all counties in Alabama as unclassifiable/attainment for the 2010 $NO_2$ NAAQS. *See* 77 FR 9532. Based on the technical analysis in Alabama's November 14, 2014, SIP revision, the potential increase in $NO_X$ emissions associated with the change to 9.0 psi RVP fuel in the Birmingham Area is approximately 24 tons during high ozone season. As discussed in section V.a, above, the slight projected increase in mobile source $NO_X$ emissions due to the fuel switch will be negated by a decrease in tailpipe emissions due to fleet turnover. Given the current unclassifiable/attainment designation and the results of Alabama's mobile source modeling, EPA has preliminarily determined that a change to 9.0 psi RVP fuel in the Birmingham Area would not interfere with maintenance of the 2010 $NO_2$ NAAQS in the Area.

## VI. Proposed Action

EPA is proposing to approve the State of Alabama's noninterference demonstration, submitted on November 14, 2014, in support of the State's request that EPA change the Federal RVP requirements for the Birmingham Area from 7.8 psi to 9.0 psi. Specifically, EPA is proposing to find that this change in the RVP requirements for the Birmingham Area will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

[11] EPA has also preliminarily determined that a change to 9.0 psi RVP fuel in the Birmingham Area would not interfere with maintenance of the Annual $PM_{10}$ NAAQS of 150 μg/m³ given the results of Alabama's mobile source modeling and the fact that the Area is currently attaining the $PM_{10}$ standard. Because $PM_{2.5}$ is a component of $PM_{10}$, this preliminary determination is further supported by the downward trend in $PM_{2.5}$ identified above.

EPA has preliminarily determined that Alabama's November 14, 2014, SIP revision, containing the noninterference demonstration associated with the State's request for the change of the Federal RVP requirements is consistent with the applicable provisions of the CAA. EPA is not proposing action today to remove the Birmingham Area from the Federal 7.8 psi RVP requirement. Any such proposal will occur in a separate and subsequent rulemaking.

## VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submittal 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 proposed action merely proposes to approve state law as meeting Federal requirements and does not propose to impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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, October 7, 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).

In addition, 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.

### List of Subjects in 40 CFR Part 52

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

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

Dated: February 4, 2015.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2015–02942 Filed 2–12–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Parts 60, 61, and 63

**[EPA–HQ–OAR–2014–0738; FRL 9922–91–OAR]**

## Receipt of Approval Requests for the Operation of Pressure-Assisted Multi-Point Ground Flare Technology

**AGENCY:** Environmental Protection Agency.

**ACTION:** Request for comments.

**SUMMARY:** On August 5, 2014, The Dow Chemical Company (Dow) requested an Alternative Means of Emission Limitation (AMEL) under the Clean Air Act (CAA) in order to operate pressure-assisted multi-point ground flares at its Propane Dehydrogenation Plant and its Light Hydrocarbons Plant at its Texas Operations site located in Freeport, Texas. On October 21, 2014, ExxonMobil Chemical Company (ExxonMobil) requested an AMEL under the CAA for its pressure-assisted multi-point ground flares at its' Olefins Plant in Baytown, Texas, and its' Plastics Plant in Mont Belvieu, Texas. In this document, the Environmental Protection Agency (EPA) is soliciting comment on all aspects of the AMEL requests and the resulting alternative operating conditions that are necessary to achieve a reduction in emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAPs) at least equivalent to the reduction in emissions required by various standards in 40 CFR parts 60, 61 and 63 that apply to emission sources controlled by these pressure-assisted multi-point ground flares. These standards point to the operating requirements for flares in the General Provisions to parts 60 and 63, respectively, to comply with the emission reduction requirements. Because pressure-assisted multi-point ground flares cannot meet the velocity requirements in these General Provisions, Dow and ExxonMobil are seeking an AMEL.

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

*Public Hearing.* If requested by February 18, 2015, we will hold a public hearing on March 2, 2015, from 1:00 p.m. [Eastern Standard Time] to 5:00 p.m. [Eastern Standard Time] at EPA's Campus located in Research Triangle Park, NC. We will provide details on the public hearing on our Web site at: *http://www.epa.gov/ttn/atw/groundflares/groundflarespg.html.* To be clear, a public hearing will not be held unless someone specifically requests that the EPA hold a public hearing regarding these requests. Please contact Ms. Virginia Hunt of the Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–0832; email address: *hunt.virginia@epa.gov;* to request a public hearing, to register to speak at the public hearing or to inquire as to whether or not a public hearing will be held. The last day to pre-register in advance to speak at the public hearing will be February 25, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA OAR–2014–0738, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Attention Docket ID Number EPA–HQ–OAR–2014–0738.
- *Fax:* (202) 566–9744. Attention Docket ID Number EPA–HQ–OAR–2014–0738.
- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center (EPA/DC), Attention Docket ID Number EPA–HQ–OAR–2014–0738, U.S. Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* U.S. Environmental Protection Agency, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. Attention Docket ID Number EPA–HQ–OAR–2014–0738. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions.* Direct your comments to Docket ID Number EPA–HQ–OAR–2014–0738. The 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 that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 the 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, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at: *http://www.epa.gov/dockets.*

*Docket.* The EPA has established a docket for this rulemaking under Docket ID Number EPA–HQ–OAR–2014–0738. All documents in the docket are listed in the regulations.gov index. Although listed in the index, some information is not publicly available, *e.g.,* CBI 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 in regulations.gov or in hard copy at the EPA Docket Center (EPA/DC), EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** For questions about this proposed action, contact Ms. Brenda Shine, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards (OAQPS), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–3608; fax number: (919) 541–0246; and email address: *shine.brenda@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Acronyms and Abbreviations

We use multiple acronyms and terms in this document. While this list may not be exhaustive, to ease the reading of this document and for reference purposes, the EPA defines the following terms and acronyms here:

AMEL alternative means of emission limitation
BOP Baytown Olefins Plant
Btu/scf British thermal units per standard cubic feet
LFL lower flammability limit
LFLcz combustion zone lower flammability limit
LHC Light Hydrocarbons Unit
LRGO Linear relief gas oxidizer
MACT maximum achievable control technology
MBPP Mont Belvieu Plastics Plant
MPGF multi-point ground flare
NESHAP national emission standard for hazardous air pollutants

NHV net heating value
NHVcz combustion zone net heating value
NSPS new source performance standards
OAQPS Office of Air Quality Planning and Standards
PDH Propylene Dehydrogenation Unit
PFTIR passive fourier transform infrared
SKEC steam-assisted kinetic energy combustor

*Organization of This Document.* The information in this document is organized as follows:

I. Statutory and Regulatory Background
A. Flare Operating Requirements
B. Alternative Means of Emission Limitation
II. Requests for Alternative Means of Emission Limitation
A. Dow AMEL
B. ExxonMobil AMEL
C. EPA's Analysis of MPGF Burner Emission Tests
III. AMEL for Pressure-Assisted MPGF
IV. Request for Comments

## I. Statutory and Regulatory Background

### *A. Flare Operating Requirements*

In their requests, Dow and ExxonMobil cite various regulatory requirements in 40 CFR parts 60, 61 and 63 that will apply to the different vent gas streams that will be collected and routed to their pressure-assisted multi-point ground flares (MPGF) at each plant. These requirements are included in Table 1.[1] In all cases, these rules reference the flare operating requirements located in 40 CFR 60.18 and 40 CFR 63.11.

TABLE 1—SUMMARY OF APPLICABLE RULES THAT MAY APPLY TO VENTS STREAMS CONTROLLED BY PRESSURE-ASSISTED MULTI-POINT GROUND FLARES

| Applicable rules with vent streams going to control device | Dow propane dehydrogenation (PDH) plant | Dow light hydro-carbons (LHC) plant | Exxon-Mobil Baytown Olefins plant | Exxon-Mobil Mont Belvieu plastics plant | Emission reduction required and rule citation | Provisions for alternative means of emission limitation |
|---|---|---|---|---|---|---|
| NSPS Subpart Kb. | ..... | X | X | ..... | 60.112b(a)(3)(ii)—Reduce VOC inlet emissions by 95%; If a flare is used as a control device, flare must meet requirements of 60.18. | 60.114b allows for AMEL. |
| NSPS Subparts VV/Vva. | X | X | X | ..... | 60.482–10a—Reduce VOC emissions by 95% or greater; flare used to comply with subpart must meet requirements of 60.18. *Note—Under Dow PDH Plant column, NSPS subpart VVa applies, but DOW is opting to comply with 40 CFR part 63, subpart H (as referenced by Miscellaneous Organic NESHAP(MON) which should satisfy requirements in subpart VVa. | 60.484(a) allows for AMEL |
| NSPS Subpart DDD. | ..... | ..... | ..... | X | 60.562–1—Reduce emissions of Total Organic Carbon (TOC) by 98%, or combust in a flare that meets the requirements of 60.18. | CAA section 111(h)(3) allows for AMEL. |
| NSPS Subpart NNN. | X | X | X | X | 60.662- Reduce emissions of TOC by 98%, or combust in a flare that meets the requirements of 60.18. | CAA section 111(h)(3) allows for AMEL. |
| NSPS Subpart RRR. | X | X | X | X | 60.702—Reduce emissions of TOC by 98%, or combust in a flare that meets the requirements of 60.18. | CAA section 111(h)(3) allows for AMEL. |

[1] EPA prepared Table 1 using the information provided in the requests, corrected as appropriate based on its own review of the regulations. However, the EPA has not independently verified whether Table 1 includes all of the regulatory requirements with which these plants must comply.

TABLE 1—SUMMARY OF APPLICABLE RULES THAT MAY APPLY TO VENTS STREAMS CONTROLLED BY PRESSURE-ASSISTED MULTI-POINT GROUND FLARES—Continued

| Applicable rules with vent streams going to control device | Dow propane dehydrogenation (PDH) plant | Dow light hydrocarbons (LHC) plant | Exxon-Mobil Baytown Olefins plant | Exxon-Mobil Mont Belvieu plastics plant | Emission reduction required and rule citation | Provisions for alternative means of emission limitation |
|---|---|---|---|---|---|---|
| NESHAP Subpart V. | ..... | ..... | X | ..... | 61.242–11(d)—flares used to comply with subpart V must comply with 60.18. | 61.244 allows for AMEL; also see 61.12(d). |
| NESHAP Subpart FF. | ..... | X | X | ..... | 61.349(a)—reduce organic emissions vented to control device by 95%; a flare shall comply with the requirements of 60.18. | 61.353 allows for AMEL; also see 61.12(d). |
| NESHAP Subparts F, G. | ..... | ..... | X | ..... | 63.102, 63.113, 63.126—Reduce emissions of Total Organic HAP (TOHAP) by 98%, or combust in a flare that meets the requirements of 63.11(b). 63.120—Combust in flare meeting 63.11. 63.139—Reduce emissions of TOHAP by 95%, or combust in a flare that meets the requirements of 63.11(b). 63.145(j)—Points to sections of 63.11(b) for flare control. | 63.102(b) allows for AMEL. |
| NESHAP Subpart H. | X | ..... | X | ..... | 63.172—Reduce organic HAP or VOC by 95%; flares used to comply must meet requirements of 63.11(b). | 63.177 allows for AMEL. |
| NESHAP Subpart SS. | X | X | X | X | 63.982(b) and 63.987(a) require that a flare meets the requirements in 63.11(b). | CAA section 112(h)(3) allows for AMEL. |
| NESHAP Subpart UU. | ..... | X | ..... | ..... | 63.1034—Nonflare control devices shall reduce emissions by 95%; flares shall comply with subpart SS. | 63.1021 allows for AMEL. |
| NESHAP Subpart XX. | ..... | X | ..... | ..... | 63.1091 requires compliance with subpart FF, which requires compliance with 60.18. | 61.353 allows for AMEL; also see 61.12(d). |
| NESHAP Subpart YY. | ..... | X | X | ..... | Table 7 references subpart SS, which requires compliance with 60.18. | 63.1113 allows for AMEL. |
| NESHAP Subpart EEEE. | ..... | ..... | X | X | 63.2378(a) references subpart SS, which requires compliance with 60.18. | 63.2346(g) allows for AMEL; also see Table 12 which makes 63.6(g) applicable to this subpart. |

TABLE 1—SUMMARY OF APPLICABLE RULES THAT MAY APPLY TO VENTS STREAMS CONTROLLED BY PRESSURE-ASSISTED MULTI-POINT GROUND FLARES—Continued

| Applicable rules with vent streams going to control device | Dow propane dehydrogenation (PDH) plant | Dow light hydrocarbons (LHC) plant | Exxon-Mobil Baytown Olefins plant | Exxon-Mobil Mont Belvieu plastics plant | Emission reduction required and rule citation | Provisions for alternative means of emission limitation |
|---|---|---|---|---|---|---|
| NESHAP Subpart FFFF. | X | ..... | ..... | X | 63.2450 requires compliance with limits in Tables 1–7, which include reducing total organic HAP in vent streams by either 95% or 98%, and provide an option for control using a flare meeting requirements of 63.982(b) which requires meeting 63.987, which requires a flare to meet the requirements of 63.11(b). | 63.2540 and Table 12 allow for AMEL by making 63.6(g) applicable to this subpart. |

As shown in Table 1, the applicable rules require that control devices achieve destruction efficiencies of either 95 percent or 98 percent either directly, or by reference, or allow control by flares meeting the flare operating requirements in 40 CFR 60.18 or 63.11. The flare operating requirements in 40 CFR 60.18 and 63.11 specify that flares shall be: (1) Steam-assisted air-assisted, or non-assisted; [2] (2) operated at all times when emissions may be vented to them; (3) designed for and operated with no visible emissions (except for periods not to exceed a total of 5 minutes during any 2 consecutive hours); and (4) operated with the presence of a pilot flame at all times. The flare operating requirements in 40 CFR 60.18 and 63.11 also specify requirements for both the minimum heat content of gas combusted in the flare and the maximum exit velocity at the flare tip.[3] These provisions specify maximum flare tip velocities based on flare type (non-assisted, steam-assisted or air-assisted) and the net heating value of the flare vent gas (see 40 CFR 60.18(c)(3), 63.11(b)(6)). These maximum flare tip velocities are required to ensure that the flame does not ''lift off'' or separate from the flare tip, which could cause flame instability and/or potentially result in a portion of the flare gas being released without proper combustion. Proper combustion for flares is considered to be 98 percent destruction efficiency or greater for HAPs and VOCs, as discussed in our recent proposal titled ''Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards,'' 79 FR 36,880, 36,904–36,912 (June 30, 2014).

The MPGF proposed by both Dow and ExxonMobil are conceptually similar yet inherently different in both flare head design and operation than the more traditional steam-assisted, air-assisted and non-assisted flare types currently able to comply with the flare operating requirements in 40 CFR 60.18 or 63.11. The MPGF technology operates by using the pressure upstream of each individual flare tip burner to enhance mixing with air at the flare tip due to high exit velocity, which allows the MPGF to operate with smokeless burning. The MPGF are constructed differently than normal elevated flares in that they consist of many rows of individual flare tips which are approximately 8 feet above ground level. The ground flare staging system opens and closes staging valves according to gas pressure such that stages containing multiple burners are activated as the flow and pressure increase or decrease in the header. While information supplied by Dow, and relied on by both Dow and ExxonMobil, indicates that the flare tips operate smokelessly and achieve high destruction efficiencies, the MPGF cannot meet the exit velocity requirements in 40 CFR 60.18 and 40 CFR 63.11, which limit the exit velocity at the flare tip to a maximum of 400 feet per second. The exit velocities from MPGF typically range from 600 feet per second up to sonic velocity (which ranges from 700 to 1,400 feet per second for common hydrocarbon gases), or Mach =1 conditions. As a result, Dow and ExxonMobil are seeking an alternative means of complying with the flare operating requirements in 40 CFR 60.18 and 63.11; specifically, the exit velocity requirements in 40 CFR 60.18(c)(3), (c)(4), and (c)(5) and in 40 CFR 63.11(b)(6),(b)(7) and (b)(8).

*B. Alternative Means of Emission Limitation*

As noted in Table 1, the specific rules in 40 CFR parts 60, 61 and 63, or the General Provisions for parts 60, 61 and 63 of the CAA [4] allow a facility to request an AMEL. These provisions allow the Administrator to permit the use of an alternative means of complying with an applicable standard, if the requestor demonstrates that the alternative achieves at least an equivalent reduction in emissions. The EPA must provide notice of the request and an opportunity for a public hearing on the request. After considering comments received, the EPA will issue a notice permitting the use of an

[2] While Dow and ExxonMobil describe their flares as ''pressure-assisted,'' these flares qualify as ''non-assisted'' flares under 40 CFR 60.18(b) or 63.11(b) because they do not employ assist gas.

[3] These requirements are not all inclusive. There are other requirements in 40 CFR 60.18 and 63.11 relating to monitoring and testing that are not described here.

[4] CAA section 111(h)(3) states: ''If after notice and opportunity for public hearing, any person establishes to the satisfaction of the Administrator that an alternative means of emission limitation will achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such air pollutant achieved under the requirements of paragraph (1), the Administrator shall permit the use of such alternative by the source for purposes of compliance with this section with respect to such pollutant.'' Section 112(h)(3) contains almost identical language.

alternative means of emission limitation, if the Administrator determines that the alternative will achieve an equivalent reduction in emissions.

## II. Requests for Alternative Means of Emission Limitation

### *A. Dow AMEL*

In its August 5, 2014, request, Dow indicates that it plans to construct and operate two new MPGFs at its Texas Operations site in Freeport, TX. One MPGF would be located at Dow's Propane Dehydrogenation Plant (PDH–1), scheduled to start-up in early 2015 and whose primary product is propylene. The other MPGF would be located at Dow's Light Hydrocarbons Plant (LHC–9), scheduled to start-up in early 2017 and whose primary product is ethylene.

The flare systems proposed for use by Dow at both plants consist of a staged design concept. The first stage, which is not at issue nor specifically part of the notice requesting an AMEL because it can meet the flare operating requirements of 40 CFR of 60.18 and 63.11, is a steam-assisted ground flare which has the primary function of controlling waste gases during periods of normal operation. The remaining stages consist of arrays of pressure-assisted flare tips (the MPGFs) and will control waste gases during periods of upset, maintenance, startup and shutdown (high-pressure, high flow periods). Pressure-assisted flares are also known as sonic flares because the exit velocity during periods of high-pressure feeds is at sonic velocities.

At Dow, Stage 1 is the low pressure stage in which the flare acts as a steam-assisted flare. Stages 2 and beyond are activated for high-pressure/high exit velocity flows. The flare system is surrounded by a panel type fence to protect nearby workers from the radiant heat from the flare system. At various times ranging from 2 hours for startup of processing equipment to 160 hours for a complete plant shutdown, Dow will have emissions from the MPGF for the following maintenance, start-up and shutdown (MSS) activities: Perform plant start-up and shutdown, process equipment startup and shutdown, off-spec flaring, non-routine clearing and commissioning of process equipment and piping, fuel purging and flaring to maintain pressure of the net-gas system.

Dow conducted testing on the two types of individual flare tips in its MPGF design to demonstrate that the MPGF can achieve good combustion efficiency under certain conditions and has proposed operating requirements for these MPGF that can achieve the emissions standards in the applicable NSPS and NESHAP. These proposed operating requirements are contained in Dow's request dated August 5, 2014, located in the docket for this document. A summary of test data and a complete copy of the emission testing report and appendices are available in the docket. The tests were conducted on individual flare tips because it is not possible to test the full field of MPGF because of the size and configuration of the full-scale MPGF installation (there are approximately 300 flare tips in the proposed array pattern that cover the size approximately equivalent to that of a football field in the actual installations). Although two flare tip types were tested during the effort, the results of one burner type, a steam-assisted flare burner, John Zink model SKEC, are not discussed further as Dow is not seeking an AMEL for this burner because it operates at lower velocity and, thus, can meet the existing flare operating requirements.

### *B. ExxonMobil AMEL*

In its October 21, 2014, request, ExxonMobil indicates it plans to construct and operate two MPGFs, one at its Baytown Olefins Plant (BOP) in Baytown, TX, and the other at its Mont Belvieu Plastics Plant (MBPP) in Mont Belview, TX. Both of the proposed control strategies will be designed such that vent gases are routed to either a low pressure system, or in infrequent cases where high-pressure/high flow events occur, the high pressure MPGF. Both low pressure control systems at the BOP and MBPP consist of an elevated flare, but the MBPP low pressure control system also consists of three flameless thermal oxidizers. The elevated flares at both the BOP and MBPP will comply with 40 CFR 60.18 and/or 40 CFR 63.11, as applicable.

ExxonMobil did not supply any additional test data, but rather is relying on a series of publically available MPGF emissions tests, among them the 2013 test submitted by Dow, a 2012 test done by Marathon Petroleum Corporation, LP, a 2006 pipeline burner test done by Dow, and two earlier tests conducted by the EPA in the 1980s. ExxonMobil indicates that the BOP and MBPP burner tip designs will have comparable performance to the burners recently tested and submitted December 14, 2014, supplemental application containing additional information on plans to use the John Zink LRGO burners for the MPGF installation at the MBPP, and ZEECO burners at the BOP. ExxonMobil asserts that the ZEECO burner design provides equivalent combustion efficiency and flame stability as that of the John Zink burners tested, although ExxonMobil has not supplied any data or information that could confirm this assertion of equivalency. We are requesting comment on this assertion as well as specifically soliciting data and comments from the public on burner design and performance of these MPGF burners.

### *C. EPA's Analysis of MPGF Burner Emission Tests*

Dow and ExxonMobil are proposing to follow all of the flare operating requirements contained in either 40 CFR 60.18 or 63.11, except for the exit velocity requirements. They are proposing to operate their high pressure MPGFs at higher velocity than the current requirements because their data indicate that these burners can operate with a stable flame at higher velocities and still achieve good combustion and destruction efficiencies. Instead of complying with the exit velocity requirements in 40 CFR 60.18 and 63.11, Dow and ExxonMobil are requesting that EPA grant their AMEL requests to allow them to operate the high pressure sections of their MPGFs such that the vent gas flowing to the flare tips is maintained with a net heating value that has been demonstrated to be equal to or greater than the values that were determined to achieve a reduction in emissions of pollutants being controlled by a steam-assisted, air-assisted or non-assisted flare complying with the requirements of either 40 CFR 63.11(b) or 40 CFR 60.18(b) during the burner emission tests.

In the emission tests, the high pressure burners were subjected to a number of different operating conditions, and each set of conditions represented a separate test series. For purposes of this discussion, the relevant test results are those from Dow's 2013 test report, which are comprised of runs from test series P1 through P4 and were tested on John Zink's pressure assisted flare burner model LRGO–HC, as well as emissions data reported in Marathon's 2012 test report, which are from test series PA1 and PA2 and were tested on John Zink's pressure assisted flare burner model LRGO–D. These tests used the analytical technique of passive fourier transform infrared (PFTIR) spectroscopy to assess combustion efficiency. Dow's 2013 test report also presents data collected using an extractive method where flue gas was extracted from a collection hood that was suspended above the burner tip and analyzed using standard EPA methods.

The Marathon 2012 test report (see ''Performance Test of Steam-Assisted and Pressure-Assisted Ground Flare Burners with Passive FTIR—Garyville'') and the Dow 2013 test report (see ''Report on Emissions Testing of Pressure Assisted LRGO–HC and Steam Assisted SKEC Burners'') are provided in the docket.

The results of the PFTIR testing indicated that when a flame was present on the pressure-assisted flare burners tested that an average combustion efficiency of 99 percent or greater was always achieved. Each set of operating conditions tested by both Dow and Marathon for both combustion efficiency and flame stability generally consisted of a series of triplicate runs. In all, a total of 34 test runs were analyzed from these two tests (21 from Dow's P1 through P3 test series and 13 from Marathon's PA1 and PA2 test series). For test series P4, which was conducted as part of Dow's 2013 test using a 90 volume percent hydrogen/10 volume percent natural gas mixture, no combustion efficiency test was conducted; instead, a qualitative indication that the flame was stable at the conditions tested was made. We note that in Dow's 2013 test report that three of the 21 test runs were aborted because of loss of flame (which we refer to as flameout); only two of the three test runs (one in the P2H series and one in the P2L series) produced enough information before flameout to be analyzed in more detail. We requested more detailed information from Dow on the conditions that resulted in this loss of flame as it informs us of the conditions that would create a failure of the burners to sustain a stable flame and achieve good combustion. This document is included in the docket titled ''Supplement 1 to Dow report.'' Additionally, we also note that in Marathon's 2012 test report that two of the 13 test runs also experienced loss of flame (test PA1 Runs 4(2) and 4(4)). The results of all of these test runs are discussed in the memorandum titled ''Review of Available Test Data on Multipoint Ground Flares,'' located in the docket.

There are two general conclusions from these test reports that are consistent with the earlier EPA 1985 study done on pressure-assisted flares (see conclusions on pages 2–19 and 2–22 in September 1985 EPA report titled ''Evaluation of the efficiency of industrial flares: Flare head design and gas composition''). The first is that ''flare head design can influence the flame stability curve.'' This is evident in Figures 2–3 and 2–5 of the 1985 EPA report where different stability curves were generated for the different flare heads (burners) tested over a range of differing exit velocities and flare gas net heating values. When comparing the current maximum flare tip velocity requirements in the general provisions with those tested on pressure-assisted flare burners, this conclusion still holds true. The agency's current requirements would require that flares meet an increasing minimum net heating value with increasing velocity, all the way up to a minimum waste gas net heating value of 1,000 BTU/scf and maximum velocity of 400 feet per second. However, the recent test reports on pressure-assisted burners show that flame stability can be achieved at significantly higher velocities (*i.e.,* sonic velocity) with waste gas net heating values below 1,000 BTU/scf. The second general conclusion made from EPA's 1985 study is that ''stable flare flames and high (>98–99) combustion and destruction efficiencies are attained when flares are operated within operating envelopes specific to each flare burner and gas mixture tested. Operation beyond the edge of the operating envelope can result in rapid flame de-stabilization and a decrease in combustion and destruction efficiencies.'' The data where flameout of the burners occurred from test runs in both the Marathon 2012 test report and the Dow 2013 test report showed that the flare operating envelope was different for the different gas mixtures tested. Additionally, it was observed that combustion degradation beyond the edge of the operating envelope for pressure-assisted MPGF burners was so rapid that when a flame was present, the flare would still achieve a high level of combustion efficiency right up until the point of flameout.

In order to assess the proper operating envelope for these flare types, the EPA evaluated both the net heating value (in BTU/scf), which is how the 40 CFR part 60 and 63 General Provisions currently address combustion zone properties, as well as the lower flammability limit (LFL) because the LFL may be a better indicator of performance than net heating value for some flare vent gas streams, notably those with the potential for high hydrogen content. Hydrogen is relatively flammable, but its net heating value is low on a BTU/scf basis when compared to other hydrocarbons. By using LFL, we eliminate the need to correct the hydrogen heat content or to select a lower BTU/scf limit for high hydrogen cases. Although Dow has requested operating limits in the form of BTU/scf and has presented the test data in BTU/scf, we believe it is important to consider both types of operating limits.

Our review indicates that the LRGO burners tested achieve a high level of combustion efficiency when the lower flammability limit of waste gases burned in the flare is less than 6.5 volume percent (vol%) LFL or above 800 BTU/scf. We suggest the 6.5 vol% LFL based on the flammability of the stream during the flame out conditions experienced during the high pressure test run P2H1 (at 6.6 vol% LFL). The corresponding BTU content of the waste gas at this value was 789 BTU/scf (according to Dow, the gas chromatograph analysis indicated this value was 746 BTU/scf, although the John Zink report based on measured flow rates indicated it was 789 BTU/scf). Dow's proposed operating conditions included startup/shutdown cases where the waste gas heat content could be as low as 690 BTU/scf and as high as 6.9 vol% LFL, and data from these tests indicate that good combustion can occur at these conditions. However, to establish the alternative operating requirements at a level that ensures good combustion and flame stability at all times under all operating conditions, we believe it is reasonable to establish the heat content requirements for BTU/scf above which there were no flame out observations. For LFL, that level would be set below which there are no flame out observations. This is because gas mixtures with a relatively high LFL are less flammable when released to the air than mixtures with a relatively low LFL. A gas mixture with a relatively high LFL requires a larger volume of the mixture to burn in a specific volume of air, than would a mixture of gases with a relatively low LFL being combusted in that same volume of air. We believe the flame out observations establish the limiting case because a flameout is a complete failure of the burner, indicating zero-percent combustion. Because of the quantity of waste gases potentially flared in the high-pressure zones of these MPGF, we believe it would be prudent to establish limits on the conservative side to prevent air emissions of unburned waste gas.

We also reviewed whether we should consider velocity or burner operating pressure in describing conditions that should be met during the MPGF operation and whether we should require some testing to ensure that the individual burners will ignite properly when a new stage goes into service. Dow provided information on its process control system and indicated that cross-light testing (testing of burner ignition from pilots) of individual burners at its off-site test facility has been conducted

and the burners performed as expected. This discussion, titled ''Process control system overview-multipoint ground flare system,'' is in the docket for this action. At this time, we are not considering any requirements for additional process control or ignition testing. However, we believe it would be important to require that cameras are installed and operated such that operators have a visual indication of flames from the flare at all times that the MPGF is operating and that this footage be available for inspection by the permitting agency, along with operational records of the waste gas flowrate, pressure in header and stages, pilot and waste gas composition.

Because these flares are located at ground level, it is possible that ambient concentrations of pollutants could be higher than they would be under an alternative scenario where waste gases would be flared in an elevated flare, enabling greater dispersion and potentially lessening the impact to neighboring communities. To that end, we are soliciting comment on whether additional ambient monitoring is warranted to provide for immediate notification to emergency planning officials and the community during significant events and malfunctions of the system.

### III. AMEL for Pressure-Assisted MPGF

Considering the above requests from both Dow and ExxonMobil, we are seeking the public's input on the operating requirements for the proposed pressure-assisted MPGFs that would be used by both companies which would establish an AMEL that will achieve a reduction in emissions at least equivalent to the reduction in emissions being controlled by a steam-assisted, air-assisted or non-assisted flare complying with the requirements of either 40 CFR 63.11(b) or 40 CFR 60.18(b). Information provided in the AMEL requests and the available emissions test data from the test reports described above indicate that the following list of operating requirements for pressure-assisted MPGF result in destruction efficiencies at least equivalent to destruction efficiencies expected from complying with the requirements of 40 CFR 63.11(b) and 40 CFR 60.18(b) for the pressure-assisted MPGF being proposed for use by both Dow and ExxonMobil:

1. The flare system must be designed and operated such that the net heating value of the combustion zone gas ($NHV_{cz}$) for the pressure assisted flare burners meets a minimum heating value of 800 BTU/scf or a lower flammability limit of the combustion zone gas ($LFL_{cz}$) of less than or equal to 6.5 percent by volume under all conditions. We would expect owners or operators to calculate $NHV_{cz}$ and $LFL_{cz}$ in a manner similar to those in the currently proposed requirements of 79 FR 36980–40 CFR 63.670(l)–(m).

2. The flare system must be operated with a flame present at all times when in use. Each row of flare burners must have at least one pilot with a constant pilot flame. The pilot flame(s) must be continuously monitored by a thermocouple. The time, date and duration of any loss of pilot flame must be recorded. Each monitoring device must be maintained or replaced at a frequency in accordance with the manufacturer's specifications.

3. The flare system must be operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. A video camera can be used in order to conduct visible emission observations since operating personnel cannot enter the fenced area while the MPGF is operating.

4. The operator must install and operate an on-line vent gas flow meter and an on-line gas chromatograph to measure the flow and composition of the vent gas to each flare. We would expect the operator to comply with similar monitoring and testing requirements and recordkeeping and reporting requirements for these monitoring systems as currently proposed in 79 FR 36980–40 CFR 63.670(i)–(j) and (l)–(m).

5. The operator should install and operate pressure and/or flow monitors on each stage of the flare. We would expect the operator to comply with similar applicable monitoring and testing requirements and recordkeeping and reporting requirements for these monitoring systems as currently proposed in 79 FR 36980–40 CFR 63.670(i).

### IV. Request for Comments

We solicit comments on all aspects of these requests for an AMEL. We specifically seek comment regarding whether or not the potential alternative operating requirements listed in section III above would be adequate for ensuring that the MPGF will achieve good combustion at all times and enable the facilities to meet their applicable emission standards. Additionally, several other entities have indicated to us that they intend to make similar requests for the ability to operate pressure-assisted MPGFs. We are also soliciting comment on whether the requirements listed above, if followed by these other entities, could enable these other facilities to receive approval of their own AMELs. As noted in section II.B above, we also solicit comment and data on other pressure-assisted flare burner types. Commenters should include data or specific examples in support of their comments.

Dated: February 3, 2015.

**Janet G. McCabe,**

*Acting Assistant Administrator.*

[FR Doc. 2015–03064 Filed 2–12–15; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### 42 CFR Part 11

**[Docket Number NIH–2011–0003]**

**RIN 0925–AA52**

## Clinical Trials Registration and Results Submission

**AGENCY:** National Institutes of Health, Department of Health and Human Services.

**ACTION:** Proposed rule; extension of comment period; request for comments.

**SUMMARY:** The Department of Health and Human Services (HHS) is extending the public comment period for the Notice of Proposed Rulemaking (NPRM) on Clinical Trials Registration and Results Submission. The proposed rule was published on November 21, 2014 (79 FR 69566) with a deadline for public comments of February 19, 2015. The comment period is being extended to provide additional time for commenters to prepare their responses. The comment period will close at 5 p.m. Eastern Standard Time (EST) on March 23, 2015.

**DATES:** Comments on the NPRM must be received before 5 p.m. EST on March 23, 2015 in order to ensure we will be able to consider the comments when preparing the final rule and policy.

**ADDRESSES:** Individuals and organizations interested in submitting comments on the NPRM, identified by RIN 0925–AA52 and Docket Number NIH–2011–0003, may do so by any of the following methods:

- *Electronic Submissions:* Use Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. NIH is no longer accepting comments submitted directly by email. The NIH encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal: *http://www.regulations.gov.*

• *Written Submissions:* You may submit written submissions by Fax at 301–402–0169, or by Mail/Hand Delivery/Courier (For paper, disk, or CD–ROM submissions) to: Jerry Moore, NIH Regulations Officer, Office of Management Assessment, 6011 Executive Boulevard, Suite 601, MSC 7669, Rockville, MD 20852–7669.

**FOR FURTHER INFORMATION CONTACT:**

*Regulatory Process:* Jerry Moore, NIH Regulations Officer, Office of Management Assessment, Telephone (301–496–4607) (not a toll-free number), Fax (301–402–0169), or by email at *jm40z@nih.gov.*

*Technical Information:* Jerry Sheehan, Assistant Director for Policy Development, National Library of Medicine, National Institutes of Health, Department of Health and Human Services, Telephone (301–496–6221) (not a toll-free number), Fax (301–402–2586), or by email at *sheehanjr@nlm.nih.gov.*

**SUPPLEMENTARY INFORMATION:** HHS published a Notice of Proposed Rulemaking (NPRM) on Clinical Trials Registration and Results Submission in the **Federal Register** on November 21, 2014 (79 FR 69566). The NPRM proposes requirements for submitting registration and summary results information, including adverse event information, for specified clinical trials of drugs (including biological products) and devices and for pediatric postmarket surveillances of a device to ClinicalTrials.gov, the clinical trial registry and results data bank operated by the National Library of Medicine. The proposed rule provides for the expanded registry and results data bank specified in Title VIII of the Food and Drug Administration Amendments Act of 2007 (FDAAA) to enhance patient enrollment, provide a mechanism to track subsequent progress of clinical trials, provide more complete results information, and enhance patient access to and understanding of the results of clinical trials. The deadline for written comments was originally established as February 19, 2015. Since the NPRM was published, the Department has received requests to extend the period for the public submission of comments. Effective with this notice, we are extending the comment period with a deadline of 5 p.m. EST on March 23, 2015.

NIH published a related request for public comments on a draft NIH Policy on Dissemination of NIH-Funded Clinical Trial Information in the *NIH Guide for Contracts and Grants* (NOT–OD–15–019) on November 19, 2014. See *http://grants.nih.gov/grants/guide/notice-files/NOT-OD-15-019.html.* The draft NIH Policy aims to promote broad and responsible dissemination of information on clinical trials funded by the NIH through registration and submission of summary results information to ClinicalTrials.gov. The original deadline for written comments on the draft NIH Policy was February 19, 2015, but the deadline is also being extended until 5 p.m. EST on March 23, 2015.

*Instructions for Submitting Comments:* We welcome comments from the public on all issues set forth in the proposed rule, and on specific issues identified in the document. All submissions received must include the agency name, the Docket No., and Regulatory Information Number (RIN) for this rulemaking. All comments received at *http://www.regulations.gov* may be posted without change, including any personal information provided. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means NIH will not know your identity or contact information unless you provide it in the body of your comment. You can assist us in considering your comment by referencing the number assigned to each key issue discussed in section III.C of the preamble or the number of the section of this proposed rule to which your comment relates. For access to background documents or comments received, go to *http://www.regulations.gov* and insert the docket number found in the brackets in the heading of this document into the ''Search'' box and follow the prompts.

Dated: January 16, 2015.

**Francis S. Collins,**

*Director, National Institutes of Health.*

Approved: February 5, 2015.

**Sylvia Mathews Burwell**

*Secretary, HHS.*

[FR Doc. 2015–02990 Filed 2–12–15; 8:45 am]

**BILLING CODE 4140–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 25, 73, and 76

**[MB Docket No. 14–127; FCC 14–209]**

### Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this *document,* the Commission proposes to expand to cable operators, satellite TV providers, broadcast radio licensees, and satellite radio licensees the requirement that public inspection files be posted to the FCC's online database. In 2012, the Commission adopted online public file rules for broadcast television stations that required them to post public file documents to a central, FCC-hosted online database rather than maintaining the files locally at their main studios. Now that television broadcasters have completed their transition to the online file, the Commission believes it is appropriate to commence the process of expanding the online file to other media entities to extend the benefits of improved public access to public inspection files and, ultimately, reduce the burden of maintaining these files.

**DATES:** Comments may be filed on or before March 16, 2015, and reply comments may be filed April 14, 2015. Written comments on the proposed information collection requirements, subject to the Paperwork Reduction Act (PRA) of 1995, Pub. L. 104–13, should be submitted on or before April 14, 2015.

**ADDRESSES:** You may submit comments, identified by MB Docket No. 14–127, by any of the following methods:

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

• *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.

• *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act proposed information collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov* and also to Nicholas A. Fraser, Office of Management and Budget, via email to *Nicholas-A.-Fraser@omb.eop.gov.* For detailed instructions

for submitting comments and additional information on the rulemaking process, see the supplementary information section of this document.

**FOR FURTHER INFORMATION CONTACT:** Kim Matthews, Media Bureau, Policy Division, 202–418–2154, or email at *kim.matthews@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 14–209, adopted on December 17, 2014 and released on December 18, 2014. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

**Paperwork Reduction Act of 1995 Analysis**

This *NPRM* contains proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments should address: (a) 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; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) 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 (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

OMB Control Numbers: 3060–xxxx.

Title: Sections 25.701, Other DBS Public Interest Obligations, and 25.702, Other SDARS Public Interest Obligations.

Form Number: None.

Type of Review: New collection.

Respondents: Business or other for profit entities.

Number of Respondents and Responses: 3 respondents and 3 responses.

Estimated Hours per Response: 18 hrs.

Frequency of Response: On occasion reporting requirement, Recordkeeping requirement, Third party disclosure requirement.

Total Annual Burden: 54 hours.

Total Annual Cost: $592.

Obligation to Respond: Required to be obtained or retained for benefits. The statutory authority for this information collection is contained in sections 154, 301, 302, 303, 307, 309, 319, 332, 605, and 721 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 Act Assessment: The Commission prepared a system of records notice (SORN), FCC/MB–2, ''Broadcast Station Public Inspection Files,'' that covers the PII contained in the broadcast station public inspection files located on the Commission's Web site. The Commission will revise appropriate privacy requirements as necessary to include any entities and information added to the online public file in this proceeding.

Needs and Uses: In FCC 14–209, the Commission proposes to expand the requirement that public inspection files be posted to the FCC-hosted online public file database to Direct Broadcast Satellite (DBS) providers and Satellite Digital Audio Radio Services (SDARS) licensees, among other entities. The Commission's goal is to make information that these entities are already required to make publicly available more accessible, by placing this information online, while also reducing costs both for the government and the public sector. The public and FCC use the information in the public file to evaluate information about the DBS or SDARS entity's performance and to ensure that the entity is operating pursuant to the FCC's rules. In addition, maintenance of political files by DBS and SDARS entities enables the public to assess money expended and time allotted to a political candidate and to ensure that equal access was afforded to other legally qualified candidates for public office.

OMB Control Numbers: 3060–0214.

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 76.1701 and 73.1943, Political Files.

Form Numbers: None.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities; Not for profit institutions; State, Local or Tribal government; Individuals or households.

Number of Respondents/Responses: 24,961 respondents; 59,902 responses.

Estimated Hours per Response: 1–52 hours per response.

Frequency of Response: On occasion reporting requirement, Recordkeeping requirement, Third party disclosure requirement.

Total Annual Burden: 1,860,656 hours.

Total Annual Cost: $3,653,372.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in sections 154, 303, 334, 336, and 339 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 Act Assessment: The Commission prepared a system of records notice (SORN), FCC/MB–2, ''Broadcast Station Public Inspection Files,'' that covers the PII contained in the broadcast station public inspection files located on the Commission's Web site. The Commission will revise appropriate privacy requirements as necessary to include any entities and information added to the online public file in this proceeding.

Needs and Uses: In FCC 14–209, the Commission proposes to expand the requirement that public inspection files be posted to the FCC-hosted online public file database to commercial and

noncommercial broadcast radio licensees, among other entities. The Commission's goal is to make information that these entities are already required to make publicly available more accessible, by placing this information online, while also reducing costs both for the government and the public sector. Among other things, the public and FCC use the information in the public file to evaluate information about the broadcast licensee's performance and to ensure that the station is addressing issues concerning the community which it is licensed to serve. In addition, maintenance of political files by broadcast and cable entities enables the public to assess money expended and time allotted to a political candidate and to ensure that equal access was afforded to other legally qualified candidates for public office.

OMB Control Number: 3060–0316.

Title: 47 CFR Sections 76.1700, Records to be maintained locally by Cable System Operators; 76.1702, Equal Employment Opportunity; 76.1703, Commercial Records on Children's Programs; 76.1707, Leased Access; 76.1711, Emergency Alert System (EAS) Tests and Activation.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities.

Number of Respondents/Responses: 3,000 respondents; 3,000 responses.

Estimated Hours per Response: 18 hours.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 54,000 hours.

Total Annual Cost: $591,840.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, and 573 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 Act Assessment: The Commission prepared a system of records notice (SORN), FCC/MB–2, ''Broadcast Station Public Inspection Files,'' that covers the PII contained in the broadcast station public inspection files located on the Commission's Web site. The Commission will revise appropriate privacy requirements as necessary to include any entities and information added to the online public file in this proceeding.

Needs and Uses: In FCC 14–209, the Commission proposes to expand the requirement that public inspection files be posted to the FCC-hosted online public file database to cable operators, among other entities. The Commission's goal is to make information that these entities are already required to make publicly available more accessible, by placing this information online, while also reducing costs both for the government and the public sector. Among other things, the public and FCC use the information in the public file to evaluate information about the broadcast licensee's performance and to ensure that the station is addressing issues concerning the community which it is licensed to serve. In addition, maintenance of political files by broadcast and cable entities enables the public to assess money expended and time allotted to a political candidate and to ensure that equal access was afforded to other legally qualified candidates for public office. Section 76.1700 contains the recordkeeping requirements applicable to cable systems, including public inspection file requirements. This NPRM proposes to revise Section 76.1700 to reflect the requirement that cable operators maintain their public inspection file online on the Web site hosted by the FCC. In addition, this NPRM proposes a reorganization of Section 76.1700 to more clearly address which records must be maintained in the public inspection file versus those that must be made available to the Commission or franchising authority upon request. Among other changes, the Commission proposes to clarify that proof-of-performance test data and signal leakage logs and repair data must be made available only to the Commission and, in the case of proof-of-performance test data, also to the franchisor, and not to the public. Accordingly, this information would not be required to be included in the public inspection file or in the online public inspection file.

## Summary of the Notice of Proposed Rulemaking

### I. Introduction

1. In this Notice of Proposed Rulemaking (''*NPRM*''), we propose to expand to cable operators, satellite TV (also referred to as ''Direct Broadcast Satellite'' or ''DBS'') providers, broadcast radio licensees, and satellite radio (also referred to as ''Satellite Digital Audio Radio Services'' or ''SDARS'') licensees the requirement that public inspection files be posted to the FCC's online database. In 2012, we adopted online public file rules for broadcast television stations that required them to post public file documents to a central, FCC-hosted online database rather than maintaining the files locally at their main studios. *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Second Report and Order,* 77 FR 27631 (May 11, 2012) (''*Second Report and Order*''). Our goal was to modernize the procedures television broadcasters use to inform the public about how they are serving their communities, to make information concerning broadcast service more accessible to the public and, over time, to reduce the cost of broadcasters' compliance. We initiate this proceeding to extend our modernization effort to include the public file documents that cable operators, DBS providers, and broadcast and satellite radio licensees are required to maintain. While the Commission first included only television broadcasters in its public file database to ''ease the initial implementation of the online public file,'' television broadcasters have successfully transitioned to the online file over the past two years. Accordingly, we now believe it is appropriate to commence the process of expanding the online file to other media entities in order to extend the benefits of improved public access to public inspection files and, ultimately, reduce the burden on these other entities of maintaining these files.

### II. Background

2. One of a broadcaster's fundamental public interest obligations is to air programming responsive to the needs and interests of its community of license. To ensure that stations meet this obligation, the Commission relies on viewers and listeners as an important source of information about the nature of a station's programming, operations, and compliance with Commission rules. To provide the public with access to information about station operations, the Commission's rules have long required television and radio broadcast stations to maintain a physical public inspection file, including a political file, at their respective stations or headquarters and to place in the file records that provide information about station operations. The purpose of the public inspection file requirement is to ''make information to which the public already has a right more readily available, so that the public will be encouraged to play a more active part in dialogue with broadcast licensees.''

3. The Commission promulgated its first political file rule in 1938. That initial rule was essentially identical to our current political file regulation in its requirement that the file be available for public inspection and include both candidate requests for time and the disposition of those requests, including the ''charges made'' for the broadcast time. In 1965, following action by Congress to allow greater public participation in the broadcast licensing process, the Commission adopted a broader public inspection file rule to enable local inspection of broadcast applications, reports, and related documents. The Commission noted that Congress' actions ''zealously guarded the rights of the general public to be informed'' and that the Commission's goal was to make ''practically accessible to the public information to which it is entitled.''

4. Cable, DBS, and SDARS entities also have public and political file requirements modeled, in large part, on the longstanding broadcast requirements. In 1974, the Commission adopted a public inspection file requirement for cable, noting that ''[i]f the public is to play an informed role in the regulation of cable television, it must have at least basic information about a local system's operations and proposals.'' The Commission also noted that ''[r]equiring cable systems to maintain a public file merely follows our policy for broadcast licensees and is necessary for similar reasons'' and that ''[t]hrough greater disclosure we hope to encourage a greater interaction between the Commission, the public, and the cable industry.'' With respect to DBS providers, the Commission adopted public and political inspection file requirements in 1998 in conjunction with the imposition of certain public interest obligations, including political broadcasting requirements, on those entities. DBS providers were required to ''abide by political file obligations similar to those requirements placed on terrestrial broadcasters and cable systems'' and were also required to maintain a public file with records relating to other DBS public interest obligations. Finally, the Commission imposed equal employment opportunity and political broadcast requirements on SDARS licensees in 1997, noting that the rationale behind imposing these requirements on broadcasters also applies to satellite radio.

5. In 2002, Congress adopted the Bipartisan Campaign Reform Act (''BCRA'') which amended the political file requirements in section 315 of the Communications Act of 1934. 47 U.S.C. 315. The amendments apply to broadcast television, cable, and DBS. The BCRA essentially codified the Commission's existing political file obligations by requiring that information regarding any request to purchase advertising time made on behalf of a legally qualified candidate for public office be placed in the political file. In addition, the BCRA expanded political file obligations by requiring that television, cable, and DBS entities also place in the political file information related to any advertisements that discuss a ''political matter of national importance,'' including in the case of an issue advertisement the name of the person or entity purchasing the time and a list of the chief executive officers or members of the executive committee or of the board of directors of any such entity.

*A. Online Public File*

6. In 2012 the Commission replaced the decades-old requirement that commercial and noncommercial television stations maintain public files at their main studios with a requirement to post most of the documents in those files to a central, online public file hosted by the Commission. *See Second Report and Order,* 77 FR 27631 (May 11, 2012). As noted above, the Commission's goals were to modernize the procedures television broadcasters use to inform the public about how they are serving their communities, make information concerning broadcast service more accessible to the public, and reduce broadcasters' cost of compliance. The television online public file rules were the culmination of a more than decade-long effort to make information regarding how a television broadcast station serves the public interest ''easier to understand and more accessible,'' ''promote discussion between the licensee and its community,'' and ''lessen the need for government involvement in ensuring that a station is meeting its public interest obligation.''

7. In June 2011, the Commission staff released ''The Information Needs of Communities'' Report (''INC Report''), a comprehensive report on the current state of the media landscape created by a working group including Commission staff, scholars, and consultants. *See www.fcc.gov/infoneedsreport.* The INC Report discussed both the need to empower citizens to ensure that broadcasters serve their communities in exchange for the use of public spectrum, and the need to remove unnecessary burdens on broadcasters who aim to serve their communities. The INC Report recommended an online system for public inspection files in order to ensure greater public access. The INC Report further suggested that governments at all levels collect and publish data in forms that make it easy for citizens, entrepreneurs, software developers, and reporters to access and analyze information to enable them to present the data in more useful formats, and noted that greater transparency by government and media companies can help reduce the cost of reporting, empower consumers, and foster innovation.

8. Based upon commenter suggestions, in the *Second Report and Order* the Commission determined that each television station's entire public file would be hosted online by the Commission. The Commission took a number of steps to minimize the burden of the online file on stations. Broadcasters were required to upload only those items required to be in the public file but not otherwise filed with the Commission or available on the Commission's Web site. Any document or information required to be kept in the public file and that is required to be filed with the Commission electronically in the Consolidated DataBase System (''CDBS'') is imported to the online public file and updated by the Commission. In addition, television stations were not required to upload their existing political files to the online file; rather, stations were required only to upload new political file content on a going-forward basis. Because of privacy concerns, stations also were not required to upload letters and emails from the public to the online file; rather, they must continue to retain them in a correspondence file at the main studio.

9. In addition, to smooth the transition for both television stations and the Commission and to allow smaller broadcasters additional time to begin posting their political files online, the Commission phased-in the new political file posting requirement. Stations affiliated with the top four national networks (ABC, NBC, CBS, and Fox) and licensed to serve communities in the top 50 Designated Market Areas (''DMAs'') were required to begin posting their political file documents online starting August 2, 2012, but other stations were exempted from posting their political file documents online until July 1, 2014. In the *Second Report and Order,* the Commission also rejected several proposals in the FNPRM to increase public file requirements in conjunction with implementation of the online file. Rather, the Commission determined that stations would be required to place in their online files only material that is already required to be placed in their local files.

10. The Commission stated in the *Second Report and Order* that it was deferring consideration of whether to adopt online posting for radio licensees and multichannel video programming distributors (''MVPDs'') until it had gained experience with online posting of public files of television broadcasters. The Commission noted that starting the online public file process with the much smaller number of television licensees, rather than with all broadcasters and MVPDs, would ''ease the initial implementation of the online public file.'' In response to the FNPRM, a group of public television licensees requested that the Commission permit NCE radio stations, or at least those licensed to the same entity as, or under common control with, an NCE–TV station, to maintain their public inspection files online on the Commission's Web site on a voluntary basis. While the Commission declined to grant this request, it stated that ''as we and the broadcasting industry gain more experience with the online public file we will revisit the possibility of allowing stations not required to use the online public file to use it on a voluntary basis.'' In addition, the Commission delegated to the Commission staff ''the authority to allow (but not require) radio stations to voluntarily post their public files at such time the staff determines that such an option is feasible and desirable.'' To date, the Commission staff has not made this option available to radio stations, instead focusing initially on ensuring that the database was functioning smoothly and was capable of handling the increase in volume once all television stations were required to use the online file beginning July 1, 2014.

*B. Petition for Rulemaking*

11. In July 2014, the Campaign Legal Center, Common Cause, and the Sunlight Foundation (collectively, ''Petitioners'' or ''CLC'') filed a joint Petition for Rulemaking requesting that the Commission initiate a rulemaking to expand to cable and satellite systems the requirement that public and political file documents be posted to the FCC's online database. *See* Campaign Legal Center, et al., Petition for Rulemaking, MB Docket No. 14–127, at 1 (July 31, 2014) (''Petition''). The Petitioners argue that cable and satellite services have increasingly become outlets for political advertising. According to Petitioners, political spending on cable is projected to constitute as much as 25 percent of total projected political television spending in the 2014 election cycle. Petitioners also assert that, due to advances in technology, satellite television providers are preparing to sell household-specific ''addressable advertising,'' a feature that has attracted interest from advertising campaigns. Petitioners assert that moving the television public file online has resulted in ''unquestionably substantial'' public benefits, which would also arise if cable and satellite systems were required to upload their public and political files online. In addition, Petitioners argue that television broadcasters experienced few problems moving to the online file, and cable and satellite systems would also likely not be burdened by the online filing requirement.

12. On August 7, 2014, the Media Bureau issued a Public Notice seeking comment on the Petition and, in addition, on whether it should initiate a rulemaking to expand online public file obligations to broadcast radio stations. *See* Public Notice, *Commission Seeks Comment on Petition for Rulemaking Filed by the Campaign Legal Center, Common Cause, and the Sunlight Foundation Seeking Expansion of Online Public File Obligations to Cable and Satellite TV Operators, Bureau Also Seeks Comment on Expanding Online Public File Obligations to Radio Licensees,* 79 FR 51136–01 (August 27, 2014)(''Public Notice''). The National Association of Broadcasters (''NAB'') filed comments supporting the extension of the online public file to cable and satellite providers, stating that there is ''no rational basis'' for requiring television broadcasters, but not their competitors in the video marketplace, to disclose public and political file material online. The National Cable & Telecommunications Association (''NCTA'') argued that, if the Commission were to open a proceeding to expand online file obligations, it should examine how to tailor any online posting requirements to minimize burdens on cable operators and avoid requiring them to upload files of little interest to the public. With respect to radio, while CLC and the American Public Media Group supported the initiation of a rulemaking to require all radio stations to post their public and political files to the FCC's online database, the majority of commenters addressing this issue either objected to extending the online filing requirement to radio and/or argued that the Commission should carefully consider the financial burden on struggling radio stations as well as the technical and financial challenges to the FCC that would be posed by expanding the online file to include radio. In addition, a number of commenters also argued that extending the online public file to radio at this time is premature and that, at most, the Commission should first consider a voluntary online public file for radio before mandating online filing.

**III. Discussion**

13. We propose to adopt a phased-in approach to expanding the online file requirements to cable and DBS providers and broadcast and satellite radio entities. The implementation of the television online file represents a significant achievement in the Commission's ongoing effort to modernize disclosure procedures to improve access to public file material. Since it was launched on August 2, 2012, more than 650,000 documents have been successfully uploaded into the online file, and the site has generated close to six million page views. Despite initial concerns, NAB characterized the first wave of implementation as ''uneventful.'' As of July 1, 2014, all television broadcast stations have fully transitioned to the online file and, with this transition now complete, it is time to seek comment on expanding the online file to encompass cable, satellite, and radio public file material.

14. As the Commission stated in the *Second Report and Order,* this modernization of the public inspection file is ''plain common sense.'' The evolution of the Internet and the spread of broadband infrastructure have transformed the way society accesses information today. It is no longer reasonable to require the public to incur the substantial expense and inconvenience of traveling to a station or headquarters' office to review the public file and make paper copies when a centralized, online file would permit review with a quick and essentially costless Internet search.

*A. Benefits of Expanding the Online Public File*

15. Our goal in this proceeding is to modernize the outdated procedures for providing public access to cable, DBS, radio, and SDARS files in a manner that avoids unnecessary burdens on these entities. By taking advantage of the efficiencies made possible by digital technology, we intend to make information that cable and DBS providers and broadcast and satellite radio licensees are already required to make publicly available more accessible while also reducing costs both for the government and the private sector. The Internet is an effective, low-cost means of maintaining contact with, and distributing information to, viewers and

listeners. Placing the public file online will permit 24-hour access from any location, without requiring a visit to the site where the paper file is maintained, thereby improving access to information about how cable, satellite, and radio entities are serving their communities and meeting their public interest obligations. As the Commission stated in the *Second Report and Order,* the public benefits of posting public file information online, while difficult to quantify with exactitude, are unquestionably substantial.

16. Expansion of the online public file to more media is particularly important with respect to improving public access to political files. As Petitioners point out, political advertising is increasingly shifting from broadcast television to cable and satellite television, and the advent of technological advances such as addressable advertising are likely to further this trend. Political advertising on radio is also on the rise. According to CLC, political advertising expenditures on radio in 2012 ranked third behind spending on broadcast television and cable and could reach as high as 7 percent of overall spending on political advertising in 2014. Adding cable, satellite television, and broadcast and satellite radio political file material to the existing television online database would facilitate public access to disclosure records for all these media and allow the public to view and analyze political advertising expenditures more easily in each market as well as nationwide.

17. We propose to take the same general approach to transitioning cable, DBS, broadcast radio, and SDARS to the online file that the Commission took with television broadcasters, tailoring the requirements as necessary to the different services. We also propose to take similar measures to minimize the effort and cost entities must undertake to move their public files online. Specifically, we propose to require entities only to upload to the online file public file documents that are not already on file with the Commission or that the Commission maintains in its own database. We also propose to exempt existing political file material from the online file requirement and to require only that political file documents be uploaded on a going-forward basis.

18. With only minor exceptions—requiring cable operators to provide information about the geographic areas they serve, clarifying the documents required to be included in the cable public file, and requiring cable, DBS, broadcast radio, and SDARS entities to provide the location and contact information for their local file—we do not propose new or modified public inspection file requirements in this proceeding. Our goal is simply to adapt our existing public file requirements to an online format. We seek comment on this approach. While we propose to place the entire public file online, we invite comment on whether we should instead require only that certain components of the public file be placed on the Commission's online database. We note that limiting online file requirements to certain components of the public file would require entities to upload certain documents and maintain others in the local public file, thereby potentially imposing a greater burden than moving documents to the online file over time. We seek comment on these issues. One benefit of this proceeding, however, is to ensure that, within a short timeframe, there will be less need for the public to visit the affected entities, which will enable such entities to improve security and minimize risks to employees. We seek comment on these issues, including ways to further reduce the burdens of the public file and limit visits to the affected entities.

*B. Expansion of the Online File to Broadcast Radio*

19. While no commenter responding to the Public Notice opposed the extension of the online public file to cable or DBS providers, as discussed above a number of commenters either opposed imposing online public file obligations on broadcast radio or urged the Commission carefully to consider a number of obstacles unique to radio before requiring radio stations to use the online file. In general, these commenters argue that many radio stations are very small and have limited financial resources and small staffs. Some argue that, for many stations, the additional responsibility of maintaining an online file would take time and resources that would be better devoted to providing local programming and information. Other commenters note that many small stations already face significant economic challenges simply to stay on the air and might be unable to withstand any additional financial pressure an online public file obligation would impose. Finally, some commenters argue that local radio listeners that might be interested in accessing the current public file can do so easily. These commenters contend that moving the public file online would not improve access for current listeners but only encourage complaints from advocacy groups and that responding to these complaints would further strain stations' limited resources.

20. In the television online public file proceeding, the Commission rejected similar arguments regarding the burden an online file requirement would pose and concluded that the benefits of the online file outweighed any potential burden. The Commission also took a number of steps to minimize the costs of moving public files online, most of which we propose to take in this proceeding as well. With respect to radio, we recognize that concerns regarding the potential cost of an online public file requirement carry more weight, particularly for very small radio stations, which may struggle financially and have fewer resources than small television stations. While we believe that moving toward an online public file makes sense in today's world for all entities that currently have public file requirements, we are committed to considering carefully all concerns raised in this proceeding with respect to potential online file requirements. With respect to broadcast radio licensees, as discussed further below, we propose to commence the transition to an online file with commercial stations in larger markets with five or more full-time employees, while postponing temporarily all online file requirements for other radio stations. We believe that this approach addresses the concerns raised by commenters and will help ensure that the transition to the online file is not unduly burdensome.

21. We reject the argument that we should not expand the online file requirement to broadcast radio because doing so will benefit only non-local advocacy groups. Making the file available online will make it easier for the public generally to access the file, including local listeners, and will give the Commission and the public the information needed to evaluate whether stations are meeting their responsibilities to their local community.

*C. Online File Capacity and Technical Issues*

22. We recognize that adding cable, DBS, broadcast radio, and SDARS entities to the Commission's online file will greatly increase the number of users of the file and the volume of material that must be uploaded. NAB notes that, if radio stations are required to use the online file, there could be more than 17,500 broadcast entities uploading quarterly issues/programs lists on the same four dates in a year. In addition, we recognize that there is likely to be a heavy demand on the online file during peak political seasons, when many

broadcast stations take new advertising orders and modify existing orders on a daily basis. NAB urges the Commission to consider increasing its online capacity to accommodate the significant increase in network traffic that will occur when a large number of filings must be uploaded on the same date and consider ways to stagger filings to relieve network congestion. Other commenters argue the Commission should consider expanding the traditional 10-day filing window for many broadcast reports to a 30-day filing window to place less stress on the database. We seek comment on these proposals to stagger or otherwise alter filing deadlines and any other suggestions for ways in which the Commission could improve performance of its online public file database.

23. The Commission noted in the *Second Report and Order* that allowing the use of private web hosting services in connection with the online file would allow for greater station efficiencies. As several commenters note, work to establish an interface between the online file database and web hosting services has not yet been finished. Once work on this interface is completed, we anticipate that this would enable an entity to establish a link between its own privately-maintained electronic file database at the system or station to enable automatic synchronization with the database hosted at the FCC. We recognize that web hosting services could assist many entities with their obligation to maintain the online public file, particularly smaller entities, and continue to examine issues related to implementation of such services. We also intend to investigate adding the capability to permit entities to upload documents to multiple online files using a single upload.

24. Television stations are not required to upload material to the online file that is already filed with the Commission or available on a Commission database, and we propose to take a similar approach with respect to cable, DBS, broadcast radio, and SDARS entities. Broadcast radio licensees, like television broadcasters, file material electronically with the Commission via CDBS (which is currently being migrated to LMS), which is already connected to the online public file. Filings and data concerning cable systems, however, are currently maintained in the Commission's Cable Operations and Licensing System (''COALS'') database, which does not currently interface with the Commission's online file database. The Commission intends to create a connection between this database and the online file database as appropriate and plans to complete that process before the effective date of any cable online filing requirement that may be adopted in this proceeding.

*D. Proposed Online File Rules for Cable, DBS, Broadcast Radio, and SDARS*

25. In general, we propose to adopt a similar approach with respect to cable, DBS, broadcast and satellite radio online file requirements as we did for the television online file. Specifically, we propose that these entities' entire public files be hosted online by the Commission and that entities be responsible for uploading only items now required to be in the public file but not otherwise filed with the Commission or available on the Commission's Web site. As with the television online file, we propose that the Commission itself upload to the online public file material that is already on file with the Commission or that currently resides in a Commission database.

26. *Political file.* With respect to the political file, we also propose that cable operators, broadcast radio licensees, DBS operators, and SDARS entities not be required to upload their existing political files to the online file. Instead, as we required with television licensees, we propose that these entities be permitted to maintain at the station those documents already in place in their political file at the time the new rules become effective, and only upload documents to the online political files on a going-forward basis. Under this proposal, existing political file material must be retained in the local political file at the station or cable system for the remainder of the two-year retention period. Exempting existing political file material from the online file will substantially reduce the burden of transitioning to the online public file while allowing online access to the political file material most likely to be of interest to the public. The retention period for the political file for cable, DBS, and radio is two years, similar to the political file retention period for television stations. Consequently, as the Commission noted in the *Second Report and Order,* exempting the existing political file will require entities to continue to maintain this file locally only for a relatively short period. Consistent with the requirement we imposed on television broadcasters in the *Second Report and Order,* we also propose that, following the effective date of the new rules, cable, DBS, broadcast radio, and SDARS entities be required to upload new records to their online political file immediately absent unusual circumstances. We seek comment generally on these proposals.

27. *Organization.* In light of the expansion of the online file we propose herein, we invite comment on any steps we might take to improve the organization of the online file and facilitate the uploading and downloading of material. With respect to the television online political file, the Commission designed an organizational structure of folders and subfolders that ensures that the contents of the files are orderly as required by our rules. Each political file is first organized by year, then by type. Beyond that, we ''populated'' some additional subfolders by creating folders for major races and jurisdictions. The Commission then provided stations with the ability to create additional subfolders and subcategories for specific candidates, or other organizing structure, in compliance with their own practices. We intend to take the same approach in designing the online political file for cable, DBS, broadcast radio, and SDARS entities, and invite comment on this approach. We expect entities required to upload material to the online political file to do so in an organized manner so that candidates and members of public seeking information can easily navigate it.

28. *Compliance dates.* We intend to give entities sufficient time to familiarize themselves with the online public file before the effective date of any posting requirement. With respect to documents required to be placed in the file on a ''going forward'' basis, television stations were required to begin using the online public file upon the effective date of the *Second Report and Order,* which was 30 days after the Commission announced in the **Federal Register** that OMB had completed its review under the Paperwork Reduction Act and had approved the information collection. Should we follow the same timeline for documents required to be placed in the file on a ''going forward'' basis in this proceeding?

29. With respect to existing public file materials, we also seek comment on the amount of time we should provide entities to upload these documents to the online public file. Television stations were given six months from the effective date of the *Second Report and Order* to complete the uploading process. Is this amount of time sufficient for cable, DBS, and broadcast and satellite radio? Should we adopt a staggered date by service (cable, DBS, broadcast radio, and SDARS) or by some other basis? Should any of these entities be given more time to upload existing

files? We note that we propose below to temporarily exempt radio stations in smaller markets from online public file requirements, and seek comment on whether also to temporarily exempt stations with few employees. We propose to permit these stations to commence uploading material to the online file early on a voluntary basis. This would provide these radio stations with more time to upload existing public file material and to budget for any additional cost or staff resources necessary to accomplish this task.

30. *Back-up files.* In addition, consistent with the approach the Commission took in the *Second Report and Order,* we propose that cable, DBS, and broadcast and satellite radio entities not be required to maintain back-up copies of all public file materials. Instead, as we do for the television online file, the Commission itself will create a mirror copy of each public file daily to ensure that, if the data in the online public file are compromised, the file can be reconstituted using the back-up copy. If the Commission's online file becomes temporarily inaccessible for the uploading of new documents, we will require entities to maintain those documents and upload them to the file once it is available again for upload. However, consistent with the approach taken with respect to television broadcasters, we propose that cable, DBS, and all radio entities be required to maintain local back-up files for the political file to ensure that they can comply with their statutory obligation to make that information available to candidates, the public, and others as soon as possible. Stations will only be required to make these backups available if and during such rare times as the Commission's online public file is unavailable and the Commission has tools available to entities that will minimize any burden caused by this requirement. We seek comment on this approach.

31. *Format.* The Commission determined in the *Second Report and Order* that it would not establish specific formatting requirements for documents posted to the online file and we do not anticipate changes to that approach at this time. We propose to require cable, DBS, and broadcast and satellite radio entities to upload any electronic documents in their existing format to the extent feasible; we will then display the documents in both the uploaded format and in a pdf version. To the extent that a required document already exists in a searchable format, we propose to require these entities to upload the filing in that format to the extent technically feasible. We seek comment on these proposals.

32. *Announcements and links.* Consistent with the Commission's approach in the *Second Report and Order,* we propose to require cable operators, DBS providers, and broadcast and satellite radio licensees that have Web sites to place a link to the online public file on their home pages. We also propose that these entities that have Web sites include on their home page contact information for a representative who can assist any person with disabilities with issues related to the content of the public file. We do not propose that cable and DBS operators or broadcast or satellite radio stations be required to make on-air announcements regarding the change in location of their public file. As required of television stations in the *Second Report and Order,* however, we propose to require radio stations to revise their on-air pre- and post-filing renewal announcements to reflect the availability of a station's renewal application on the Commission's Web site, as reflected in Appendix B. We invite comment on these proposals.

33. *Location of public inspection file and designated contact information.* As the Commission required with respect to television stations, we also propose that cable and DBS operators and broadcast and satellite radio licensees be required to provide information in the online public file about the location of the local public file and the individual who may be contacted for questions about the file. This information would be provided when the operator or licensee first establishes its online public file, but should be updated if and when staffing or location changes occur. We believe this information is necessary to inform the public of the location of the existing political file (until its retention period expires in two years), which will be publicly available at the local public file location, as well as the correspondence folder retained by commercial broadcasters. We seek comment on this proposal.

34. *EEO materials.* In the *Second Report and Order,* we continued to require that television stations make their EEO materials available on their Web sites, if they have one, and we propose to take the same approach in this proceeding with respect to cable operators, DBS providers, and broadcast and satellite radio licensees. Similar to television stations, we propose to permit these entities to fulfill this Web site posting requirement by providing, on their own Web site, a link to the EEO materials on their online public file page on the Commission's Web site. We seek comment on this proposal.

35. *No major changes to public file obligations.* Finally, with only minor exceptions, we do not propose to impose new public file obligations on cable, DBS, or broadcast or satellite radio entities in connection with this transition to the online public file. While we propose below a reorganization of the existing cable public file rules for purposes of clarification and seek comment on other minor changes to those rules, our intention for purposes of the initial transition to a centralized, online file for cable operators, DBS providers, and broadcast and satellite radio licensees is to simply adapt our existing requirements to the online file format. We seek comment generally on these proposals.

36. *OVS.* We note that Open Video System (''OVS'') operators have several public file obligations. Should OVS operators be required to make this information available on the Commission's online public file database, or is it sufficient that this information be made available by the operator locally? How can we identify those entities that do not have Physical System IDs (''PSIDs'') or facility ID numbers?

*E. Requirements and Issues Unique to Each Service*

37. Certain issues related to the online public file requirement are unique to each service. Accordingly, we address each service separately below and also address whether and how to phase-in certain requirements for each service.

1. Cable Public Inspection File

a. Current Rules

38. The FCC's rules regarding records to be maintained by cable systems distinguish between records that must be retained for inspection by the public and those that must be made available to Commission representatives or local franchisors only. The rules also impose different recordkeeping requirements based on the number of subscribers to the cable system. Operators of cable systems with fewer than 1,000 subscribers are exempt from many public inspection file requirements, including the political file, sponsorship identification, EEO records, and records regarding children's commercial programming. Operators of systems with between 1,000 and 5,000 subscribers must provide certain information ''upon request'' but must also ''maintain for public inspection'' a political file, while operators of systems having 5,000 or

more subscribers must ''maintain for public inspection'' a political file and records regarding, among other things, sponsorship identification, EEO, and children's programming commercials. The rules state that the public inspection file must be maintained ''at the office which the system operator maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the community served by the system unit(s).''

39. Cable system political file requirements are similar to those for television stations. The political file must contain a ''complete and orderly record . . . of all requests for cablecast time made by or on behalf of a candidate for public office'' including the disposition of such requests. The file must also show the ''schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased.'' With respect to issue advertisements, the file must disclose the name of the purchasing organization and a list of the board of directors. These records must be filed ''immediately absent unusual circumstances,'' and must be retained for at least two years.

b. Proposed Online Public File Requirements

(i) Content Required To Be Maintained in the Online File

40. As discussed above, consistent with the rules we adopted for television broadcasters, we propose to require that cable operators upload to the online public file all documents and information that are required to be in the public file but which are not also filed in COALS or maintained by the Commission on its own Web site. The Commission proposes to import these latter documents or information into the online public file itself.

41. We note that the only document that cable operators file with the Commission that must also be retained in their public inspection files is the EEO program annual report, which we propose that the Commission upload to the online file. Cable operators are not required to maintain in their public inspection files documents similar to The Public and Broadcasting manual, which television and radio broadcasters must retain in their public files and which the Commission makes available to the online file for television stations and will make available to the online file for radio stations. Accordingly, as the Commission maintains very few documents cable operators must retain in their public inspection files, most documents in the cable online file will be required to be uploaded by cable operators themselves.

42. Certain information that must be included in cable operators' public files is collected through FCC Form 325 (Annual Cable Operator Report), which is filed annually by cable systems with 20,000 or more subscribers. For example, operators must maintain at the ''local office'' a ''current'' listing of the cable television channels delivered to subscribers and must ''maintain for public inspection'' a list of all broadcast television stations carried in fulfillment of the must-carry requirements. Some of this information is also collected on FCC Form 325. Cable operators required to file the form are required to identify on the form whether a broadcast station is carried pursuant to must-carry obligations, but the form does not request all of the specific information about the system's must-carry channels that is required to be placed in the public file pursuant to 47 CFR 76.1709. We invite comment on whether the Commission should make FCC Form 325 available in the online file for those systems required to file this form annually. We also invite comment on any other ways we can import to the online file information cable operators would otherwise be required to upload to the file themselves in order to reduce the burden on operators of uploading information to the online file.

43. NCTA requests that the Commission review the ongoing need for channel lineups to be placed in the public inspection file as this information is provided to consumers in paper format and, according to NCTA, is available on operators' Web sites. We seek comment on this request. If most operators maintain this information electronically, we believe it would not be burdensome to require operators to upload this information to the online public file. We seek comment on this view. If we were to require all cable systems to upload channel lineups to the online file, should we require this information to be uploaded or updated annually or on some other schedule? To the extent an operator maintains the required information on a channel lineup its own Web site, we also seek comment on whether the operator should be permitted to provide a link directly to this channel lineup in lieu of uploading this information to the public file.

44. As discussed below, we propose to clarify our rules regarding proof-of-performance test data and signal leakage logs and repair data. Specifically, we propose to make it clear in our rules that this information must be made available only to the Commission and, in the case of proof-of-performance test data, also to the franchisor, and not to the public. Accordingly, this information would not be required to be included in the online public inspection file, thereby reducing the amount of material cable operators would be required to upload to the file.

45. We propose that cable systems be required to upload other material currently required to be maintained for public inspection or made available to the public ''upon request.'' For cable systems with 1,000 or more subscribers, this material would include new political file material, sponsorship identification information, commercial records on children's programs, certain EEO materials, leased access policy information, records concerning operator interests in video programming, and copies of requests for waiver of the prohibition on scrambling/encryption. While cable systems with 1,000 or more subscribers but fewer than 5,000 subscribers are currently required to provide certain materials to the public only ''upon request,'' we believe these systems should be required to place these materials in the online file as this will facilitate public access to these materials. We believe this requirement will be no more burdensome than placing the materials in a physical file and should be less burdensome over time. We invite comment on this approach.

46. We also propose to exempt cable systems with fewer than 1,000 subscribers from all online public file requirements, either permanently or at least initially. As discussed above, these systems have far fewer public file requirements than larger systems and are not required to maintain a political file. Alternatively, we could exempt systems with fewer than 1,000 subscribers that maintain public file information on their own Web sites. We seek comment on these possible approaches and any other suggestions for ways we should provide regulatory relief to very small cable systems.

47. *Political file.* As discussed above, consistent with the approach we adopted for television broadcasters, we propose that cable operators not be required to upload their existing political files to the online file; rather, we propose that they be permitted to maintain existing material in their physical political file and only upload documents to the online political file on a going-forward basis. We believe this approach will minimize the burden of transitioning to the online file for cable operators, while providing convenient access to the information most likely to

be of interest to the public, and invite comment on this proposal. We note that Time Warner Cable, which is not currently required to maintain its public file online, already posts its political files online to save costs and expedite access to this material. We invite comment on whether there are any aspects of our current cable political file requirements that are unclear and that should be clarified in connection with our proposal to transition to an online political file.

48. To smooth the transition for both cable operators and the Commission and to allow smaller cable systems additional time to begin posting their political files online, we propose to phase-in the requirement to commence uploading political file documents to the online file for smaller cable systems. We invite comment on ways in which this phase-in period should be structured. One approach would be to start by requiring cable systems with 5,000 or more subscribers to post new political file materials online, while exempting systems with fewer than 5,000 subscribers for some period of time. As cable systems with fewer than 1,000 subscribers are exempt from all political file requirements, this temporary exemption would apply to systems with 1,000 or more subscribers but fewer than 5,000 subscribers. As discussed above, the rules currently exempt systems with fewer than 5,000 subscribers from some recordkeeping requirements, and we invite comment on whether this 5,000 subscriber cutoff should also be used to provide regulatory relief in this context. Another approach would be to define ''small cable system'' for purposes of the exemption as a system with fewer than 15,000 subscribers that is not affiliated with a larger operator serving more than 10 percent of all MVPD subscribers. The Commission used this definition for purposes of determining eligibility for a streamlined financial hardship waiver in the CALM Act Report and Order. The Commission explained in that Order that it believed that the streamlined waiver ''should be available only to those systems that are most likely to face financial hardships in complying with'' the Commission's CALM Act requirements. We invite comment on the appropriate definition of ''small cable system'' for purposes of the political file exemption and on the appropriate period of time we should exempt small systems from the requirement to commence posting political file material online. Should there be a means of providing the public with information regarding which systems' political files are included in the online file, and which are exempt, either temporarily or permanently?

49. While we are proposing to delay the transition to the online political file for small cable systems, we propose to allow these systems to commence uploading documents to the online political file on a voluntary basis at the same time that online political file requirements become effective for larger cable systems. In addition, if we were to decide to exempt systems with fewer than 1,000 subscribers from all online public file obligations, we propose to allow these systems to participate in the online file database on a voluntary basis. Regardless of whether we determine to delay or exempt small systems from online filing requirements, we believe it is appropriate to permit any system that desires to participate in the online database to do so voluntarily. We invite comment on this proposal.

50. *Geographic information.* We propose to require cable operators, when first establishing their online public file, to provide a list of the geographic areas served by the system. The Commission currently lacks precise information about the geographic areas served by cable systems and we believe that making this information available in the online public file will make the information in the file, and especially the political file, more useful to subscribers, advertisers, candidates, and others. We propose to require cable systems to provide information regarding the ZIP Codes served by the system and the Designated Market Area (''DMA'') or areas it serves, and we seek comment on this proposal. We also seek comment on alternative proposals for collecting geographic information, such as Census Block or Census Tract information. We note that operators would have to provide this information when they first establish their public files on the Commission's database, and update it only to reflect changes. Therefore, we do not believe this requirement would be burdensome.

51. We also invite comment on any ways to facilitate access to the online database by consumers. Cable operators are currently required to maintain their public files on a per-system basis and we tentatively conclude that the same should apply to the online database. However, as NCTA notes, cable public files cannot be organized by call sign and the analogous unit, a physical system identifier, is not readily known by consumers. If we require cable operators to provide information on the geographic area served by the system, should we use that geographic information to help identify cable systems in the cable online file? Are there other ways in which systems can be identified to consumers so that they can quickly find the information they are seeking?

(ii) Clarification and Streamlining of Current Recordkeeping Requirements

52. NCTA argues that we should streamline cable public file requirements to avoid requiring cable operators to incur the cost of posting unnecessary material. While we decline to undertake a comprehensive review of cable public inspection file requirements in this proceeding, we seek comment on several issues raised by NCTA and propose to clarify certain requirements. First, NCTA asks that we eliminate the requirement that proof-of-performance and signal leakage information be retained in the public inspection file. We note that the current recordkeeping rules regarding this information are unclear. While 47 CFR 76.1700(a), which sets out recordkeeping requirements, includes ''proof-of-performance test data'' and ''signal leakage logs and repair records'' in the list of items either to be made available ''upon request'' (for systems with 1,000 or more but fewer than 5,000 subscribers) or to be maintained in the public inspection file (for systems with 5,000 or more subscribers), the rule sections specifically addressing these requirements require only that this information be maintained for inspection by the Commission and local franchisor. We agree with NCTA that this information is unlikely to be of interest to the general public and does not need to be made available online. Accordingly, we propose to clarify that this information must be maintained and made available to the Commission and franchisor upon request, but does not need to be maintained in the system's public inspection file or uploaded to the online file. We seek comment on this proposal.

53. Second, NCTA requests that the Commission evaluate whether it should exclude headend location information from any online public inspection file as it is of no interest to the general public and revealing this information in a centralized database available to Internet users ''raises potentially serious security risks.'' We propose to exclude headend location information from the online public file and seek comment on this proposal.

54. Third, NCTA requests that the Commission consider eliminating the current requirement that cable operators post certain EEO materials on the system's own Web site, if it has one, as these materials would be available on

the Commission's online public file. As discussed above, in the *Second Report and Order,* we continued to require that television stations make certain EEO materials available on their Web sites, if they have one, and we propose to take the same approach in this proceeding with respect to cable operators, DBS providers, and broadcast and satellite radio licensees. Consistent with the rules for television stations, however, we propose to permit these entities to fulfill this Web site posting requirement by providing, on their own Web site, a link to the EEO materials on their online public file page on the Commission's Web site.

(iii) Reorganization of the Cable Public Inspection File Rules

55. We believe that a limited reorganization and clarification of the public inspection file rules would make them easier to locate and understand. The public inspection file rules for broadcasters are contained in two rule sections that identify all public inspection file requirements for commercial and noncommercial educational broadcasters, with references to other rule sections as appropriate. In contrast, the cable recordkeeping requirements are spread over several rule sections in part 76, subpart U (Documents to be Maintained for Inspection), with some requirements contained in a separate rule subpart. While 47 CFR 76.1700 of the rules includes references to many of these recordkeeping requirements it does not cite them all. Revising our rules to identify all cable recordkeeping requirements in a single rule section, with references to other sections as appropriate, would make these requirements easier to locate and facilitate compliance. Moreover, as confirmed by our discussion above regarding maintenance of proof-of-performance and signal leakage information, some of the current rules are confusing and inconsistent. We propose to revise 47 CFR 76.1700 to include references to all public inspection file requirements and to more clearly address which records must be maintained in the file versus those that must be made available to the Commission or franchising authority. We invite comment on these proposed revisions, which are set out in Appendix B.

2. DBS Public Inspection File

a. Current Rules

56. DBS providers are required to maintain a public file containing four categories of information: Information regarding compliance with the carriage obligation for noncommercial programming (the ''noncommercial set-aside''); information regarding compliance with the commercial limits in children's programming; certain EEO materials; and a political file. With respect to the noncommercial set-aside, the rules require that DBS providers ''keep and permit public inspection of a complete and orderly record of,'' among other things, measurements of channel capacity, a record of entities to whom noncommercial capacity is being provided, the rates paid by the entity to whom capacity is provided, and a record of entities requesting capacity and the disposition of those requests. With respect to compliance with the children's programming commercial limits, DBS providers airing children's programming must maintain records sufficient to verify compliance with the rules and ''make such records available to the public.'' With respect to EEO materials, DBS operators are required to maintain in their public file EEO reports and certain EEO program information.

57. DBS providers are also required to ''keep and permit public inspection of a complete and orderly political file'' and to ''prominently disclose the physical location of the file and the telephonic and electronic means to access'' it. The file must include, among other things, records of ''all requests for DBS origination time'' and the schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased for each request. These records must be placed in the file ''as soon as possible'' and must be retained for at least two years. Unlike broadcasters and cable systems, DBS providers must ''make available via fax, email, or by mail upon telephone request, photocopies of documents in their political files and shall assist callers by answering questions about the contents of their political files.'' In 2004, the Commission explained that it was requiring DBS providers to abide by political file obligations similar to those requirements placed on terrestrial broadcasters and cable systems. Because DBS is a national service and each provider's headquarters is not necessarily readily accessible to most of its viewers and to candidates, we require DBS providers to make their political files available upon telephone or electronic request. They may provide access to the file by fax, email, via Internet Web site access, or, if so requested, by mailing photocopies of the documents in their political files. We expect that DBS providers will assist callers by promptly answering questions about how to access the contents of the DBS providers' political files. DBS providers may require individuals requesting documents to pay for photocopying if the requester prefers delivery by mail, but the DBS provider must pay for postage. DBS providers are encouraged to put their political files on their respective Web sites but must provide alternatives for individuals who do not have Internet access. In view of these requirements and expectations, we do not find it necessary to require that a provider maintain a public file in every community that receives its signal. We do, however, require, that DBS providers prominently disclose the toll-free telephone number and email address of the department responsible for responding to requests for access to the political file. In addition, because DBS experience with the political broadcasting rules is relatively new, and to facilitate a future Staff Report, we will require that DBS providers maintain all requests for time from candidates or individuals on behalf of candidates, including general requests for availabilities and rate information. In addition, and for the same reasons, DBS providers will be required to retain information in their political files for four years, until 2006, and thereafter for two years, as is required of cable operators and terrestrial broadcast stations.

b. Proposed Online Public File Requirements

58. We propose to treat DBS providers in the same manner as television, cable, and broadcast and satellite radio entities by requiring them to upload to the online file only material that is not already on file at the Commission. Similar to cable operators, the only document that DBS providers file with the Commission that must also be retained in their public inspection files is the EEO program annual report, which we propose that the Commission upload to the online file. Like cable operators, the other information DBS providers are required to maintain in their public inspection files is not currently filed with or maintained by the Commission. Accordingly, most material required to be kept in the online file would have to be uploaded by DBS providers themselves, which includes channel capacity measurements and other records related to the use of and requests for noncommercial capacity, records related to compliance with children's commercial limits, certain EEO materials, and political file material.

59. We do not believe that requiring DBS providers to upload this material to

the online file would be onerous. As compared to television and radio broadcasters and cable operators, DBS providers have the fewest number of public file requirements. In addition, there are currently only two U.S. DBS operators, each of which has sufficient financial resources to comply with any online file requirements we ultimately adopt in this proceeding. We agree with Petitioners that the transition to an online file is particularly important for DBS because of that service's nationwide reach. Each DBS provider is required to maintain only one public and political file for the entire U.S. at its headquarters, making in-person access very difficult. While staff members must copy and mail public and political file documents upon request under the current rules, making this material available online would considerably improve public access. Moreover, we believe that, for DBS providers, maintaining an online file hosted by the Commission will prove to be more efficient and less expensive over time than maintaining a local file, particularly in light of the extra steps DBS providers are required to take to assist callers requesting materials from the file.

60. We tentatively conclude, consistent with our approach for television stations and our proposal herein for cable systems and broadcast radio licensees, that DBS providers should not be required to upload their existing political files to the online file but rather should be permitted to maintain existing material in their physical political file and only upload documents to the online political file on a going-forward basis. If we require DBS providers to upload their political files, we propose to eliminate the requirement that they mail photocopies of documents in that file to individuals requesting copies, as these materials would be available online Additionally, to the extent that political file materials relate to ads shown on a local or hyper-local basis, we seek comment on how DBS providers can indicate in their public files the area in which such ads were or will be shown. We also invite comment on whether there are any aspects of our current DBS political file requirements that are unclear and that should be clarified in connection with our proposal to transition to an online political file.

3. Broadcast Radio Public Inspection File

a. Current Rules

61. The public inspection file rules for radio broadcasters are generally similar to those for television broadcasters. Every permittee or licensee of an AM or FM station in the commercial or noncommercial educational broadcast service must maintain a public inspection file containing, among other things, FCC authorizations, applications, contour maps, ownership reports, EEO materials, issues/programs lists, and time brokerage (also known as ''local marketing'') and joint sales agreements. The file must be maintained at the station's main studio.

62. Radio stations must maintain a political file as part of the public inspection file. The political file must contain a ''complete and orderly record'' of requests for broadcast time made by or on behalf of a candidate for public office.'' The file must also show the ''schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased.'' With respect to issue advertisements, stations must disclose the name of the purchasing organization and a list of the board of directors. These records must be filed ''as soon as possible, meaning immediately, absent unusual circumstances,'' and must be retained for at least two years.

b. Proposed Online Public File Requirements

(i) Content Required To Be Maintained in the Online File

63. As discussed above, consistent with the rules we adopted for television broadcasters we propose to require that radio broadcast licensees upload to the online public file all documents and information that are required to be in the public file but that are not also filed in CDBS (or LMS) or otherwise maintained by the Commission on its own Web site. Under this proposal, radio stations would be required to upload citizen agreements, certain EEO materials, issues/programs lists, local public notice announcements, time brokerage agreements, joint sales agreements, materials related to FCC investigations or complaints (other than investigative information requests from the Commission), and any new political file material. We propose that any document or information required to be in the public file that is electronically filed with CDBS (or LMS) will be imported to the online file by the Commission. For radio broadcasters, under this proposal the documents the Commission would upload to the online file include authorizations, applications and related materials, contour maps, ownership reports and related materials, EEO Reports, The Public and Broadcasting manual, and Letters of Inquiry and other investigative requests from the Commission, unless otherwise directed by the inquiry itself.

64. While all stations will have issues/programs lists and materials related to local public notice announcements, few will have time brokerage agreements and very few will have citizen agreements or materials related to an FCC investigation or complaint. While many stations will have political file material, in general we expect that these files will be smaller for radio stations than for television stations as fewer political advertisements air on radio. In addition, radio stations with fewer than five full-time employees are exempt from many of the EEO recordkeeping requirements. We seek comment on these issues.

65. *Political file.* As discussed above, consistent with the approach we adopted for television broadcasters and that we propose herein for cable operators, we propose that broadcast radio licensees not be required to upload their existing political files to the online file, but rather that they be permitted to maintain existing material in their local political file and only upload documents to the online political file on a going-forward basis. We believe this approach will minimize the burden of transitioning to the online file for radio licensees. We seek comment on this approach.

66. *Delay in implementation for small market stations.* We propose to implement the online public file for broadcast radio stations by imposing requirements, at first, only on stations with more resources. We propose to delay all mandatory online filing for other radio stations for some period of time. As discussed above, several commenters express concern about whether radio stations have sufficient resources to implement and maintain an online public file, particularly small stations with limited financial resources and small staffs. Some commenters argue that we should postpone any consideration of moving to an online file for broadcast radio or, if we do adopt online file obligations for that medium in this proceeding, that we exempt smaller stations and/or NCE stations. Those advocating an exemption for NCE stations argue that many of these stations have very small staffs and limited resources and that compliance with an online requirement would create a severe financial and staffing hardship. Ampers and NFCB also note that NCEs are prohibited from accepting funds from political candidates and organizations advocating on behalf of a candidate or political issue, making online access to the

political file less important for these stations. Other commenters argue that, in order to minimize the risk of online public file requirements becoming the ''proverbial straw that breaks the camel's back'' for already struggling small radio stations, the Commission should not require small stations to upload the contents of their existing public files, or at least should provide stations with an extended period of time during which they could incrementally add those materials to the online file.

67. Another issue raised by radio commenters is the lack of computer or Internet access at some small, rural stations. According to NAB, some radio stations in remote locations, including Alaska, Maine, and areas of the Southwest, do not have access to reliable Internet service or even are without Internet access altogether. Other stations have no in-house computing resources or broadband capacity. According to Native Public Media, many Native-owned NCE radio stations operate on Tribal lands where broadband penetration rates are between five and 10 percent. Moreover, according to these commenters, in communities where broadband is theoretically available actual access is often severely hampered by high latency, slow dial-up speeds, and unreliable coverage. Native Public Media argues that it would be difficult, if not impossible, to require stations facing these circumstances to upload large files to the Commission's online database. In addition, these commenters argue that the cost of maintaining an online file would significantly outweigh the benefits in communities where listeners have limited Internet access.

68. We recognize that some radio stations may face financial or other obstacles that could make the transition to an online public file more difficult. Accordingly, we believe that it is reasonable to commence the transition to an online public file for radio with stations with more resources while delaying, for some period of time, all mandatory online public file requirements for other stations. We propose that other stations be permitted to voluntarily transition to the online file early, but not be required to participate until we have gained some experience with the inclusion of stations with greater resources. Adding radio stations to the online file incrementally over time will give us more time to address any technical issues that may arise in connection with our online file database as the volume of users increases. Given the large number of radio stations and the volume of material they will be uploading to the online file, we believe it makes sense to proceed in stages to include radio stations in the Commission's online database.

69. We seek comment generally on this approach. Is it appropriate to temporarily exempt a certain category of radio stations from all online public file requirements or should we instead temporarily exempt some stations from only the online political file? How should we define the category of stations that should be eligible for a temporary exemption? We note that, in the television online file proceeding, we implemented the online political file first with television stations in the top 50 DMAs that were also affiliated with the top four networks. With respect to radio, however, network affiliation is not a useful way to identify stations with more resources. Accordingly, we propose to begin implementation of online public file requirements for radio with commercial stations in markets 1 through 50, as defined by Nielsen Audio (formerly Arbitron), that have five or more full-time employees. We propose that these stations commence compliance with online public file requirements at the same time as cable, DBS, and SDARS entities. With respect to all other radio stations, we propose to delay all online public file requirements for two years. This two-year delay is the same length of time we delayed, in the television online file proceeding, the implementation of political file obligations for television stations in smaller markets and those unaffiliated with the top four networks. We propose to initially exempt NCE radio stations as well as those with fewer than five full-time employees from the online public file to help ensure that we commence online file requirements for radio with stations with greater resources. With respect to radio stations with fewer than five full-time employees, as noted above our rules exempt these stations from many EEO requirements. One advantage of tying an exemption for small radio stations to this EEO exemption is that information regarding the stations that are exempt from EEO requirements is readily available to the public, as this information is filed with the FCC and is available via the FCC's Web site. We seek comment on this and any other possible approach to structuring the temporary delay in online file requirements for certain radio stations. We also seek comment on whether we should permanently exclude certain radio stations, such as NCEs and stations with fewer than five full-time employees, from all online public file requirements, rather than simply delaying implementation of online file requirements for these stations.

70. While we are proposing to delay the transition to the online public file for certain radio stations, we also propose to allow these stations to commence uploading all or part of their public file documents to the online file on a voluntary basis before the delayed effective date of any online file requirement for these stations. As discussed above, public television licensees in the television online file proceeding requested that we allow NCE radio stations, or at least those licensed to the same entity as, or under common control with, an NCE television station, to maintain their public inspection files online on the Commission's Web site on a voluntary basis. Public television licensees argued that this would allow radio stations that were jointly owned or operated with television stations to avoid duplicative efforts from having to maintain two separate public file systems, involving some of the same documents. If we decide to delay implementation of online file requirements for all or some NCEs in this proceeding, we believe it is appropriate to allow them and any other smaller radio station to voluntarily transition to the Commission's online file early. We seek comment on this proposal.

71. We believe our proposal addresses many of the concerns raised regarding radio stations that may have fewer resources and, therefore, might find transitioning to the online file more burdensome. These stations would not be required to commence uploading documents to the Commission's database until stations with more resources have completed part or all of their transition to the online file. This delayed transition will assist small stations to budget for any initial costs to upload documents to the file and any extra staff time required for this effort. In the meantime, stations may commence uploading documents to the online database early on a voluntary basis. We invite comment on this approach and on ways we can help ensure that permitting stations to commence uploading documents early on a voluntary basis is not confusing to members of the public trying to locate and access public file material.

(ii) Contour Map and Main Studio Information

72. Radio stations are currently required to include in their public inspection files ''any service contour maps submitted with any application'' together with ''any other information in the application showing service

contours and/or main studio and transmitter location.'' We propose to have the Commission create contour maps for the online file based upon existing data. Given the complexities of AM contour mapping, we may not be able to use the same tools that we used to map TV contours and that we anticipate using to map FM contours. We seek comment on ways to address this issue. Should AM stations be required to upload contour maps to the online file?

73. We also propose to require stations to provide information to the online file regarding the location of the station's main studio. The Commission's rules do not currently require the reporting of this information and it is not included on contour maps. We believe that information regarding the location of the main studio would help members of the public to engage in an active dialogue with radio licensees regarding their service, which is one of the goals of this proceeding. In addition, we believe this information is necessary to inform the public of the location of the correspondence file and existing political file (until its retention period expires in two years), both of which will be publicly available at the station. Therefore, consistent with the approach we took in the television station online file proceeding, we propose to require stations to include in the online public file the station's main studio address and telephone number, and the email address of the station's designated contact for questions about the public file. In addition, we propose that stations with a main studio located outside of their community of license be required to list the location of the correspondence file and existing political file, as well as the required local or toll free number. We seek comment on this proposal.

(iii) Letters From the Public

74. In the *Second Report and Order,* the Commission exempted letters and emails from the public from the online public file and instead required that such material be maintained at the station in a correspondence file. The Commission determined that including these documents in the online file could risk exposing personally identifiable information and that requiring stations to redact such information prior to uploading these documents would be overly burdensome. The Commission determined that letters and emails from the public should be maintained at the station's main studio either in a paper file or electronically on a computer. Further, the Commission clarified that, as required under the current public inspection file rules, this file should include all letters and emails from the public regarding operation of the station unless the letter writer has requested that the letter not be made public or the licensee feels that it should be excluded due to the nature of its content. Finally, the Commission determined that it would not require stations to retain social media messages in their correspondence file. We propose to take the same approach with respect to broadcast radio stations and the letters and emails they receive from the public, and seek comment on this proposal.

(iv) Donor Lists

75. NCE stations are required to retain in the public inspection file lists of donors supporting specific programs. Native Public Media asks that, for the same reason the Commission excluded letters and emails from the public from the television online file requirement, donor lists also be excluded from any NCE online file requirements to ensure the privacy of donors. In the *Second Report and Order* we required NCE television broadcasters to include donor lists in their online public files, and we propose to take the same approach with respect to radio. We seek comment on this issue. Is there a reason to treat NCE radio station donor lists differently from NCE television station donor lists?

4. Satellite Radio Public Inspection File

a. Current Requirements

76. Licensees in the satellite radio service are required to maintain a public file with two categories of material. First, as discussed above, SDARS licensees are required to comply with EEO requirements similar to those imposed on broadcasters, including the requirement to file EEO reports and to maintain those reports in their public file together with other EEO program information. Second, also as discussed above, satellite radio licensees are required to maintain a political file. In addition, SiriusXM, the current, sole U.S. SDARS licensee, is required to retain a third category of material in the public file. SiriusXM made a voluntary commitment to make capacity available for noncommercial educational and informational programming, similar to the requirement imposed on DBS providers, in connection with its merger application. As part of its approval of the merger, the Commission required that the merged entity reserve channels for educational and informational programming, offer those channels to qualified programmers, and comply with the public file requirements of 47 CFR 25.701(f)(6), which sets forth public file requirements for the noncommercial set-aside for DBS providers.

b. Proposed Online Public File Requirements

77. We propose to treat satellite radio licensees in the same manner as television, cable, DBS, and broadcast radio entities by requiring them to upload to the online file only material that is not already on file at the Commission. We seek comment on this proposal. Similar to cable operators and DBS providers, the only document that SDARS entities file with the Commission that must be retained in the public inspection file is the EEO program annual report, which we propose that the Commission upload to the online file. We do not believe that requiring SDARS licensees to upload to the online file other material required to be maintained in the public file would be burdensome as the number of public file requirements for this service is fewer than for other services and entities discussed in this item and because the current, sole U.S. SDARS licensee has ample financial resources to comply with any online file requirement we ultimately adopt in this proceeding. We also believe that, similar to DBS, the transition to an online file is particularly important for satellite radio because of that service's nationwide reach and the fact that the current licensee maintains only one public and political file for the entire U.S., making in-person access very difficult.

78. With respect to the political file, we propose to treat satellite radio similar to DBS, as they are both nationwide services with few licensed service providers. As we do with respect to the DBS political file herein, we tentatively conclude, consistent with our approach for television stations and our proposal herein for cable systems and radio broadcasters, that SDARS licensees should not be required to upload their existing political files to the online file but rather should be permitted to maintain existing material in their physical political file, and only upload documents to the online political file on a going-forward basis. In addition, to the extent that political file materials relate to ads shown on a local or hyper-local basis, we seek comment on how satellite radio licensees can indicate in their public files the area in which such ads were or will be shown.

## IV. Procedural Matters

*A. Initial Regulatory Flexibility Act Analysis*

1. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''), the Commission has prepared this Initial Regulatory Flexibility Analysis (''IRFA'') concerning the possible significant economic impact on small entities of the policies and rules proposed in this Notice of Proposed Rulemaking (''*NPRM*''). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of this *NPRM.* The Commission will send a copy of this *NPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (''SBA''). In addition, this *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

2. This *NPRM* proposes to expand to cable and Direct Broadcast Satellite (''DBS'') operators and broadcast and satellite radio (''SDARS'') licensees the requirement that public and political files be posted to the online public file database hosted by the Commission. In 2012, the Commission adopted online public file rules for broadcast television stations which required them to post public file documents to a central, FCC-hosted online database rather than maintaining the files locally at their main studios. The Commission's goal was to modernize the procedures television broadcasters use to inform the public about how they are serving their communities by harnessing current technology to make information more accessible to the public and, over time, to reduce the cost of compliance. We are initiating this proceeding to extend our modernization effort to include the public file documents required to be maintained by cable operators, DBS providers, broadcast radio licensees, and SDARS licensees. While the Commission first included only television broadcasters in its public file database to ''ease the initial implementation of the online public file,'' television broadcasters have now successfully transitioned to the online file over the past two years. Accordingly, we now believe it is appropriate to commence the process of expanding the online file to other media in order to extend the benefits of improved public access to public inspection files and, ultimately, reduce the burden on these other entities of maintaining those files.

3. In general, this *NPRM* proposes to adopt a similar approach with respect to cable, DBS, and broadcast and satellite radio online file requirements as we did for the television online file. Specifically, we propose that these entities' entire public files be hosted online by the Commission and that entities be responsible for uploading only items now required to be in the public file but not otherwise filed with the Commission or available on the Commission's Web site. As with the television online file, we propose that the Commission itself upload to the online public file material that is already on file with the Commission or that currently resides in a Commission database. With respect to the political file, we also propose that cable, DBS, broadcast radio, and satellite radio entities not be required to upload their existing political files to the online file. Instead, as we required with television licensees, we propose that these entities be permitted to maintain at the station those documents already in place in their political file at the time the new rules become effective, and only upload documents to the online political file on a going-forward basis. With respect to radio, this *NPRM* proposes to commence the transition to the online file with commercial stations in larger markets with five or more full-time employees. In addition, the item invites comment on whether to temporarily delay the requirement to upload new political file material to the online file for small cable systems.

4. The proposed action is authorized pursuant to sections 1, 2, 4(i), 303, 315, 317, 335, 601, 611, 651 and 653 of the Communications Act, 47 U.S.C. 151, 152, 154(i), 303, 315, 317, 335, 601, 611, 651, and 653.

5. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

6. *Cable Companies and Systems.* The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data shows that there were are currently 660 cable operators. Of this total, all but ten cable operators nationwide are small under this size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,629 cable systems nationwide. Of this total, 4,057 cable systems have less than 20,000 subscribers, and 572 systems have 20,000 or more subscribers, based on the same records. Thus, under this standard, we estimate that most cable systems are small entities.

7. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 54 million cable video subscribers in the United States today. Accordingly, an operator serving fewer than 540,000 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that all but ten incumbent cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

8. *Direct Broadcast Satellite (DBS) Service.* DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS, by exception, is now included in the SBA's broad economic census category, Wired Telecommunications Carriers, which was developed for small wireline businesses. Under this category, the SBA deems a wireline

business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 3,188 firms that operated for that entire year. Of this total, 2,940 firms had fewer than 100 employees, and 248 firms had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small entities. However, the data we have available as a basis for estimating the number of such small entities were gathered under a superseded SBA small business size standard formerly titled ''Cable and Other Program Distribution.'' As of 2002, the SBA defined a small Cable and Other Program Distribution provider as one with $12.5 million or less in annual receipts. Currently, only two entities provide DBS service, which requires a great investment of capital for operation: DIRECTV and DISH Network. Each currently offers subscription services. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Because DBS service requires significant capital, we believe it is unlikely that a small entity as defined under the superseded SBA size standard would have the financial wherewithal to become a DBS service provider.

9. *Radio Broadcasting.* The SBA defines a radio broadcast station as a small business if such station has no more than $38.5 million in annual receipts. Business concerns included in this industry are those ''primarily engaged in broadcasting aural programs by radio to the public.'' According to review of the BIA Publications, Inc. Master Access Radio Analyzer Database as of November 26, 2013, about 11,331 (or about 99.9 percent) of the then number of commercial radio stations (11,341) have revenues of $35.5 million or less and thus qualify as small entities under the SBA definition. The Commission has estimated the number of licensed noncommercial radio stations to be 4,082. The Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. These stations rely primarily on grants and contributions for their operations, so we will assume that all of these entities qualify as small businesses. We note that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. This estimate, therefore, likely overstates the number of small entities that might be affected, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

10. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any radio station from the definition of a small business on this basis and therefore may be over-inclusive to that extent. Also, as noted, an additional element of the definition of ''small business'' is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

11. *Satellite Radio.* The rules proposed in this *NPRM* would affect the sole, current U.S. provider of satellite radio (''SDARS'') services, XM-Sirius, which offers subscription services. XM-Sirius reported revenue of $3.8 billion in 2013 and a net income of $377 million. In light of these figures, we believe it is unlikely that this entity would be considered small.

12. *Open Video Systems.* The open video system (OVS) framework was established in 1996, and is one of four statutorily recognized options for the provision of video programming services by local exchange carriers. The OVS framework provides opportunities for the distribution of video programming other than through cable systems. Because OVS operators provide subscription services, OVS falls within the SBA small business size standard covering cable services, which is ''Wired Telecommunications Carriers.'' The SBA has developed a small business size standard for this category, which is: All such businesses having 1,500 or fewer employees. Census data for 2007 shows that there were 3,188 firms that operated for that entire year. Of this total, 2,940 firms had fewer than 100 employees, and 248 firms had 100 or more employees. Therefore, under this size standard, we estimate that the majority of these businesses can be considered small entities.

13. Certain rule changes proposed in this *NPRM* would affect reporting, recordkeeping, or other compliance requirements. Cable, DBS, radio, and SDARS entities are currently required to maintain a ''local'' copy of their public inspection files. This *NPRM* proposes to require that these files be maintained online in the database hosted by the Commission. Entities subject to this requirement would be required to upload certain documents currently maintained in their local files to the online database.

14. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standard; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

15. This *NPRM* proposes a number of measures to minimize the effort and cost entities must undertake to move their pubic files online. Specifically, we propose to require entities only to upload to the online file public file documents that are not already on file with the Commission or that the Commission maintains in its own database. We also propose to exempt existing political file material from the online file requirement and to require only that political file documents be uploaded on a going-forward basis. In addition, with only minor exceptions—requiring cable operators to provide information about the geographic areas they serve, clarifying the documents required to be included in the cable public file, and requiring cable, DBS, broadcast radio, and SDARS entities to provide the location and contact information for their local file—we do not propose new or modified public inspection file requirements in this proceeding. Our goal is simply to adapt our existing public file requirements to an online format. While we recognize that entities may incur a modest, one-time transitional cost to upload some portions of their existing public file to the online database, we believe this initial expense will be offset by the public benefits of online disclosure. We also believe that, over time, entities will benefit from the lower costs of sending documents electronically to the Commission as opposed to creating and maintaining a paper file at the local or headquarters' office or main studio and assisting the public in accessing it. While we propose to place the entire public file online, we invite comment on whether we should instead require only that certain components of the

public file be placed on the Commission's online database. We note that limiting online file requirements to certain components of the public file would require entities to upload certain documents and maintain others in the local public file, thereby potentially imposing a greater burden than moving documents to the online file over time.

16. In addition, with respect to radio licensees this *NPRM* proposes to commence the transition to an online file with commercial stations in larger markets with five or more full-time employees, while postponing temporarily all online file requirements for other radio stations. This *NPRM* also proposes to exempt small cable systems temporarily from the requirement to commence uploading new political file material to the online public file and proposes to exempt very small cable systems from all requirements to upload documents to the Commission's online database. Finally, this *NPRM* also seeks comment on whether we should exclude certain radio stations from all online public file requirements, rather than simply delaying implementation of certain requirements.

*Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule*

None.

*B. Paperwork Reduction Act Analysis*

17. This document contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

*C. Ex Parte Rules*

18. Permit-But-Disclose. This proceeding will be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule § 1.1206(b). In proceedings governed by rule § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable.pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

*D. Filing Requirements*

19. Comments and Replies. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

20. Additional Information. For additional information on this proceeding, please contact Kim Matthews of the Media Bureau, Policy Division, *Kim.Matthews@fcc.gov,* (202) 418–2154.

**V. Ordering Clauses**

21. Accordingly, it is ordered that, pursuant to the authority contained in sections 1, 4(i), 4(j), 303(r), and 335 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 303(r), and 335 this Notice of Proposed Rulemaking is adopted.

22. It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

23. It is further ordered that the Petition for Rulemaking filed by the Campaign Legal Center, Common Cause, and the Sunlight Foundation is granted.

**List of Subjects**

*47 CFR Part 25*

Direct Broadcast Satellite, Satellite radio.

*47 CFR Part 73*

Broadcast radio.

*47 CFR Part 76*

Cable television.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

**Proposed Rules**

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 25, 73, and 76 as follows:

## PART 25—SATELLITE COMMUNICATIONS

■ 1. The Authority citation for Part 25 continues to read as follows:

**Authority:** Interprets or applies sections 4, 301, 302, 303, 307, 309, 319, 332, 705, and 721 of the Communications Act, as amended, 47 U.S.C. 154, 301, 302, 303, 307, 309, 319, 332, 605, and 721, unless otherwise noted.

■ 2. Section 25.601 is revised to read as follows:

**§ 25.601 Equal employment opportunities.**

Notwithstanding other EEO provisions within these rules, an entity that uses an owned or leased Fixed-Satellite Service or Direct Broadcast Satellite Service or 17/24 GHz Broadcasting-Satellite Service facility (operating under this part) to provide video programming directly to the public on a subscription basis must comply with the equal employment opportunity requirements set forth in part 76, subpart E, of this chapter, if such entity exercises control (as defined in part 76, subpart E, of this chapter) over the video programming it distributes. Notwithstanding other EEO provisions within these rules, a licensee or permittee of a direct broadcast satellite station operating as a broadcaster, and a licensee or permittee in the satellite DARS service, must comply with the equal employment opportunity requirements set forth in part 73.

■ 3. Section 25.701 is amended by revising the section heading and paragraphs (d), (e)(3), and (f)(6) to read as follows:

**§ 25.701 Other DBS public interest obligations.**

* * * * *

(d) *Political file.* Each DBS provider shall maintain a complete and orderly political file.

(1) The political file shall contain, at a minimum:

(i) A record of all requests for DBS origination time, the disposition of those requests, and the charges made, if any, if the request is granted. The ''disposition'' includes the schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased; and

(ii) A record of the free time provided if free time is provided for use by or on behalf of candidates.

(2) All records required to be retained by this section must be placed in the political file as soon as possible and must be retained for a period of two years. After the effective date of this section, DBS providers shall place all new political file material required to be retained by this section in the online file hosted by the Commission.

(3) DBS providers shall assist callers by answering questions about the contents of their political files.

(e) * * *

(3) DBS providers airing children's programming must maintain in the online file hosted by the Commission records sufficient to verify compliance with this rule. Such records must be maintained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B).

* * * * *

(f) * * *

(6) *Public file.* (i) In addition to the political file requirements in § 25.701, each DBS provider shall maintain in the online file hosted by the Commission a complete and orderly record of:

(A) Quarterly measurements of channel capacity and yearly average calculations on which it bases its four percent reservation, as well as its response to any capacity changes;

(B) A record of entities to whom noncommercial capacity is being provided, the amount of capacity being provided to each entity, the conditions under which it is being provided and the rates, if any, being paid by the entity;

(C) A record of entities that have requested capacity, disposition of those requests and reasons for the disposition.

(ii) All records required by paragraph (f)(6)(i) of this section shall be placed in the online file hosted by the Commission as soon as possible and shall be retained for a period of two years.

(iii) Each DBS provider must also place in the online file hosted by the Commission the records required to be placed in the public inspection file by § 25.701(e) (commercial limits in children's programs) and by § 25.601 and 47 CFR part 76, subpart E (equal employment opportunity requirements) and retain those records for the period required by those rules.

(iv) Each DBS provider must provide a link to the public inspection file hosted on the Commission's Web site from the home page of its own Web site, if the provider has a Web site, and provide on its Web site contact information for a representative who can assist any person with disabilities with issues related to the content of the public files. Each DBS provider also must include in the online public file the address of the provider's local public file and the name, phone number, and email address of the provider's designated contact for questions about the public file.

* * * * *

■ 4. Section 25.702 is added to read as follows:

**§ 25.702 Other SDARS Public interest obligations.**

(a) *Political broadcasting requirements.* The following political broadcasting rules shall apply to all SDARS licensees: 47 CFR 73.1940 (Legally qualified candidates for public office), 73.1941 (Equal opportunities), and 73.1944 (Reasonable access).

(b) *Political file.* Each SDARS licensee shall maintain a complete and orderly political file.

(1) The political file shall contain, at a minimum:

(i) A record of all requests for SDARS origination time, the disposition of those requests, and the charges made, if any, if the request is granted. The ''disposition'' includes the schedule of time purchased, when spots actually aired, the rates charged, and the classes of time purchased; and

(ii) A record of the free time provided if free time is provided for use by or on behalf of candidates.

(2) SDARS licensees shall place all records required by this section in the political file as soon as possible and shall retain the records for a period of two years. After the effective date of this section, SDARS licensees shall place all new political file material required to be retained by this section in the online file hosted by the Commission.

(c) *Public inspection file.* Each SDARS applicant or licensee must also place in the online file hosted by the Commission the records required to be placed in the public inspection file by 47 CFR 25.601 and 73.2080 (equal employment opportunities (EEO)) and retain those records for the period required by those rules. Each SDARS licensee must provide a link to the public inspection file hosted on the Commission's Web site from the home page of its own Web site, if the licensee has a Web site, and provide on its Web site contact information for a representative who can assist any person with disabilities with issues related to the content of the public files. Each SDARS licensee also must include

in the online public file the address of the licensee's local public file and the name, phone number, and email address of the licensee's designated contact for questions about the public file.

## PART 73—RADIO BROADCAST SERVICES

■ 5. The Authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336, and 339.

■ 6. Section 73.1943 is amended by revising paragraph (d) to read as follows:

### § 73.1943 Political file.

* * * * *

(d) *Location of the file.* A licensee or applicant must post all of the contents added to its political file after the effective date of this subsection in the political file component of its online public file hosted by the Commission. A station must retain in its political file maintained at the station, at the location specified in § 73.3526(b) or § 73.3527(b), all material required to be included in the political file and added to the file prior to the effective date of this subsection. The online political file must be updated in the same manner as paragraph (c) of this section.

■ 7. Section 73.3526 is amended by revising paragraph (b) to read as follows:

### § 73.3526 Local public inspection file of commercial stations.

* * * * *

(b) *Location of the file.* The public inspection file shall be located as follows:

(1) For radio licensees temporarily exempt from the online file, as discussed in paragraph (b)(2) of this section, a hard copy of the public inspection file shall be maintained at the main studio of the station. For all licensees, letters and emails from the public, as required by paragraph (e)(9) of this section, shall be maintained at the main studio of the station. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio.

(2)(i) A television station licensee or applicant, and any radio station licensee or applicant not temporarily exempt as described in this paragraph, shall place the contents required by paragraph (e) of this section, of its public inspection file on the online file hosted by the Commission, with the exception of letters and emails from the public as required by paragraph (e)(9) of this section, which shall be retained at the station in the manner discussed in paragraph (b)(1) of this section; and the political file as required by paragraph (e)(6) of this section, as discussed in paragraph (b)(3) of this section. Any radio station not in the top 50 Nielsen Audio markets, and any radio station with fewer than five full-time employees, shall continue to retain the public inspection file at the station in the manner discussed in paragraph (b)(1) of this section until [2 years following the effective date of the Report and Order in MB Docket No. 14–127]. However, any radio station that is not required to place its public inspection file in the online file hosted by the Commission before [2 years following the effective date of the Report and Order in MB Docket No. 14–127] may choose to do so, instead of retaining the public inspection file at the station in the manner discussed in paragraph (b)(1) of this section.

(ii) A station must provide a link to the public inspection file hosted on the Commission's Web site from the home page of its own Web site, if the station has a Web site, and provide contact information on its Web site for a station representative that can assist any person with disabilities with issues related to the content of the public files. A station also is required to include in the online public file the station's main studio address and telephone number, and the email address of the station's designated contact for questions about the public file. To the extent this section refers to the local public inspection file, it refers to the public file of an individual station, which is either maintained at the station or on the Commission's Web site, depending upon where the documents are required to be maintained under the Commission's rules.

(3)(i) A licensee or applicant shall place the contents required by paragraph (e)(6) of this section of its political inspection file in the online file hosted by the Commission. Political inspection file material in existence 30 days after the effective date of this provision shall continue to be retained at the station in the manner discussed in paragraph (b)(1) of this section until the end of its retention period.

(ii) Any television station not in the top 50 DMAs, and any station not affiliated with one of the top four broadcast networks, regardless of the size of the market it serves, shall continue to retain the political file at the station in the manner discussed in paragraph (b)(1) of this section until July 1, 2014. For these stations, effective July 1, 2014, any new political file material shall be placed in the online file hosted by the Commission, while the material in the political file as of July 1, 2014, if not placed in the Commission's Web site, shall continue to be retained at the station in the manner discussed in paragraph (b)(1) of this section until the end of its retention period. However, any station that is not required to place its political file in the online file hosted by the Commission before July 1, 2014 may choose to do so, instead of retaining the political file at the station in the manner discussed in paragraph (b)(1) of this section.

(iii) Any radio station not in the top 50 Nielsen Audio markets, and any radio station with fewer than five full-time employees, shall continue to retain the political file at the station in the matter discussed in paragraph (b)(1) of this section until [2 years following the effective date of the Report and Order in MB Docket No. 14–127]. For these stations, effective [2 years following the effective date of the Report and Order in MB Docket No. 14–127], any new political file material shall be placed in the online file hosted by the Commission, while the material in the political file as of [2 years following the effective date of the Report and Order in MB Docket No. 14–127], if not placed in the online file hosted by the Commission, shall continue to be retained at the station in the manner discussed in paragraph (b)(1) of this section until the end of its retention period. However, any station that is not required to place its political file on the Commission's Web site before [2 years following the effective date of the Report and Order in MB Docket No. 14–127] may choose to do so, instead of retaining the political file at the station in the manner discussed in paragraph (b)(1) of this section.

(4) The Commission will automatically link the following items to the electronic version of all licensee and applicant public inspection files, to the extent that the Commission has these items electronically: Authorizations, applications, contour maps; ownership reports and related materials; portions of the Equal Employment Opportunity file held by the Commission; ''The Public and Broadcasting''; Letters of Inquiry and other investigative information requests from the Commission, unless otherwise directed by the inquiry itself; Children's television programming reports; and DTV transition education reports. In the event that the online public file does not reflect such required information, the licensee will be responsible for posting such material.

* * * * *

■ 8. Section 73.3527 is amended by revising paragraph (b) to read as follows:

**§ 73.3527 Local public inspection file of noncommercial educational stations.**

* * * * *

(b) *Location of the file.* The public inspection file shall be located as follows:

(1) For radio licensees, a hard copy of the public inspection file shall be maintained at the main studio of the station until [2 years following the effective date of the Report and Order in MB Docket No. 14–127] except that, as discussed in paragraph (b)(2)(ii) of this section, any radio station may voluntarily place its public inspection file online before [2 years following the effective date of the Report and Order in MB Docket No. 14–127] if it chooses to do so instead of retaining the file at the station. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio.

(2)(i) A noncommercial educational television station licensee or applicant shall place the contents required by paragraph (e) of its public inspection file in the online file hosted by the Commission, with the exception of the political file as required by paragraph (e)(5) of this section, which may be retained at the station in the manner discussed in paragraph (b)(1) of this section until July 1, 2014. Effective July 1, 2014, any new political file material shall be placed in the online file hosted by the Commission, while the material in the political file as of July 1, 2014, if not placed on the Commission's Web site, shall continue to be retained at the station in the manner discussed in paragraph (b)(1) of this section until the end of its retention period. However, any noncommercial educational station that is not required to place its political file in the online file hosted by the Commission before July 1, 2014 may choose to do so instead of retaining the political file at the station in the manner discussed in paragraph (b)(1) of this section.

(ii) Beginning [2 years following the effective date of the Report and Order in MB Docket No. 14–127], noncommercial educational radio station licensees and applicants shall place the contents required by paragraph (e) of this section in the online public inspection file hosted by the Commission. For these stations, effective [2 years following the effective date of the Report and Order in MB Docket No. 14–127], any new political file material shall be placed on the Commission's Web site, while the material in the political file as of [2 years following the effective date of the Report and Order in MB Docket No. 14–127], if not placed in the online file hosted by the Commission, shall continue to be retained at the station in the manner discussed in paragraph (b)(1) of this section until the end of its retention period. However, any radio station that is not required to place its public inspection file in the online file hosted by the Commission before [2 years following the effective date of the Report and Order in MB Docket No. 14–127] may choose to do so, instead of retaining the public inspection file at the station in the manner discussed in paragraph (b)(1) of this section.

(iii) A station must provide a link to the public inspection file hosted on the Commission's Web site from the home page of its own Web site, if the station has a Web site, and provide contact information for a station representative on its Web site that can assist any person with disabilities with issues related to the content of the public files. A station also is required to include in the online public file the station's main studio address and telephone number, and the email address of the station's designated contact for questions about the public file. To the extent this section refers to the local public inspection file, it refers to the public file of an individual station, which is either maintained at the station or on the Commission's Web site, depending upon where the documents are required to be maintained under the Commission's rules.

(3) The Commission will automatically link the following items to the electronic version of all licensee and applicant public inspection files, to the extent that the Commission has these items electronically: Authorizations; applications; contour maps; ownership reports and related materials; portions of the Equal Employment Opportunity file held by the Commission; and ''The Public and Broadcasting''.

* * * * *

■ 9. Section 73.3580 is amended by revising paragraphs (d)(4)(i) and (ii) to read as follows:

**§ 73.3580 Local public notice of filing of broadcast applications.**

* * * * *

(d) * * *

(4) * * *

(i) *Pre-filing announcements.* During the period and beginning on the first day of the sixth calendar month prior to the expiration of the license, and continuing to the date on which the application is filed, the following announcement shall be broadcast on the 1st and 16th day of each calendar month. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language.

*Radio announcement:* On (date of last renewal grant) (Station's call letters) was granted a license by the Federal Communication Commission to serve the public interest as a public trustee until (expiration date).

Our license will expire on (date). We must file an application for renewal with the FCC (date four calendar months prior to expiration date). When filed, a copy of this application will be available for public inspection at *www.fcc.gov*. It contains information concerning this station's performance during the last (period of time covered by the application).

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by (date first day of last full calendar month prior to the month of expiration).

Further information concerning the FCC's broadcast license renewal process is available at (address of location of the station's public inspection file) or may be obtained from the FCC, Washington, DC 20554.

*Television announcement:* On (date of last renewal grant) (Station's call letters) was granted a license by the Federal Communication Commission to serve the public interest as a public trustee until (expiration date).

Our license will expire on (date). We must file an application for renewal with the FCC (date four calendar months prior to expiration date). When filed, a copy of this application will be available for public inspection at *www.fcc.gov*. It contains information concerning this station's performance during the last (period of time covered by the application).

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by (date first day of last full calendar month prior to the month of expiration).

Further information concerning the FCC's broadcast license renewal process is available at (address of location of the station) or may be obtained from the FCC, Washington, DC 20554.

* * * * *

(ii) *Post-filing announcements.* During the period beginning of the date on which the renewal application is filed to the sixteenth day of the next to last full

calendar month prior to the expiration of the license, all applications for renewal of broadcast station licenses shall broadcast the following announcement on the 1st and 16th day of each calendar month. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language.

*Television announcement:* On (date of last renewal grant) (Station's call letters) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (expiration date).

Our license will expire on (date). We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection at *www.fcc.gov.* It contains information concerning this station's performance during the last (period of time covered by application).

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by (date first day of last full calendar month prior to the month of expiration).

Further information concerning the FCC's broadcast license renewal process is available at (address of location of the station) or may be obtained from the FCC, Washington, DC 20554.

*Radio announcement:* On (date of last renewal grant) (Station's call letters) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (expiration date).

Our license will expire on (date). We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection at *www.fcc.gov.* It contains information concerning this station's performance during the last (period of time covered by application).

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by (date first day of last full calendar month prior to the month of expiration).

Further information concerning the FCC's broadcast license renewal process is available at (address of location of the station's public inspection file) or may be obtained from the FCC, Washington, DC 20554.

* * * * *

## PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 10. The Authority citation for Part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 11. Section 76.630 is amended by revising paragraph (a)(2) to read as follows:

### § 76.630 Compatibility with consumer electronics equipment.

(a) * * *

(2) Requests for waivers of this prohibition must demonstrate either a substantial problem with theft of basic tier service or a strong need to scramble basic signals for other reasons. As part of this showing, cable operators are required to notify subscribers by mail of waiver requests. The notice to subscribers must be mailed no later than 30 calendar days from the date the request for waiver was filed with the Commission, and cable operators must inform the Commission in writing, as soon as possible, of that notification date. The notification to subscribers must state:

On (date of waiver request was filed with the Commission), (cable operator's name) filed with the Federal Communications Commission a request for waiver of the rule prohibiting scrambling of channels on the basic tier of service. 47 CFR 76.630(a). The request for waiver states (a brief summary of the waiver request). A copy of the request for waiver shall be available for public inspection at *www.fcc.gov*.

Individuals who wish to comment on this request for waiver should mail comments to the Federal Communications Commission by no later than 30 days from (the date the notification was mailed to subscribers). Those comments should be addressed to the: Federal Communications Commission, Media Bureau, Washington, DC 20554, and should include the name of the cable operator to whom the comments are applicable. Individuals should also send a copy of their comments to (the cable operator at its local place of business).

Cable operators may file comments in reply no later than 7 days from the date subscriber comments must be filed.

* * * * *

■ 12. Section 76.1700 is revised to read as follows:

### § 76.1700 Records to be maintained by cable system operators.

(a) *Public inspection file.* The following records must be placed in the online public file hosted by the Commission, except as indicated in § 76.1700(d) and except that the records listed in 76.1700(1) (political file) that are in existence 30 days after the effective date of this provision shall continue to be retained at the system and made available to the public in the manner discussed in paragraph (e) of this section until the end of the retention period. In addition, any cable system with fewer than 5,000 subscribers shall continue to retain the political file at the system in the manner discussed in paragraph (e) of this section until [2 years following the effective date of the Report and Order in MB Docket No. 14–127]. For these systems, effective [2 years following the effective date of the Report and Order in MB Docket No. 14–127], any new political file material shall be placed in the online file hosted by the Commission, while the material in the political file as of [2 years following the effective date of the Report and Order in MB Docket No. 14–127], if not placed on the Commission's Web site, shall continue to be retained at the system in the manner discussed in paragraph (e) of this section until the end of its retention period. However, any system that is not required to place its political file on the Commission's Web site before [2 years following the effective date of the Report and Order in MB Docket No. 14–127] may choose to do so, instead of retaining the political file at the system in the manner discussed in paragraph (e) of this section.

(1) Political file. All requests for cablecast time made by or on behalf of a candidate for public office and all other information required to be maintained pursuant to § 76.1701;

(2) Equal employment opportunity. All EEO materials described in § 76.1702 except for any EEO program annual reports, which the Commission will link to the electronic version of all systems' public inspection files;

(3) Commercial records on children's programs. Sufficient records to verify compliance with § 76.225 in accordance with § 76.1703;

(4) Performance tests (channels delivered). The operator of each cable television system shall maintain at its local office a current listing of the cable television channels which that system delivers to its subscribers in accordance with § 76.1705;

(5) Leased access. If a cable operator adopts and enforces written policy regarding indecent leased access programming, such a policy shall be published in accordance with § 76.1707;

(6) Principal headend. The operator of every cable system shall maintain the designation and location of its principal headend in accordance with § 76.1708;

(7) Availability of signals. The operator of every cable television system

shall maintain a list of all broadcast television stations carried by its system in fulfillment of the must-carry requirements in accordance with § 76.1709;

(8) Operator interests in video programming. Cable operators shall maintain records regarding the nature and extent of their attributable interests in all video programming services as well as information regarding their carriage of such vertically integrated video programming services on cable systems in which they have an attributable interests in accordance with § 76.1710;

(9) Sponsorship identification. Whenever sponsorship announcements are omitted pursuant to § 76.1615(f) of subpart T, the cable television system operator shall maintain a list in accordance with § 76.1715;

(10) Compatibility with consumer electronics equipment. Cable system operators generally may not scramble or otherwise encrypt signals carried on the basic service tier. Copies of requests for waivers of this prohibition must be available in the public inspection file in accordance with § 76.630.

(b) *Information available to the franchisor.* These records must be made available by cable system operators to local franchising authorities on reasonable notice and during regular business hours, except as indicated in § 76.1700(d).

(1) Proof-of-performance test data. The proof of performance tests shall be made available upon request in accordance with § 76.1704;

(2) Complaint resolution. Cable system operators shall establish a process for resolving complaints from subscribers about the quality of the television signal delivered. Aggregate data based upon these complaints shall be made available for inspection in accordance with § 76.1713.

(c) *Information available to the Commission.* These records must be made available by cable system operators to the Commission on reasonable notice and during regular business hours, except as indicated in § 76.1700(d).

(1) Proof-of-performance test data. The proof of performance tests shall be made available upon request in accordance with § 76.1704;

(2) Signal leakage logs and repair records. Cable operators shall maintain a log showing the date and location of each leakage source in accordance with § 76.1706;

(3) Emergency alert system and activations. Every cable system shall keep a record of each test and activation of the Emergency Alert System (EAS). The test is performed pursuant to the procedures and requirements of part 11 of this chapter and the EAS Operating Handbook. The records are kept in accordance with part 11 and § 76.1711 of this chapter;

(4) Complaint resolution. Cable system operators shall establish a process for resolving complaints from subscribers about the quality of the television signal delivered. Aggregate data based upon these complaints shall be made available for inspection in accordance with § 76.1713;

(5) Subscriber records and public inspection file. The operator of a cable television system shall make the system, its public inspection file, and its records of subscribers available for inspection upon request in accordance with § 76.1716.

(d) *Exceptions to the public inspection file requirements.* The operator of every cable television system having fewer than 1,000 subscribers is exempt from the online public file and from the public record requirements contained in § 76.1701 (political file); § 76.1702 (EEO records available for public inspection); § 76.1703 (commercial records for children's programming); § 76.1704 (proof-of-performance test data); § 76.1706 (signal leakage logs and repair records); § 76.1714 (FCC rules and regulations); and § 76.1715 (sponsorship identification).

(e) *Location of records.* Political file material that continues to be retained at the system shall be retained in a public inspection file maintained at the office in the community served by the system that the system operator maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business and, if the system operator does not maintain such an office in the community, at any accessible place in the communities served by the system (such as a public registry for documents or an attorney's office). Public file locations will be open at least during normal business hours and will be conveniently located. The public inspection file shall be available for public inspection at any time during regular business hours for the facility where they are kept. All or part of the public inspection file may be maintained in a computer database, as long as a computer terminal capable of accessing the database is made available, at the location of the file, to members of the public who wish to review the file.

(f) *Links and contact and geographic information.* A system must provide a link to the public inspection file hosted on the Commission's Web site from the home page of its own Web site, if the system has a Web site, and provide contact information on its Web site for a system representative who can assist any person with disabilities with issues related to the content of the public files. A system also is required to include in the online public file the address of the system's local public file and the name, phone number, and email address of the system's designated contact for questions about the public file. In addition, a system must provide on the online public file a list of the geographic areas served by the system. To the extent this section refers to the local public inspection file, it refers to the public file of a physical system, which is either maintained at the location described in paragraph (e) of this section or on the Commission's Web site, depending upon where the documents are required to be maintained under the Commission's rules.

(g) *Reproduction of records.* Copies of any material in the public inspection file shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the system operator, within a reasonable period of time, which in no event shall be longer than seven days. The system operator is not required to honor requests made by mail but may do so if it chooses.

■ 13. Section 76.1709 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 76.1709 Availability of signals.**

(a) The operator of every cable television system shall maintain for public inspection a file containing a list of all broadcast television stations carried by its system in fulfillment of the must-carry requirements pursuant to § 76.56. Such list shall include the call sign, community of license, broadcast channel number, cable channel number, and in the case of a noncommercial educational broadcast station, whether that station was carried by the cable system on March 29, 1990.

(b) Such records must be maintained in accordance with the provisions of § 76.1700.

* * * * *

[FR Doc. 2015–02531 Filed 2–12–15; 8:45 am]

**BILLING CODE 6712–01–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**[Docket No. FWS–R8–ES–2013–0133; 4500030113]**

**RIN 1018–AY78**

## Endangered and Threatened Wildlife and Plants; Remove the Modoc Sucker From the Federal List of Endangered and Threatened Wildlife

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on our February 13, 2014, proposed rule to remove the Modoc sucker (*Catostomus microps*) from the Federal List of Endangered and Threatened Wildlife. This action allows us to accept and consider additional public comments on the proposed rule. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final listing determination.

**DATES:** We will consider comments received or postmarked on or before March 16, 2015. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on this action.

**ADDRESSES:** *Document availability:* You may obtain a copy of the proposed rule and associated documents on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2013–0133, or by contacting the U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R8–ES–2013–0133, which is the docket number for this rulemaking. Then, click the Search button. In the Search panel on the left side of the screen, under the Document Type heading, click on the box next to ''Proposed Rule'' to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2013–0133; Division of Policy and Directives Management; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Information Requested section, below, for more information).

**FOR FURTHER INFORMATION CONTACT:** Laurie Sada, Field Supervisor, U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office, 1936 California Avenue, Klamath Falls, OR 97601; telephone 541–885–8481; or facsimile 541–885–7837.

**SUPPLEMENTARY INFORMATION:**

### Background

On February 13, 2014, we published in the **Federal Register** (79 FR 8656) a proposed rule to remove the Modoc sucker from Federal List of Endangered and Threatened Wildlife due to information suggesting that the species no longer needs protections under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). A completed scientific analysis of the biological information and threats facing the Modoc sucker is presented in detail in the Modoc Sucker Species Report (Service 2013, entire), which is available at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2013–0133. The Species Report was prepared by Service biologists to provide thorough discussion of the species' ecology and biological needs, and to provide an analysis of the threats that may be impacting the species.

In order to comply with the public notification requirements of the Act under section 4(b)(5)(D) and to ensure that the public has an adequate opportunity to review and comment on our proposal, we are reopening the comment period on the proposed rule for an additional 30 days (see **DATES**, above).

### Information Requested

We intend that any final action resulting from the proposed rule will be based on the best scientific and commercial data available and be as accurate and complete as possible. Therefore, we request comments or information from other concerned Federal and State agencies, the scientific community, or any other interested party concerning the proposal to remove the Modoc sucker from the Federal List of Endangered and Threatened Wildlife. Please see the Information Requested section of the February 13, 2014, proposed rule (79 FR 8656) for a list of the information and comments that we particularly seek.

If you previously submitted comments or information on the proposed rule, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in our final rulemaking. Our final determination concerning the proposed rule will take into consideration all written comments and any additional information we receive.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning the proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.* Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

## Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 2, 2015.

**Stephen Guertin,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2015–02928 Filed 2–12–15; 8:45 am]

**BILLING CODE 4310–55–P**

# Notices

Federal Register
Vol. 80, No. 30
Friday, February 13, 2015

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

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

February 9, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 16, 2015 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

#### Animal and Plant Health Inspection Service

*Title:* Importation of Baby Squash and Baby Courgettes from Zambia.

*OMB Control Number:* 0579–0347.

*Summary of Collection:* Under the Plant Protection Act (7 U.S.C. 7701), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. APHIS fruits and vegetables regulations allow the importation into the continental United States of baby squash and baby courgettes from Zambia. As a condition of entry, both commodities would have to be produced in accordance with a systems approach that would include requirements for pest exclusion at the production site, fruit fly trapping inside and outside the production site, and pest excluding packinghouse procedures. Both commodities would also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that the baby squash and baby courgette have been produced in accordance with the proposed requirements.

*Need and Use of the Information:* APHIS will collect information using the following: Physanitary Certificate, Records and Monitoring, Labeling on Cartons and Inspection of Greenhouses.

*Description of Respondents:* Business or other for-profits; Federal Government.

*Number of Respondents:* 2.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion.

*Total Burden Hours:* 4.

#### Animal and Plant Health Inspection Service

*Title:* Importation of Eggplant from Israel.

*OMB Control Number:* 0579–0350.

*Summary of Collection:* Under the Plant and Protection Act (7 U.S.C. 7701), the Secretary of Agriculture is authorized to carry out operation or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States not known to be widely distributed throughout the United States. APHIS' fruits and vegetables regulations allow the importation of commercial shipments of fresh eggplant from Israel. As a condition of entry, the eggplant must be grown under a system approach that would include requirements for pest exclusion at the production site, fruit fly trapping inside and outside the production site, and pest-excluding packinghouse procedures.

*Need and Use of the Information:* APHIS uses the following information activities to allow for the importation of commercial consignments of fresh eggplant from Israel into the United States while continuing to provide protection against the introduction of quarantine pests: Phytosanitary Certificate (foreign) Trapping Records; Inspection of Pest-Exclusionary Structures by Israel NPPO's, Labeling of Boxes, and Approved Pest-Exclusionary Structure. Failure to collect this information would cripple APHIS' ability to ensure that eggplant from Israel is not carrying plant pests.

*Description of Respondents:* Foreign Government, Business and other for-profit.

*Number of Respondents:* 2.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 5.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2015–02988 Filed 2–12–15; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Malheur National Forest; Blue Mountain Ranger District; Grant County, Oregon; Magone Project Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service will prepare an Environmental Impact Statement (EIS) to disclose the environmental effects of commercial and non-commercial vegetation management activities, prescribed burning, road activities, recreation

opportunity improvements, and other restoration activities. Other design criteria are included to protect resources and facilitate management activities. The project is located on the Blue Mountain Ranger District, Malheur National Forest, Grant County, Oregon, approximately 7 miles north of the town of John Day, Oregon.

**DATES:** Comments concerning the scope of the analysis must be received within 30 days from the date of publication in the **Federal Register**.

**ADDRESSES:** Send written comments to Dave Halemeier, District Ranger, Blue Mountain Ranger District, c/o Sasha Fertig, P.O. Box 909, John Day, OR 97845. Comments may also be sent via email to *comments-pacificnorthwest-malheur-bluemountain@fs.fed.us;* or submitted via facsimile to 541–575–3319.

**FOR FURTHER INFORMATION CONTACT:** Sasha Fertig, Lead NEPA Planner, Blue Mountain Ranger District, 431 Patterson Bridge Road, P.O. Box 909, John Day, OR 97845. Phone: 541–575–3061. Email: *sashafertig@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The Magone project planning area encompasses approximately 27,000 acres in the Grub Creek and East Fork Beech Creek subwatersheds that drain into the Upper John Day River. The legal description for the project planning area includes Townships 11 and 12 South, Ranges 31 and 32 East, Willamette Meridian, Grant County, Oregon.

**Purpose and Need for Action**

The purpose and need for the Magone Project was developed by comparing the management objectives and desired conditions in the Malheur Forest Plan to the existing conditions in the project planning area related to forest resiliency and function. Comparison of the existing and desired condition indicates the specific needs to: (1) Restore forest structure, composition, and density toward more resilient vegetative conditions given the historical fire regime; (2) reduce the fuel loadings by reducing the density and connectivity of standing vegetation, surface fuels, and ladder fuels; (3) maintain or improve habitat for fish and wildlife species present in the project planning area; (4) improve one or more of the nine roadless area characteristics within the Nipple Butte inventoried roadless area; and (5) provide for a variety of social values and opportunities in the watershed, including availability of traditional use plants, a variety of wood products, enhanced recreation experiences around Magone Lake, and forest management employment opportunities.

**Proposed Action**

The Forest proposed action includes silviculture treatments, prescribed burning, road activities, recreation opportunity improvements, and Magone Lake restoration activities to address the purpose and need. These activities would occur over approximately the next 10 years. The proposed action includes:

(1) Commercial thinning (5,500 acres), non-commercial thinning (1,200 acres), post and pole removal (400 acres), biomass removal (may occur within units designated for commercial and non-commercial thinning), and mountain mahongany and bitterbursh enhancement (within commercial and non-commercial thinning units). Silviculture treatments would help restore forest structure, composition, and density toward more resistant and resilient vegetative conditions.

(2) Prescribed fire on up to 28,500 acres to reduce and maitain fuel loadings. Treated stands would see a combination of burning piled material and underburning (approximately 5,800 acres). Those stands not mechanically treated would be managed exclusively with the use of prescribed burning. As conditions and stand characteristics allow, natural ignitions within the planning area would be used to meet the objectives of prescribed burning. In the project planning area, the Grant County Community Wildfire Protection Plan identified 2 county roads and the Malheur National Forest identified 4 Forest Service roads as potential escape route/safety corridors in the event of a wildland fire. Fuel breaks would be created and maintained using a combination of mechanical treatments and prescribed burning. Additionally, the decreased fuel loadings in strategically placed, shaded fuel breaks would afford suppression forces a higher probability of success controlling wildfires.

(3) Approximately 85 miles of road would be maintained for haul and 9 miles of temporary road would be constructed (and rehabilitated following use). The following changes to the road system are also proposed: Decommissioning 1.3 miles of road, closing 2.3 miles of currently open road, closing currently open roads and co-designating those roads as trails (1.3 miles), and converting a road to a trail (1.2 miles). These changes would reduce water quality issues, close roads that are already effectively closed on the ground, and decommission and close roads that are within the Nipple Butte inventoried roadless area (IRA).

(4) A variety of recreation opportunities would be developed to enhance recreational experiences in the project planning area. An expanded trail system would be centered around the Magone Lake developed recreation area. Several connecting trail options would provide for longer hikes, varied returns, and a more broad recreation experience. New construction of single-track bicycle trails within the Nipple Butte IRA would connect with existing bicycle trails and the other newly constructed trails. All of the trails would be single-track bicycle and hiker trails with measures to prevent any off-highway vehicle (OHV) use. Approximately 50 miles of trail would be designated, with 42 miles of that being new trail construction. New interpretive signs would be placed at Four Corners and the Magone Lake Campground. Fishing and recreational boating opportunities would be enhanced with expansion of the existing floating boat dock located at the boat launch, modifying the existing two piece floating dock adjacent to the campground, and placing a new floating fishing dock on the east side of Magone Lake.

(5) The proposed action also includes restoration activities within Magone Lake to increase near shore habitat complexity for fish. Fish cribs and fish sticks (bunches of 3 to 5 trees) would be placed on the ice during winter, to sink into the lake during ice melt.

Preliminary connectivity corridors have been identified between late and old structure stands to allow for movement of old-growth dependent species. The goal of creating ''connectivity'' is to manage stands in corridors at higher canopy densities when compared to more intensively managed stands located outside of corridors. Corridors established for old-growth dependent species in the project planning area would allow for big game migratory and dispersal movements, as well as providing higher cover rates and forage. The designated connectivity corridors are approximately 1,900 acres in size.

The Magone Project will also include a variety of project design criteria that serve to mitigate impacts of activities to forest resources, including wildlife, soils, watershed condition, aquatic species, riparian habitat conservation areas, heritage resources, visuals, rangeland, botanical resources, and invasive plants. The proposed action

may also include amendments to the Malheur National Forest Land and Resource Management Plan, as amended.

**Possible Alternatives**

The Forest Service will consider a range of alternatives. One of these will be the ''no action'' alternative in which none of the proposed action would be implemented. Additional alternatives may be included in response to issues raised by the public during the scoping process or due to additional concerns for resource values identified by the interdisciplinary team.

**Responsible Official**

The Forest Supervisor of the Malheur National Forest, 431 Patterson Bridge Road, John Day, OR 97845, is the Responsible Official. As the Responsible Official, I will decide if the proposed action will be implemented. I will document the decision and rationale for the decision in the Record of Decision. I have delegated the responsibility for preparing the draft EIS and final EIS to the District Ranger, Blue Mountain Ranger District.

**Nature of Decision To Be Made**

Based on the purpose and need, the Responsible Official reviews the proposed action, the other alternatives, the environmental consequences, and public comments on the analysis in order to make the following decision:

(1) Whether to implement timber harvest and associated fuels treatments, prescribed burning, and watershed work, including the design features and potential mitigation measures to protect resources; and if so, how much and at what specific locations;

(2) What, if any, specific project monitoring requirements are needed to assure design features and potential mitigation measures are implemented and effective, and to evaluate the success of the project objectives. A project specific monitoring plan will be developed.

**Scoping Process**

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The interdisciplinary team will continue to seek information, comments, and assistance from Federal, State, and local agencies, Tribal governments, and other individuals or organizations that may be interested in, or affected by, the proposed action. There is a collaborative group in the area that the interdisciplinary team will interact with during the analysis process.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: February 6, 2015.

**Steven K. Beverlin,**

*Forest Supervisor.*

[FR Doc. 2015–03027 Filed 2–12–15; 8:45 am]

**BILLING CODE 3410–11–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Black Hills National Forest Advisory Board

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 *et. seq.*), the National Forest Management Act of 1976 (16 U.S.C. 1612), and the Federal Public Lands Recreation Enhancement Act (Pub. L. 108–447). Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's Web site at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

**DATES:** The meeting will be held Wednesday, February 18, 2015 at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held at the Mystic Ranger District, 8221 South Highway 16, Rapid City, South Dakota. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Scott Jacobson, Committee Coordinator, by phone at 605–673–9216, or by email at *sjjacobson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to provide:

(1) Motorized Travel Fees for FY 16—Working Group Update;

(2) FY 15–19 MPB/Fuels Restoration Areas—Recommendation;

(3) Over Snow Use Forum;

(4) Lakes Enhancement Project Update; and

(5) Northern Long Eared Bat Proposed Listing Update.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by February 16, 2015 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208.

*Delayed Notice:* Due to organizational changes within the agency, this notice has not been published within 15 calendar-days of the February 18th meeting.

*Meeting Accommodations:* If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: February 9, 2015.

**Craig Bobzien,**

*Forest Supervisor.*

[FR Doc. 2015–03023 Filed 2–12–15; 8:45 am]

**BILLING CODE 3411–15–P**

## BROADCASTING BOARD OF GOVERNORS

### Sunshine Act Meeting Notice

**DATE AND TIME:** Wednesday, February 18, 2015, 9:00 a.m.–11:30 a.m. EST.

**PLACE:** Cohen Building, Room 3321, 330 Independence Ave. SW., Washington, DC 20237.

**SUBJECT:** Notice of Meeting of the Broadcasting Board of Governors.

**SUMMARY:** The Broadcasting Board of Governors (Board) will be meeting at the time and location listed above. The Board will vote on a consent agenda consisting of the minutes of its December 18, 2014 meeting, a resolution honoring Michael Meehan for his service on the Board, and a resolution on revised BBG meeting dates in 2015. The Board will also receive a review of the Voice of America.

This meeting will be available for public observation via streamed webcast, both live and on-demand, on the agency's public Web site at *www.bbg.gov.* Information regarding this meeting, including any updates or adjustments to its starting time, can also be found on the agency's public Web site.

The public may also attend this meeting in person at the address listed above as seating capacity permits. Members of the public seeking to attend the meeting in person must register at *http://bbgboardmeetingfebruary 2015.eventbrite.com* by 12:00 p.m. (EST) on February 17. For more information, please contact BBG Public Affairs at (202) 203–4400 or by email at *pubaff@bbg.gov.*

**CONTACT PERSON FOR MORE INFORMATION:** Persons interested in obtaining more information should contact Oanh Tran at (202) 203–4545.

**Oanh Tran,**

*Director of Board Operations.*

[FR Doc. 2015–03148 Filed 2–11–15; 4:15 pm]

**BILLING CODE 8610–01–P**

## COMMISSION ON CIVIL RIGHTS

### Sunshine Act Meeting Notice

**AGENCY:** United States Commission on Civil Rights.

**ACTION:** Notice of Commission Business Meeting.

**DATES:** *Date and Time:* Friday, February 20, 2015; 9:30 a.m. EST.

**ADDRESSES:** *Place:* 1331 Pennsylvania Ave NW., Suite 1150, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

**SUPPLEMENTARY INFORMATION:**

**Meeting Agenda**

This meeting is open to the public.

I. Approval of Agenda
II. Program Planning
- Discussion and Vote: Commission Statement commemorating the 55th Anniversary of Executive Order 10925 signed by President Kennedy barring discrimination in federal hiring
- Discussion and Vote: Commission Statement commemorating the 50th Anniversary of Selma, Alabama ''Bloody Sunday'' March
- Discussion and Vote: Commission Statement commemorating International Day for Elimination of Racial Discrimination
- Discussion and Vote: Commission Statement commemorating Cesar Chavez Day

III. Management and Operations
- Status Report on March Briefing: Examining Workplace Discrimination against LGBT
- Status Report from RPCU Chief on SAC projects from around the country
- Status Report on Commission follow up re: Visit to Immigration Detention Center (s) to round out FY2015 Statutory Enforcement Report Examination

IV. State Advisory Committee (SAC) Appointments
- Ohio

V. Adjourn Meeting

Dated: February 10, 2015.

**David Mussatt,**

*Chief, Regional Programs Unit U.S. Commission on Civil Rights.*

[FR Doc. 2015–03102 Filed 2–11–15; 11:15 am]

**BILLING CODE 6335–01–P**

## DEPARTMENT OF COMMERCE

### Economic Development Administration

### Notice of National Advisory Council on Innovation and Entrepreneurship Meeting

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice of an open meeting.

**SUMMARY:** The National Advisory Council on Innovation and Entrepreneurship (NACIE) will hold a meeting on Thursday, March 5, 2015 from 2:00–3:00 p.m. and Friday, March 6, 2015, from 8:30 a.m.–1:00 p.m. Eastern Standard Time (EST) and will be open to the public. During this time, members will discuss potential committee initiatives on innovation, entrepreneurship, and workforce/talent. The meeting will take place at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4830, Washington, DC 20230.

**DATES:**
Thursday, March 5, 2015
Time: 2:00 p.m.–3:00 p.m. EST
Friday, March 6, 2015
Time: 8:30 a.m.–1:00 p.m. EST

**ADDRESSES:** U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4830, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** The Council was chartered on November 10, 2009 to advise the Secretary of Commerce on matters related to innovation and entrepreneurship in the United States. NACIE's overarching focus is recommending transformational policies to the Secretary that will help U.S. communities, businesses, and the workforce become more globally competitive. The Council operates as an independent entity within the Office of Innovation and Entrepreneurship (OIE), which is housed within the U.S. Commerce Department's Economic Development Administration. NACIE members are a diverse and dynamic group of successful entrepreneurs, innovators, and investors, as well as leaders from nonprofit organizations and academia.

The purpose of this meeting is to discuss the Council's planned work initiatives in three focus areas: workforce/talent, entrepreneurship, and innovation. The final agenda will be posted on the NACIE Web site at *http://www.eda.gov/oie/nacie/* prior to the meeting. Any member of the public may submit pertinent questions and comments concerning the Council's affairs at any time before or after the meeting. Comments may be submitted to the Office of Innovation and Entrepreneurship at the contact information below. Those unable to attend the meetings in person but wishing to listen to the proceedings can do so through a conference call line 1–888–603–9742, passcode: 1962840. Copies of the meeting minutes will be available by request within 90 days of the meeting date.

**FOR FURTHER INFORMATION CONTACT:** Julie Lenzer Kirk, Office of Innovation and Entrepreneurship, Room 70003, 1401 Constitution Avenue NW., Washington, DC 20230; email: *NACIE@doc.gov;*

telephone: 202–482–8001; fax: 202–273–4781. Please reference ''NACIE March 5–6, 2015'' in the subject line of your correspondence.

Dated: February 9, 2015.

**Julie Lenzer Kirk,**

*Director, Office of Innovation and Entrepreneurship.*

[FR Doc. 2015–03028 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–WH–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–7–2015]**

### Proposed Foreign-Trade Zone—Central Pennsylvania Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Pennsylvania Foreign-Trade Zone Corporation to establish a foreign-trade zone in Central Pennsylvania, adjacent to the Pittsburgh and Harrisburg CBP ports of entry, under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new ''subzones'' or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone project. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 5, 2015. The applicant is authorized to make the proposal under Pennsylvania Statute 66 Pa. Sec. 3102.

The proposed zone would be the third zone for the Pittsburgh CBP port of entry and the second zone for the Harrisburg CBP port of entry. The existing zones for Pittsburgh are as follows: FTZ 33, Pittsburgh (Grantee: Regional Industrial Development Corporation of Southwestern Pennsylvania, Board Order 124, 11/9/1977); and, FTZ 254, Jefferson County (Grantee: North Central Pennsylvania Regional Planning and Development Commission, Board Order 1211, 3/13/2002). The existing zone for Harrisburg is as follows: FTZ 147, Berks County (Grantee: FTZ Corp of Southern Pennsylvania, Board Order 378, 6/28/1988).

The applicant's proposed service area under the ASF would be Bedford, Blair, Cambria, Centre, Fulton, Huntingdon and Somerset Counties, Pennsylvania. If approved, the applicant would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The applicant has indicated that the proposed service area is adjacent to the Pittsburgh and Harrisburg Customs and Border Protection ports of entry.

The application indicates a need for zone services in the Central Pennsylvania area. Several firms have indicated an interest in using zone procedures. Specific sites or production approvals are not being sought at this time. Such requests would be made to the FTZ Board on a case-by-case basis.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

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 April 14, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 29, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: February 5, 2015.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2015–02980 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Request for Applicants for Appointment to the United States Section of the United States-Turkey Business Council; Amendment

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Amended notice.

**SUMMARY:** This notice amends the Department of Commerce, International Trade Administration Notice of Request for Applicants for Appointment to the United States Section of the United States-Turkey Business Council (Council) of February 2, 2015 (80 FR 5511) to revise the eligibility criteria to permit federally-registered lobbyists to apply for appointment to the Council. The Department of Commerce recently revised its policy regarding appointment of federally-registered lobbyists to Department advisory committees and related entities following a policy clarification by the Office of Management and Budget that the eligibility restriction does not apply to persons serving on advisory committees, boards, or commissions if they are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments (see 79 FR 47482). The Under Secretary for International Trade will now consider applications of federally-registered lobbyists for appointment on the Council. This notice also extends the deadline for submitting applications to March 6, 2015. All other eligibility criteria continue to apply.

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 March 6, 2015.

**ADDRESSES:** Please send applications to Ryan Barnes, Senior International Trade Specialist, and Chase Miller, International Trade Specialist, Office of Europe, U.S. Department of Commerce, either by email at *Ryan.Barnes@trade.gov and Chase.Miller@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, and Chase Miller, 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.

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 meets all other eligibility requirements;
12. A brief statement of why the applicant should be considered;
13. 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: February 4, 2015.

**Jay A. Burgess,**

*Director of the Office of European Country Affairs (OECA).*

[FR Doc. 2015–02721 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–DA–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD711**

### Marine Mammals; File No. 18881

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the Texas Sealife Center, 14220 South Padre Island Drive, Corpus Christi, TX 78418, [Responsible Party: Tim Tristan], has applied in due form for a permit to conduct research on bottlenose dolphins (*Tursiops truncatus*).

**DATES:** Written, telefaxed, or email comments must be received on or before March 16, 2015.

**ADDRESSES:** The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 18881 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may

also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Amy Hapeman or Howard Goldstein; phone: (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests a five-year permit to conduct research on bottlenose dolphins in the bay, sound, estuary and near-shore coastal waters of Texas in the northwestern Gulf of Mexico. The purpose of the research is to: (1) Develop and maintain standardized photo-identification catalogs; (2) characterize fine-scale population structure and dynamics; (3) estimate abundance for strategic stocks; (4) establish baseline patterns of distribution, habitat use, site-fidelity, diet, and contaminant loads; (5) analyze dolphin behavior in relation to anthropogenic activities; and (6) identify potential risks to the population. Proposed methods include vessel surveys for photographic identification, focal follows, behavioral observation, and biopsy sampling.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 6, 2015.

**Perry F. Gayaldo,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2015–03017 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD763**

### South Atlantic Fishery Management Council (SAFMC); Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold meetings of the: Joint Habitat and Environmental Protection Committee and the Ecosystem-Based Management Committee; the Law Enforcement Advisory Panel; Southeast Data, Assessment and Review (SEDAR) Committee (partially Closed); Scientific and Statistical Committee (SSC) Selection Committee; Protected Resources Committee; Spiny Lobster Committee, Snapper Grouper Committee; King and Spanish Mackerel Committee; Executive Finance Committee; Golden Crab Committee; Data Collection Committee; and a meeting of the Full Council. The Council will also hold a Council Member Visioning Workshop for the Snapper Grouper Fishery. The Council will take action as necessary. The Council will also hold an informal public question and answer session regarding agenda items and a formal public comment session.

**DATES:** The Council meeting will be held from 9 a.m. on Monday, March 2, 2015 until 1:30 p.m. on Friday, March 6, 2015.

**ADDRESSES:**

*Meeting address:* The meeting will be held at the King and Prince Hotel, 201 Arnold Road, St. Simons Island, GA 31522; telephone: (800) 342–0212 or (912) 638–3631; fax: (912) 638–7699.

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, SAFMC; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The items of discussion in the individual meeting agendas are as follows:

**Council Member Visioning Workshop, Monday, March 2, 2015, 9 a.m. Until 12 noon**

1. Council members will receive a recap of the December 2014 Visioning Workshop, review the draft snapper grouper goals and objectives, receive a summary of statistics for the snapper grouper fishery, and discuss planning and timelines for collecting public input on the Draft Vision Blueprint.

2. Council members will discuss next steps and provide guidance to staff.

**Joint Habitat and Environmental Protection Committee and Ecosystem-Based Management Committee, Monday, March 2, 2015, 1:30 p.m. Until 5:30 p.m.**

1. The committees will receive an update on the status of Coral Amendment 8, an overview of the updated Beach Renourishment Policy Statement and hold a South Atlantic Ecosystem Session.

2. The committees will develop recommendations and provide guidance to staff.

**Law Enforcement Advisory Panel Meeting (Concurrent Session), Monday, March 2, 2015, 1:30 p.m. Until 5:30 p.m.**

1. The advisory panel (AP) will receive updates on recently completed and developing amendments to fishery management plans, receive a presentation on the status of Joint Enforcement Agreements, and overviews of the following amendments under development by the Council: Snapper Grouper Amendment 35 (removing species from the fishery management unit and measures to address endorsements for the commercial golden tilefish fishery); Snapper Grouper Amendment 36 (Spawning Special Management Zones); and Regulatory Amendment 16 (modifications to the black sea bass pot fishery seasonal closure). The AP will also discuss remote sensing as a tool to monitor marine protected area compliance.

2. The AP will develop recommendations for the Council.

**SEDAR Committee, Tuesday, March 3, 2015, 8:30 a.m. Until 9 a.m. (Partially Closed)**

1. The committee will develop SEDAR appointment recommendations for the SEDAR 41 stock assessment (red snapper and gray triggerfish) Data Best Practices Procedure Workshop.

2. The committee will receive an update on SEDAR Activities and updates from NOAA Fisheries Southeast Fisheries Science Center (SEFSC).

**Scientific and Statistical Committee (SSC) Selection Committee, Tuesday, March 3, 2015, 9 a.m. Until 9:30 a.m.**

1. The committee will review SSC policies and develop recommendations for modifications.

**Protected Resources Committee, Tuesday, March 3, 2015, 9:30 a.m. Until 10:30 a.m.**

1. The committee will receive a report on ongoing formal consultations and other Protected Resources updates, a presentation the Coastal Migratory Pelagics Biological Opinion, an overview of Advanced Notice of Rulemaking and Request of Information for Coral, and an overview of the Endangered Species Act/Magnuson-Stevens Act Integration Agreement. The Council will discuss and take action as necessary.

2. The committee will also receive an overview on Proposed Modifications to Right Whale Critical Habitat from NOAA Fisheries Southeast Regional Office (SERO) Protected Resources staff, discuss and take action as necessary.

**Spiny Lobster Committee, Tuesday, March 3, 2015, 10:30 a.m. Until 12 noon**

1. The committee will receive an update on the status of commercial and recreational catches versus annual catch limits and a report on the Spiny Lobster Review Panel recommendations

2. The committee will discuss the report, take action as necessary and provide direction to staff.

**Snapper Grouper Committee, Tuesday, March 3, 2015, 1:30 p.m. Until 5 p.m. and Wednesday, March 4, 2015 From 8:30 a.m. Until 5:30 p.m.**

1. The committee will receive updates from NOAA Fisheries on the status of catches versus annual catch limits and the status of amendments currently under formal Secretarial review.

2. The committee will receive an overview of Snapper Grouper Amendment 37 (Short-term measures relative to the Visioning Project, measures for hogfish, the jacks management complex, almaco jack trip limits, size limits on deepwater species, and measures for red grouper). The committee will develop recommendations for items to include in the amendment and timing for development.

3. The committee will review Snapper Grouper Amendment 22 with management alternatives for developing a harvest tag program and provide guidance to staff.

4. The committee will receive a report from the Atlantic Large Whale Take Reduction Team meeting, discuss the report and provide guidance to staff.

5. The committee will review Snapper Grouper Regulatory Amendment 16 (Black sea bass pot closure), develop recommendations for modifying the document and select preferred management alternatives for the amendment.

6. The committee will receive an overview of Snapper Grouper Amendment 36 (Spawning Special Management Zones), review the decision document and develop recommendations as appropriate. The committee is scheduled to recommend approving the amendment for public hearings.

7. The committee will receive an overview of the draft System Management Plan for Deepwater Marine Protected Areas and provide guidance to staff.

8. The committee will receive an overview of Snapper Grouper Amendment 35 (removing species from the management unit, golden tilefish endorsements), review public hearing comments, approve actions, and provide recommendations.

9. The committee will address issues relative to increased blueline tilefish landings north of North Carolina. The committee will receive a briefing on legal issues and an overview of a decision document to address management issues. The committee will consider recommending an emergency rule or interim action as appropriate to address the increased landings, and provide guidance to staff on next steps and timing.

**Note:** There will be an informal public question and answer session with the NOAA Fisheries Southeast Regional Administrator and the Council Chairman on Wednesday, March 4, 2015, beginning at 5:30 p.m.

**King and Spanish Mackerel Committee, Thursday, March 5, 2015, 8:30 a.m. Until 12 noon**

1. The committee will receive an update on the status of commercial and recreational catches versus ACLs and an update on the status of amendments under Formal Review.

2. The committee will receive a report from the Gulf of Mexico Fishery Management Council meeting and actions taken.

3. The committee will review public scoping comments.

4. The committee will review the decision document for Coastal Migratory Pelagics (CMP) Amendment 26 addressing king mackerel ACLs, allocations, stock boundary options, and sales provisions, and provide direction to staff.

5. The committee will receive an overview of options for separate South Atlantic and Gulf Fishery Management Plans for mackerel from NOAA General Counsel and Council staff, discuss, take action as necessary and provide direction to staff.

**Executive Finance Committee, Thursday, March 5, 2015, 1:30 p.m. Until 2:30 p.m.**

1. The committee will receive updates on the status of the Calendar-Year 2015 budget and budget expenditures.

2. Address the Council Follow-up and priorities.

3. Receive an update on the Joint South Florida Committee issues, a report from the Council Coordinating Committee meeting, an update on staff health insurance, and address other issues as appropriate.

**Golden Crab Committee, Thursday, March 5, 2015, 2:30 p.m. Until 3:30 p.m.**

The committee will receive a report on the status of catch versus ACLs for golden crab, an update on the status of Amendment 9 to the Golden Crab Fishery Management Plan (accountability measures), and a report from the Golden Crab AP meeting. The committee will provide recommendations as appropriate.

**Data Collection Committee, Thursday, March 5, 2015, 3:30 p.m. Until 5 p.m.**

1. The committee will receive an update on the status of work on Bycatch Reporting in the Southeast, a presentation on the Electronic Technology Implementation Plan (Data Collection and Monitoring), and an overview and status update on the Implementation Plan for Commercial Logbook Electronic Reporting. The committee will discuss and provide guidance to staff.

2. The committee will also receive a presentation on the status of the commercial electronic logbook pilot project by NOAA Fisheries SEFSC, and an overview of the Gulf Council's action, status and next steps for the Joint South Atlantic and Gulf Council Generic Charterboat Reporting Amendment. The Committee will review the decision document for the amendment and provide guidance to staff.

**Note:** A formal public comment session will be held on Thursday, March 5, 2015 beginning at 5:30 p.m. Public comment will be accepted on any items on the Council agenda. The amount of time provided to individuals will be determined by the Chairman based on the number of individuals wishing to comment.

**Council Session: Friday, March 6, 2015, 8:30 a.m. Until 1:30 p.m.**

8:30 a.m.–8:45 a.m.: Call the meeting to order, adopt the agenda, and approve the December 2014 minutes.

8:45 a.m.–9 a.m.: The Council will receive a report from the Snapper Grouper Committee and is scheduled to approve Snapper Grouper Amendment 36 for public hearings. The Council will consider other committee recommendations and take action as appropriate.

9 a.m.–9:15 a.m.: The Council will receive a report from the King and Spanish Mackerel Committee, consider committee recommendations and take action as appropriate.

9:15 a.m.–9:30 a.m.: The Council will receive a report from the SSC Committee, consider committee recommendations and take action as appropriate.

9:30 a.m.–9:45 a.m.: The Council will receive a report from the Council Member Visioning Workshop, consider recommendations and take action as appropriate.

9:45 a.m.–10 a.m.: The Council will receive a report from the Joint Habitat and Environmental Protection Committee and Ecosystem-Based Management Committee, consider committee recommendations and take action as appropriate.

10 a.m.–10:15 a.m.: The Council will receive a report from the Protected Resources Committee, consider committee recommendations and take action as appropriate.

10:15 a.m.–10:30 a.m.: The Council will receive a report from the SEDAR Committee, consider committee recommendations and will take action as appropriate.

10:30 a.m.–10:45 a.m.: The Council will receive a report from the Executive Finance Committee, approve the Council Follow Up and Priorities, take action on the South Florida Management issues as appropriate, and consider committee recommendations and take action as appropriate.

10:45–11 a.m.: The Council will receive a report from the Golden Crab Committee, consider committee recommendations and take action as appropriate.

11 a.m.–11:15 a.m.: The Council will receive a report from the Data Collection Committee, consider recommendations and take action as appropriate.

11:15 a.m.–11:30 a.m.: The Council will receive a report from the Spiny Lobster Committee, consider committee recommendations and take action as appropriate.

11:30 a.m.–12 noon: The Council will receive a presentation on Amendment 6 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan from NOAA Fisheries.

12 noon–12:15 p.m.: The Council will receive an update on the Marine Resources Education Program—Southeast.

12:15 p.m.–1:30 p.m.: The Council will receive status reports from NOAA Fisheries SERO and the SEFSC. The Council will review and develop recommendations on Experimental Fishing Permits as necessary; review agency and liaison reports; and discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: February 10, 2015.

**Tracey L. Thompson,**

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

[FR Doc. 2015–03071 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD751**

### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Groundfish Advisory Subpanel (GAP) will hold an online webinar, which is open to the public.

**DATES:** The webinar will be held Tuesday, March 3, 2015, from 10 a.m. to 12 p.m. Pacific Time.

**ADDRESSES:** To attend the webinar, visit *http://www.gotomeeting.com/online/webinar/join-webinar.* Enter the webinar ID, which is 101–963–979, and your name and email address (required). Once you have joined the webinar, choose either your computer's audio or select ''Use Telephone.'' If you do not select ''Use Telephone'' GoToMeeting will automatically connect you to the audio using your computer's microphone and speakers (VoIP).

If you do not have a headset and speakers, or if there is excessive feedback, please use your telephone for the audio portion of the meeting by dialing this TOLL number +1 (702) 489–0004 (not a toll-free number); then enter the attendee phone audio access code 502–039–210; then enter your audio phone pin (shown after joining the webinar). System Requirements for PC-based attendees: Windows® 7, Vista, or XP; for Mac®-based attendees: Mac OS® X 10.5 or newer; and for mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet (See the GoToMeeting Webinar Apps). You may send an email to Mr. Kris Kleinschmidt or contact him at (503) 820–2425 for technical assistance. A listening station will also be provided at the Pacific Council office.

*Council address:* Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

**FOR FURTHER INFORMATION CONTACT:** Brett Wiedoff, Staff Officer; telephone: (503) 820–2424.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the webinar is to discuss and develop statements for the Pacific Council's March 2015 meeting in Vancouver, WA on two agenda items: (1) Recommendations for incidental halibut retention allowances in the sablefish fishery north of Pt. Chehalis, WA—this topic will only be discussed if the Area 2A Pacific halibut Total Allowable Catch is high enough to provide such opportunities; and (2) Ecosystem Plan Initiatives—the Pacific Council will prioritize a list of fishery ecosystem plan initiatives and provide direction for additional consideration of the highest priority issue(s).

Other pertinent items that are on the Pacific Council's agenda for the March meeting may be addressed if time allows. Actions will be restricted to those issues specifically listed in this notice and any issues arising after

publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the GAP's intent to take final action to address the emergency. Public comment may be accommodated if time allows, at the discretion of the GAP Chair.

**Special Accommodations**

The listening station at the Pacific Council office is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt, at (503) 820–2280, at least 5 days prior to the meeting date.

Dated: February 10, 2015.

**Tracey L. Thompson,**

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

[FR Doc. 2015–03040 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD762**

### 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 via webinar.

**DATES:** The Webinar will be held Tuesday, March 3, 2015, 1 p.m. to 4 p.m., Eastern Time.

**ADDRESSES:** The meeting will be held via webinar—registration information can be found at *http://gulfcouncil.org/council_meetings/panel_committee_meetings.php.*

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Doug Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *doug.gregory@gulfcouncil.org*

**SUPPLEMENTARY INFORMATION:** The items of discussion on the agenda are as follows:

(1) Review Scientific and Statistical Committee (SSC) *Red Snapper* Acceptable Biological Catch (ABC) Recommendations
(2) Public Comment regarding a Framework Action to Adjust the *Red Snapper* Annual Catch Limit
(3) Review and take Final Action on a Framework Action to Adjust the *Red Snapper* Annual Catch Limit
(4) Other Business
—Adjourn—

For meeting materials visit the Council's Web site *http://www.gulfcouncil.org.* The meeting will be webcast over the internet. A link to the webcast will be available on the Council's Web site *http://gulfcouncil.org/council_meetings/Webinars.php.*

Although non-emergency issues not contained in this agenda may come before the Council 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: February 10, 2015.

**Tracey L. Thompson,**

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

[FR Doc. 2015–03041 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD768**

### Gulf of Mexico Fishery Management Council (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 will hold a meeting of the Coastal Migratory Pelagics Advisory Panel.

**DATES:** The meeting will convene at 8:30 a.m. on Tuesday, March 3 until 5 p.m. on Wednesday, March 4, 2015.

**ADDRESSES:** The meeting will be held at the Gulf of Mexico Fishery Management Council's office, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Ryan Rindone, Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *ryan.rindone@gulfcouncil.org.*

**SUPPLEMENTARY INFORMATION:** The items of discussion on the agenda are as follows:

**Mackerel Advisory Panel Agenda, Tuesday, March 3, 2015, 8:30 a.m. Until Wednesday, March 4, 2015, 5 p.m.**

I. Introductions and Adoption of Agenda
II. Approval of May 15, 2013 Mackerel Advisory Panel (AP) report minutes
III. Review of SEDAR 38—Gulf of Mexico King Mackerel Stock Assessment
  (a) AP Recommendations
IV. Overview of Coastal Migratory Pelagics (CMP) Amendment 26—Gulf and Atlantic *King Mackerel* Reallocation, Stock Boundary, and Sale Provisions
  (a) AP Recommendations
V. Overview of CMP Amendment 28—Gulf and Atlantic *King Mackerel* Permit Separation
  (a) AP Recommendations
VI. Overview of Gulf *King Mackerel* Southern Zone Gillnet Fishery Issues
  (a) AP Recommendations
VII. Other Business
  (a) Discussion topics posed by AP members
—Adjourn—

This agenda may be modified as necessary to facilitate the discussion of pertinent materials up to and during the scheduled meeting.

For meeting materials see folder ''Mackerel Advisory Panel meeting—2015–03'' 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 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: February 10, 2015.

**Tracey L. Thompson,**

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

[FR Doc. 2015–03043 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XA428**

### Marine Mammals; File No. 14301

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

**ACTION:** Notice; issuance of permit amendment.

**SUMMARY:** Notice is hereby given that The University of Alaska Museum of the North, 907 Yukon Drive Fairbanks, AK 99775–6960 (Link Olson, Responsible Party) has been issued a minor amendment to Scientific Research Permit No. 14301–01.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

**FOR FURTHER INFORMATION CONTACT:** Brendan Hurley or Jennifer Skidmore; phone: (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 14301 (74 FR 65748), authorizes the permit holder to collect, receive, import, or export marine mammal parts for scientific research purposes from all species under NMFS' jurisdiction. Import/export activities may occur world-wide. No live animals are authorized to be harassed or taken, lethally or otherwise, under the permit. This minor amendment (No. 14301–02) extends the duration of the permit one year, through December 31, 2015, but does not change any other terms or conditions of the permit.

Dated: February 9, 2015.

**Perry F. Gayaldo,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2015–03018 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XK46**

### Marine Mammals; File No. 13430

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

**ACTION:** Notice; issuance of permit amendment.

**SUMMARY:** Notice is hereby given that a major amendment to Permit No. 13430–01 has been issued to the NMFS National Marine Mammal Laboratory (Responsible Party: John Bengtson, Ph.D.), 7600 Sand Point Way, NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0070.

**ADDRESSES:** The permit amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan or Courtney Smith, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** On June 23, 2014, notice was published in the **Federal Register** (79 FR 35524) that a request for an amendment to Permit No. 13430–01 to conduct research on pinnipeds had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 13430–01 authorized the permit holder to take Pacific harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and northern elephant seals (*Mirounga angustirostris*) within coastal waters and on pinniped rookeries and haul outs of Washington and Oregon and harass Eastern Distinct Population Segment Steller sea lions (*Eumetopias jubatus*) and Southern Resident killer whales (*Orcinus orca*). The permit also allowed for a limited number of research related mortality of marine mammals. Permit No. 13430–02 (1) extends the duration of the permit five years, through January 31, 2020; (2) authorizes use of an alternate injectable sedative to reduce stress in harbor seals and California sea lions during handling; and (3) removes takes of Southern Resident killer whales due to additional mitigation measures.

A supplemental environmental assessment (SEA) analyzing the effects of the permitted activities on the human environment was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the SEA, NMFS determined that issuance of the permit amendment would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on January 30, 2015.

Dated: February 5, 2015.

**Perry F. Gayaldo,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2015–03021 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Availability of Seats for National Marine Sanctuary Advisory Councils

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

**ACTION:** Notice and request for applications.

**SUMMARY:** ONMS is seeking applications for vacant seats for 11 of its 13 national marine sanctuary advisory councils and for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (advisory councils). Vacant seats, including positions (*i.e.,* primary member and alternate), for each of the advisory councils are listed in this notice under Supplementary Information. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the protection and management of marine or Great Lake resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members or alternates should expect to serve two- or three year terms, pursuant to the charter of the specific national marine sanctuary advisory council or the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council.

**DATES:** Applications are due by March 31, 2015.

**ADDRESSES:** Application kits are specific to each advisory council. As such, application kits must be obtained from and returned to the council-specific addresses noted below.

- Channel Islands National Marine Sanctuary Advisory Council: Michael Murray, Channel Islands National Marine Sanctuary, University of California Santa Barbara, Ocean Science Education Building 514, MC 6155, Santa Barbara, CA 93106–6155; (805) 893-6418; email *Michael.Murray@noaa.gov;* or download application from *http://channelislands.noaa.gov/sac/council_news.html.*
- Florida Keys National Marine Sanctuary Advisory Council: Beth Dieveney, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040; (305) 809–4700 extension 228; email *Beth.Dieveney@noaa.gov;* or download application from *http://floridakeys.noaa.gov/sac/welcome.html?s=sac.*
- Flower Garden Banks National Marine Sanctuary Advisory Council: Shelley DuPuy, Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Bldg. 216, Galveston, TX 77551; (409) 621–5151 extension 106; email *Shelley.DuPuy@noaa.gov;* or download application from *http://flowergarden.noaa.gov/advisorycouncil/councilnews.html.*
- Gray's Reef National Marine Sanctuary Advisory Council: Becky Shortland, Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411; (912) 598- 2381; email *Becky.Shortland@noaa.gov;* or download application from *http://graysreef.noaa.gov/management/sac/council_news.html.*
- Gulf of the Farallones National Marine Sanctuary Advisory Council: Leslie Abramson, Gulf of the Farallones National Marine Sanctuary, 991 Marine Drive, The Presidio, San Francisco, CA 94129; (415) 561–6622 extension 306; email *Leslie.Abramson@noaa.gov;* or download application from *http://farallones.noaa.gov/manage/sac.html.*
- Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council: Inouye Regional Center, ATTN: NOS/ONMS/Shannon Lyday, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818; (808) 725–5905; email *Shannon.Lyday@noaa.gov;* or download application from *http://hawaiihumpbackwhale.noaa.gov/council/council_app_accepting.html.*
- Monitor National Marine Sanctuary Advisory Council: Shannon Ricles, Monitor National Marine Sanctuary, 100 Museum Drive, Newport News, VA 23606; (757) 591–7328; email *Shannon.Ricles@noaa.gov;* or download application from *http://monitor.noaa.gov.*
- Monterey Bay National Marine Sanctuary Advisory Council: Erin Ovalle, Monterey Bay National Marine Sanctuary, 99 Pacific Street, Building 455A, Monterey, CA 93940; (831) 647–4206; email *Erin.Ovalle@noaa.gov;* or download application from *http://montereybay.noaa.gov/sac/2014/recruit/14v2/141114covlet.html.*
- National Marine Sanctuary of American Samoa Advisory Council: Joseph Paulin, National Marine Sanctuary of American Samoa, Tauese P.F. Sunia Ocean Center, P.O. Box 4318, Pago Pago, AS 96799 (Utulei, American Samoa); (684) 633–6500; email *Joseph.Paulin@noaa.gov;* or download application from *http://americansamoa.noaa.gov/about/samoa.html.*
- Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council: Hoku Johnson, NOAA Inouye Regional Center, NOS/ONMS/PMNM, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818; (808) 725–5800; email *Hoku.Johnson@noaa.gov;* or download application from *http://www.papahanaumokuakea.gov/council/.*
- Olympic Coast National Marine Sanctuary Advisory Council: Karlyn Langjahr, Olympic Coast National Marine Sanctuary, 115 East Railroad Ave., Suite 101, Port Angeles, WA 98362; (360) 457–6622 extension 31; email *Karlyn.Langjahr@noaa.gov;* or download application from *http://olympiccoast.noaa.gov/involved/sac/sac_welcome.html.*
- Thunder Bay National Marine Sanctuary Advisory Council: Jean Bauer, Thunder Bay National Marine Sanctuary, 500 W. Fletcher Street, Alpena, Michigan 49707; (989) 356–8805 extension 13; email *Jean.Bauer@noaa.gov;* or download application from *http://thunderbay.noaa.gov.*

**FOR FURTHER INFORMATION CONTACT:** For further information on a particular national marine sanctuary advisory council, please contact the individual identified in the Addresses section of this notice.

**SUPPLEMENTARY INFORMATION:** ONMS serves as the trustee for 14 marine protected areas encompassing more than 170,000 square miles of ocean and Great Lakes waters from the Hawaiian Islands to the Florida Keys, and from Lake Huron to American Samoa. National marine sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustains healthy environments that are the foundation for thriving communities and stable economies. One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. National marine sanctuary advisory councils are community-based advisory groups established to provide advice and recommendations to the superintendents of the national marine sanctuaries on issues including management, science, service, and stewardship; and to serve as liaisons between their constituents in the community and the sanctuary. Additional information on ONMS and its advisory councils can be found at *http://sanctuaries.noaa.gov.* Information related to the purpose, policies and operational requirements for advisory councils can be found in the charter for a particular advisory council (*http://sanctuaries.noaa.gov/management/ac/council_charters.html*) and the National Marine Sanctuary Advisory Council Implementation Handbook (*http://www.sanctuaries.noaa.gov/management/ac/acref.html*).

The following is a list of the vacant seats, including positions (*i.e.,* primary member or alternate), for each of the advisory councils currently seeking applications for members and alternates:

*Channel Islands National Marine Sanctuary Advisory Council: Business (primary member); Business (alternate); Commercial Fishing (primary member);*

*Commercial Fishing (alternate); Conservation (primary member); Conservation (alternate); Non-consumptive Recreation (primary member); Non-consumptive Recreation (alternate); Public At-large (two primary members); Research (primary member); and Research (alternate).*

*Florida Keys National Marine Sanctuary Advisory Council: Fishing—Charter Fishing Flats Guide (alternate).*

*Flower Garden Banks National Marine Sanctuary Advisory Council: Education (primary member); Oil and Gas Production (primary member); Recreational Diving (primary member); Recreational Fishing (primary member); and Research (primary member).*

*Gray's Reef National Marine Sanctuary Advisory Council: Citizen-at-large (primary member).*

*Gulf of the Farallones National Marine Sanctuary Advisory Council: Community-At-Large: San Francisco/San Mateo (primary member); Conservation (primary member); Conservation (alternate); Maritime Activities/Commercial (primary member); and Maritime Activities/Commercial (alternate).*

*Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council: Business Commerce (primary member); Commercial Shipping (primary member); Commercial Shipping (alternate); Hawaii County (alternate); Lanai Island (alternate); Molokai Island (alternate); Native Hawaiian (alternate); and Whale Watching (primary member).*

*Monitor National Marine Sanctuary Advisory Council: Commercial and Recreational Fishing (primary member); and Education (primary member).*

*Monterey Bay National Marine Sanctuary Advisory Council: Conservation (alternate); and Education (primary member).*

*National Marine Sanctuary of American Samoa Advisory Council: Research (primary member).*

*Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council: Native Hawaiian (alternate); and Native Hawaiian Elder (alternate).*

*Olympic Coast National Marine Sanctuary Advisory Council: Tourism/Economic Development (alternate).*

*Thunder Bay National Marine Sanctuary Advisory Council: Tourism/Recreation (primary member); Tourism/Recreation (alternate); Business/Economic Development (primary member); Business/Economic Development (alternate); Fishing (primary member); Fishing (alternate); Diving (primary member); Diving (alternate); Education, K–12 (primary member); Education, K–12 (alternate); Higher Education (primary member); Higher Education (alternate); Maritime Industry/Business (primary member); Maritime Industry/Business (alternate); Citizen-at-Large (three primary members); and Citizen-at-Large (three alternates).*

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

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: January 12, 2015.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2015–02792 Filed 2–12–15; 8:45 am]

**BILLING CODE 3510–NK–P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Deletions from the Procurement List.

**SUMMARY:** This action deletes products from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** *Effective Date:* 3/16/2015.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

**FOR FURTHER INFORMATION CONTACT:** Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:**

### Deletions

On 12/30/2014 (79 FR 78407) and 1/12/2015 (80 FR 1494), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

### End of Certification

Accordingly, the following products are deleted from the Procurement List:

*Products*

Product Names/NSNs

Shirt, Flyers, Midweight, Fire Resistant, MPS, Navy, Men's, Black
*NSN:* 8415–00–NSH–0504—XSR
*NSN:* 8415–00–NSH–0505—SR
*NSN:* 8415–00–NSH–0506—MR
*NSN:* 8415–00–NSH–0507—LR
*NSN:* 8415–00–NSH–0508—XLR
*NSN:* 8415–00–NSH–0766—X Small Short
*NSN:* 8415–00–NSH–0767—X Small Long
*NSN:* 8415–00–NSH–0768—Small Short
*NSN:* 8415–00–NSH–0769—Small Long
*NSN:* 8415–00–NSH–0770—Medium Short
*NSN:* 8415–00–NSH–0771—Medium Long
*NSN:* 8415–00–NSH–0772—Large Short
*NSN:* 8415–00–NSH–0773—Large Long
*NSN:* 8415–00–NSH–0774—X Large Short
*NSN:* 8415–00–NSH–0775—X Large Long

Drawers, Flyers, Midweight, Fire Resistant, MPS, Navy, Men's, Long, Black
*NSN:* 8415–00–NSH–0509—XSR
*NSN:* 8415–00–NSH–0510—SR
*NSN:* 8415–00–NSH–0511—MR
*NSN:* 8415–00–NSH–0512—LR
*NSN:* 8415–00–NSH–0513—XLR
*NSN:* 8415–00–NSH–0776—X Small Short
*NSN:* 8415–00–NSH–0777—X Small Long
*NSN:* 8415–00–NSH–0778—Small Short
*NSN:* 8415–00–NSH–0779—Small Long
*NSN:* 8415–00–NSH–0780—Medium Short
*NSN:* 8415–00–NSH–0781—Medium Long
*NSN:* 8415–00–NSH–0782—Large Short
*NSN:* 8415–00–NSH–0783—Large Long
*NSN:* 8415–00–NSH–0784—X Large Short
*NSN:* 8415–00–NSH–0785—X Large Long

Shirt, Flyers, Midweight, Fire Resistant, MPS, Navy, Women's, Black
*NSN:* 8415–00–NSH–0786—X Small Short
*NSN:* 8415–00–NSH–0787—X Small Regular
*NSN:* 8415–00–NSH–0788—X Small Long
*NSN:* 8415–00–NSH–0789—Small Short
*NSN:* 8415–00–NSH–0790—Small Regular
*NSN:* 8415–00–NSH–0791—Small Long
*NSN:* 8415–00–NSH–0792—Medium Short
*NSN:* 8415–00–NSH–0793—Medium Regular
*NSN:* 8415–00–NSH–0794—Medium Long
*NSN:* 8415–00–NSH–0795—Large Short
*NSN:* 8415–00–NSH–0796—Large Regular
*NSN:* 8415–00–NSH–0797—Large Long
*NSN:* 8415–00–NSH–0798—X Large Short
*NSN:* 8415–00–NSH–0799—X Large Regular
*NSN:* 8415–00–NSH–0800—X Large Long

Drawers, Power Stretch Underwear, MPS, Army, Women's, Sage Green
*NSN:* 8415–00–NSH–0801—X Small Short

*NSN:* 8415–00–NSH–0802—X Small Regular
*NSN:* 8415–00–NSH–0803—X Small Long
*NSN:* 8415–00–NSH–0804—Small Short
*NSN:* 8415–00–NSH–0805—Small Regular
*NSN:* 8415–00–NSH–0806—Small Long
*NSN:* 8415–00–NSH–0807—Medium Short
*NSN:* 8415–00–NSH–0808—Medium Regular
*NSN:* 8415–00–NSH–0809—Medium Long
*NSN:* 8415–00–NSH–0810—Large Short
*NSN:* 8415–00–NSH–0811—Large Regular
*NSN:* 8415–00–NSH–0812—Large Long
*NSN:* 8415–00–NSH–0813—X Large Short
*NSN:* 8415–00–NSH–0814—X Large Regular
*NSN:* 8415–00–NSH–0815—X Large Long
Mandatory Source of Supply: No Nonprofit Agency authorized
Contracting Activities: Dept of the Army, W40M Northern Region Contracting Office, Fort Belvoir, VA
Dept of the Navy, U S Fleet Forces Command, Norfolk, VA
Product Name/NSN
Steno Pad Holder, Vinyl/7510–01–455–0020
Mandatory Source of Supply: The Arkansas Lighthouse for the Blind, Little Rock, AR
Contracting Activity: General Services Administration, New York, NY

Product Names/NSNs

Pen, Ergonomic, Ballpoint, ''The Constitution''/7520–01–454–7996
Pen, ''Patriot'' Ergonomic/7520–01–454–7997
Pen, Ball Point, Liberty Writer, Retractable, Cushion Grip, Black Ink, Fine Point/7520–01–454–7998
Pen, Ball Point, Liberty Writer, Retractable, Cushion Grip, Black Ink, Medium Point
*NSN:* 7520–01–454–7999
Pen & Pencil Set, ''The Liberty''/7520–01–439–3393
Pen, Ball Point, Retractable, Stealth Writer, Woodland Green Camouflage, Black Ink, Medium Point/7520–01–439–3407
Pen, Ball Point, Retractable, Stealth Writer, Desert Tan Camouflage, Black ink, Medium Point/7520–01–439–3408
Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: General Services Administration, New York, NY

Product Names/NSNs

Clock, Atomic, Standard, Thermometer
*NSN:* 6645–01–491–9819
*NSN:* 6645–01–491–9826
Clock, Wall
*NSN:* 6645–01–421–6899
*NSN:* 6645–01–456–6029—Customized
Slimline Workstation Clocks
*NSN:* 6645–01–516–9623—6″ Federal Logo—Brown
*NSN:* 6645–01–516–9624—6″ Black Case
*NSN:* 6645–01–516–9625—6″ Brown Case
*NSN:* 6645–01–516–9628—6″ Federal Logo—Black
Mandatory Source Of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL
Contracting Activity: General Services Administration, New York, NY

Product Names/NSNs

Use in Canon printers BJC3000/6000/6200/6500/S400/7510–01–544–0840
Inkjet printer cartridge/compatible with Epson Part No. T029201. Tri color/7510–01–555–6172
Cartridge, Inkjet, Compatible with Canon BCI–15BK, Black, 185 Page Yield/7510–01–555–6174
Inkjet printer cartridge/7510–01–555–6175
Inkjet printer cartridge/7510–01–555–6176
Inkjet printer cartridge/7510–01–555–6177
Mandatory Source of Supply: Alabama Industries for the Blind, Talladega, AL
Contracting Activity: General Services Administration, New York, NY
Product Name/*NSN:* Marker, Tube Type, Broad Tip/7520–01–424–4858
Mandatory Source of Supply: Dallas Lighthouse for the Blind, Inc., Dallas, TX
Contracting Activity: General Services Administration, New York, NY
Product Name/NSN:
Handle, Mop, Lockjaw, Wood/7920–01–452–2028
Mandatory Source Of Supply: Alphapointe, Kansas City, MO
Contracting Activity: General Services Administration, Fort Worth, TX
Product Name/NSNs:
Bag, Plastic
*NSN:* 8105–00–NIB–0011
*NSN:* 8105–00–NIB–0012
*NSN:* 8105–00–NIB–0013
*NSN:* 8105–00–NIB–0014
*NSN:* 8105–00–NIB–0015
*NSN:* 8105–00–NIB–0016
*NSN:* 8105–00–NIB–0017
*NSN:* 8105–00–NIB–0018
*NSN:* 8105–00–NIB–0019
*NSN:* 8105–00–NIB–0020
Mandatory Source of Supply: Unknown
Contracting Activity: U.S. Fleet Forces Command, Norfolk, VA

Product Names/NSNs

Flexible Erasable Wall Planners
*NSN:* 7510–01–600–8032—Dated 2014 18-month Paper Wall Planner, 24″ x 37″
*NSN:* 7510–01–600–8042—Dated 2014 12-Month 2-Sided Laminated Wall Planner, 24″ x 37″
*NSN:* 7520–01–585–0982—Planner, Flexible, Erasable, Undated, Vacation
Mandatory Source of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL
Contracting Activity: General Services Administration, FSS Household and Industrial Furniture, Arlington, VA

Product Names/NSNs

Daily Desk Planner, Dated 2014, Wire bound, Non-refillable, Black Cover/7530–01–600–7567
Wall Calendar, Dated 2014, Wire Bound w/ Hanger, 12″ x 17″/7510–01–600–7570
Monthly Desk Planner, Dated 2014, Wire Bound, Non-refillable, Black cover/7530–01–600–7598
Weekly Desk Planner, Dated 2014, Wire Bound, Non-refillable, Black cover/7530–01–600–7609
Monthly Wall Calendar, Dated 2014, Jan-Dec, 8½″ x 11″/7510–01–600–7623
Weekly Planner Book, Dated 2014, 5″ x 8″, Digital Camouflage/7530–01–600–7624
Wall Calendar, Dated 2014, Wire Bound w/ hanger, 15.5″ x 22″/7510–01–600–7636
Mandatory Source Of Supply: The Chicago Lighthouse for People Who Are Blind or Visually Impaired, Chicago, IL
Contracting Activity: General Services Administration, New York, NY

Product Names/NSNs:

Paper, Mimeograph and Duplicating/7530–00–285–3072
Paper, Mimeograph and Duplicating/7530–00–285–3073
Paper, Writing/7530–00–285–5836
Paper, Bond & Writing/7530–00–616–7284
Mandatory Source of Supply: Louisiana Association for the Blind, Shreveport, LA
Contracting Activity: General Services Administration, New York, NY

**Patricia Briscoe,**

*Deputy Director, Business Operations (Pricing and Information Management).*

[FR Doc. 2015–03044 Filed 2–12–15; 8:45 am]

**BILLING CODE 6353–01–P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to and deletions from the procurement list.

**SUMMARY:** The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services previously furnished by such agencies.

**DATES:** Comments must be received on or before: 3/16/2015.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

**FOR FURTHER INFORMATION CONTACT:** Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

### Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for

production by the nonprofit agencies listed:

*Products*

Products Name/NSNs:

MR 385—Kit, Gifts for Santa
MR 378—Christmas Sticker Book
Mandatory for Purchase by: Defense Commissary Agency, Fort Lee, VA
Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Distribution: C-List

Products Name/NSNs:

MR 390—Slotted Spoon, Red
MR 391—Slotted Turner, Red
MR 392—Tongs, Red
MR 393—Slotted Spoon, Green
MR 394—Slotted Turner, Green
MR 395—Tongs, Green
Mandatory for Purchase by: Defense Commissary Agency, Fort Lee, VA
Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Distribution: C-List

**Deletions**

The following products and services are proposed for deletion from the Procurement List:

*Products*

Product Name/NSNs:

Folder, Zebley Claim
NSN: 7530–00–000–0430
NSN: 7530–00–000–0432
Mandatory Source of Supply: Goodwill Industries of the Pioneer Valley, Inc., Springfield, MA
Contracting Activity: Social Security Administration Hdqtrs—Office of Acquisition & Grants, Baltimore, MD

*Services*

Service Type: Microfilming Service
Service is Mandatory for: Commodities Future Trading Commission, 1155 21st Street, Washington, DC
Mandatory Source of Supply: No NPA Assigned

Service Type: Warehouse Staffing Service
Service is Mandatory for: Warehouse Section, 325 Broadway, Bldg. 22, NOAA's Logistics Div., Boulder, CO
Mandatory Source of Supply: Bayaud Industries, Inc., Denver, CO
Contracting Activity: Dept of Commerce, National Oceanic and Atmospheric Administration, Boulder, Co

Service Type: Custodial Service
Service is Mandatory for: USDA, Laboratory Research Building, 6301 W. 750 North, West Lafayette, IN
Mandatory Source of Supply: Wabash Center, Inc., Lafayette, IN
Contracting Activity: Dept of Agricultural, Agricultural Research Service, USDA ARS MWA 52KJ, West Lafayette, IN

**Patricia Briscoe,**

*Deputy Director, Business Operations, (Pricing and Information Management).*

[FR Doc. 2015–03030 Filed 2–12–15; 8:45 am]

**BILLING CODE 6353–01–P**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 10:00 a.m., Friday, February 20, 2015.

**PLACE:** Three Lafayette Centre, 1155 21st Street NW., Washington, DC, 9th Floor Commission Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance, enforcement, and examinations matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

**CONTACT PERSON FOR MORE INFORMATION:** Christopher Kirkpatrick, 202–418–5964.

**Natise Allen,**

*Executive Assistant.*

[FR Doc. 2015–03166 Filed 2–11–15; 4:15 pm]

**BILLING CODE 6351–01–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

**[Docket No. CFPB–2015–0001]**

### Request for Information Regarding an Initiative on Safe Student Banking

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for information; extension of comment period.

**SUMMARY:** On January 27, 2015, the Consumer Financial Protection Bureau (Bureau or CFPB) published in the **Federal Register** a request for information seeking feedback on a draft *Safe Student Account Scorecard* that offers information to colleges and universities when soliciting agreements from financial institutions to market safe and affordable financial accounts for their students. The Bureau seeks comment from the public, including student and parent consumers, institutions of higher education, and financial institutions. To allow interested persons additional time to consider and submit their responses, the Bureau has determined that an extension of the comment period until March 30, 2015, is appropriate.

**DATES:** The comment period for the Request for Information Regarding an Initiative on Safe Student Banking published January 27, 2015 at 80 FR 4255 is extended. Responses must now be received on or before March, 30, 2015.

**ADDRESSES:** You may submit comments, identified by Docket No. CFPB–2015–0001, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2015–0001 in the subject line of the message.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

*Instructions:* All submissions should include the agency name and docket number for this proposal. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or social security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:** For general inquiries, submission process questions or any additional information, please contact Monica Jackson, Office of the Executive Secretary, at 202–435–7275.

**SUPPLEMENTARY INFORMATION:** On January 14, 2015, the Bureau issued a Request for Information Regarding an Initiative on Safe Student Banking. The information request was published in the **Federal Register** on January 27, 2015. The Bureau is seeking feedback on a draft *Safe Student Account Scorecard* that offers information to colleges and universities when soliciting agreements from financial institutions to market safe and affordable financial accounts to their students. To allow interested persons additional time to consider and submit their responses, the Bureau has determined that an extension is

appropriate. The comment period therefore will now close on March 30, 2015.

**Authority:** 12 U.S.C. 5511(c).

Dated: February 9, 2015.

**Christopher D'Angelo,**

*Chief of Staff, Bureau of Consumer Financial Protection.*

[FR Doc. 2015–02982 Filed 2–12–15; 8:45 am]

**BILLING CODE 4810–AM–P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Information Collection; Submission for OMB Review, Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled AmeriCorps State & National Social Network Study Partnership and Collaboration Survey for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Robin Ghertner, at 202–606–6772 or email to *rghertner@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

**DATES:** Comments may be submitted, identified by the title of the information collection activity, within March 16, 2015.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Comments**

A 60-day Notice requesting public comment was published in the **Federal Register** on November 30th, 2014. This comment period ended January 29th, 2015. No public comments were received from this Notice.

*Description:* While previous evaluation efforts have confirmed CNCS's impact on members and recipients of services such as increased education, skills, and civic participation, the current effort through the Social Network Study (SNS) will be the first evaluation of the collaboration and partnerships between ACSN grantees and organizations within their geographic communities. The main goal of the SNS is to gather through the Partnership and Collaboration (PAC) Survey an in-depth understanding of how ACSN grantees engage community organizations and to learn more about their relationships and interactions with other organizations within their network. The PAC will also provide information about both the barriers that prevent collaboration and interaction, as well as factors that could be utilized to overcome them. These outcomes are an important step to developing a more vigorous civic infrastructure and increasing capacity in the communities served by CNCS and its grantees. This study will also help CNCS disseminate best practices about collaboration and partnerships to other AmeriCorps programs. Information will be collected electronically via web primarily and telephone and mail-in options will be provided only to those not responsive to the web survey.

*Type of Review:* New.

*Agency:* Corporation for National and Community Service.

*Title:* AmeriCorps State & National Social Network Study Partnership and Collaboration Survey.

*OMB Number:* TBD.

*Agency Number:* None.

*Affected Public:* AmeriCorps grantees and their community partners.

*Total Respondents:* 250.

*Frequency:* Once.

*Average Time per Response:* 30 minutes.

*Estimated Total Burden Hours:* 125

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Dated: February 9, 2015.

**Stephen Plank,**

*Director, Research and Evaluation.*

[FR Doc. 2015–02978 Filed 2–12–15; 8:45 am]

**BILLING CODE 6050–28–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID DoD–2015–OS–0017]**

### Proposed Collection; Comment Request

**AGENCY:** Defense Finance and Accounting Service (DFAS), DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the Defense Finance and Accounting Service (DFAS) 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 14, 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 Finance and Accounting Services—Cleveland, 1240 East 9th Street, Cleveland, OH 44199, ATTN: Mr. Charles Moss, *Charles.moss@dfas.mil,* 216–204–4426.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Child Annuitant's School Certification; DD Form 2788; OMB Control Number 0730–0001.

*Needs and Uses:* In accordance with 10 U.S.C. 1447 and DoD Financial Management Regulation, 7000.14–R, Volume 7B, a child annuitant between the age of 18 and 22 years of age must provide evidence of intent to continue study or training at a recognized educational institution. The certificate is required for the school semester or other period in which the school year is divided.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 7,200 hours.

*Number of Respondents:* 3,600.

*Responses per Respondent:* 2.

*Annual Responses:* 7,200.

*Average Burden per Response:* 1 hour.

*Frequency:* Once each semester of full time school, ages 18 to 22.

The Child Annuitant's School Certification form is submitted to the child for completion and returned to this agency. The child will certify as to his or her intent for future enrollment and a school official must certify on the past or present school enrollment of the child. By not obtaining school certification, overpayment of annuities to children would exist. This information may be collected from some schools which are non-profit institutions such as religious institutions. If information is not received after the end of each school enrollment, over disbursements of an annuity would be made to a child who elected not to continue further training or study.

Dated: February 9, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2015–02999 Filed 2–12–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2015–OS–0018]**

### Proposed Collection; Comment Request

**AGENCY:** Defense Finance and Accounting Service (DFAS), DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the Defense Finance and Accounting Service (DFAS) 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 14, 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 Finance and Accounting Services—Cleveland, 1240 East 9th Street, Cleveland, OH 44199, ATTN: Mr. Charles Moss, *Charles.moss@dfas.mil,* 216–204–04426.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Custodianship Certification to Support Claims on Behalf of Minor Children of Deceased Members of the Armed Forces; DD Form 2790; OMB Control Number 0730–0010.

*Needs and Uses:* Per DoD Financial Management Regulation, 7000.14–R, Volume 7B, Chapter 46, paragraph 460103A(1), an annuity for a minor child is paid to the legal guardian, or, if there is no legal guardian, to the natural parent who has care, custody, and control of the child as the custodian, or to a representative payee of the child. An annuity may be paid directly to the child when the child is considered to be a majority age under the law in the state of residence. The child then is considered an adult for annuity purposes and a custodian or legal fiduciary is not required.

*Affected Public:* Individuals or Households.

*Annual Burden Hours:* 120.

*Number of Respondents:* 300.

*Responses per Respondent:* 1.

*Annual Responses:* 300.

*Average Burden per Response:* 24 minutes.

*Frequency:* On occasion.

The form is used by the Directorate of Retired and Annuity Pay, Defense Finance and Accounting Service—Cleveland, in order to pay the annuity to the correct person on behalf of the child under the age of majority. If the form, with the completed certification is not received, the annuity payments are suspended.

Dated: February 10, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2015–03003 Filed 2–12–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2015–OS–0019]**

### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Secretary of Defense, DoD.

**ACTION:** Notice to alter a System of Records.

**SUMMARY:** The Office of the Secretary of Defense proposes to alter a system of records, DMDC 10 DoD, entitled ''Defense Biometric Identification Data System (DBIDS)'' in its inventory of record systems subject to the Privacy Act of 1974, as amended.

The records in the system are used to support DoD physical security programs, to issue individual facility/installation access credentials, and for identity verification purposes. The system also is used to record personal vehicles and property registered with the DoD and for producing facility management reports. The records may be accessed by other physical access control systems for further verification at other sites. Records may also be used for law enforcement purposes.

**DATES:** Comments will be accepted on or before March 16, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name and docket number 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.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.* The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 6, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 10, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**DMDC 10 DoD**

**SYSTEM NAME:**

The Defense Biometric Identification Data System (April 1, 2011, 76 FR 18191).

**CHANGES:**

* * * * *

**SYSTEM NAME:**

Delete entry and replace with ''Defense Biometric Identification Data System (DBIDS).''

* * * * *

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete entry and replace with ''All individuals who request or have been granted physical access to DoD installations and facilities or using facilities interfacing with Defense Manpower Data Center (DMDC) Physical Access Control Systems.

All individuals who have been or will be denied access to a DoD installation or facility using or interfacing with DMDC Physical Access Control System based on the decision of the facility commander in charge of physical access control.''

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Delete entry and replace with ''Personal data includes name, identification type (*e.g.* DoD ID number, driver's license number, passport number, state ID number, Social Security Number (SSN), date and place of birth, gender, nationality and country of citizenship, race, tribe, home and work addresses, personal and work email addresses and telephone numbers, marital status, photographs, weight, height, eye color, hair color, index fingerprints or 10-print rolled and slapped fingerprints, iris scans, hand geometry, grade, dates of issue and expiration of facility and installation access credentials, alert status (*e.g.* Wants or Warrants, Armed and Dangerous, Be On the Lookout, Red Cross Emergency, Missing) or other similar fields necessary in assisting law enforcement in understanding the current disposition of personnel and property entering and, when required by Status of Forces Agreement, exiting DBIDS controlled facility, and installation name and/or region the record was created.

Privately owned vehicle information includes name of vehicle manufacturer, model year, color and vehicle type, license plate type (*e.g.,* personal, commercial) and number, vehicle identification number (VIN), and current registration, automobile insurance, and driver's license data for those vehicles with established installation access (base/post decals).

Information on personal property stored on a military installation or facility contains data on government-issued (when required by Status of Forces Agreement) and personal weapons, such as type, serial number, manufacturer, caliber, and firearm registration date; storage location data to include unit, room, building, and phone number; and type(s) of personal property (*e.g.,* bicycles) and description of property, serial number, and color.''

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with ''10 U.S.C. 113, Secretary of Defense; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoD Directive 1000.25, DoD Personnel Identity Protection (PIP) Program; DoD Instruction 5200.08, Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB); DoD 5200.08–R, Physical Security Program; and E.O. 9397 (SSN), as amended.''

**PURPOSE(S):**

Delete entry and replace with ''The records support DoD physical security programs, to issue individual facility/installation access credentials, and for identity verification purposes. The system also is used to record personal vehicles and property registered with

the DoD and for producing facility management reports. The records may be accessed by other physical access control systems for further verification at other sites. Records may also be used for law enforcement purposes.''

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosures Required by International Agreements Routine Use: A record from a system of records maintained by a DoD Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The DoD Blanket Routine Uses set forth at the beginning of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx''*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Delete entry and replace with ''Electronic storage media.''

**RETRIEVABILITY:**

Delete entry and replace with ''Retrieved by name, identification type and number, vehicle identifiers, or weapon identification data. Records may also be retrieved by photograph or fingerprints.''

**SAFEGUARDS:**

Delete entry and replace with ''Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry is restricted by the use of locks, guards, and administrative procedures. Access to personal information is role based and limited to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of unique logon and passwords, which are changed periodically, or by two factor authentication including biometric verification.''

**RETENTION AND DISPOSAL:**

Delete entry and replace with ''Records are deleted three to five (3–5) years after deactivation or confiscation of access credentials.''

**SYSTEM MANAGER(S) AND ADDRESS:**

Delete entry and replace with ''Deputy for Identity, Defense Manpower Data Center, 4800 Mark Center Drive, Alexandria, VA 22350–6000.''

**NOTIFICATION PROCEDURE:**

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy for Identity, Defense Manpower Data Center, 4800 Mark Center Drive, Alexandria, VA 22350–6000.

Signed, written requests should contain the requester's name, identification type and number, date of birth, installation name and/or region the record was created and current address and telephone number of the individual.''

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, 4800 Mark Center Drive, Alexandria, VA 22350–3100.

Signed, written requests should contain the requester's name, identification type and number, date of birth, installation name and/or region record was created, current address and telephone number of the requester and the name and number of this system of records notice.''

**CONTESTING RECORD PROCEDURES:**

Delete entry and replace with ''The OSD rules for accessing records, for contesting contents, and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.''

**RECORD SOURCE CATEGORIES:**

Delete entry and replace with ''Data is collected from the individual, the

Defense Enrollment Eligibility Reporting System (DEERS), the Interoperability Layer Service (IoLS), the Military Services, and the DoD Components.''

* * * * *

[FR Doc. 2015–03007 Filed 2–12–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID DoD–2015–OS–0016]**

### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Secretary of Defense, DoD.

**ACTION:** Notice to alter a System of Records.

**SUMMARY:** The Office of the Secretary of Defense proposes to alter a system of records, V5–02, entitled ''Defense Clearance and Investigations Index (DCII)'' in its inventory of record systems subject to the Privacy Act of 1974, as amended.

The DCII is a central database of DoD conducted or sponsored investigations used by DoD law enforcement activities, personnel security adjudicators, and in the Continuous Evaluation program. It also aggregates the results of National Agency Check (NAC) information prior to February 2005 (NAC information after this period is maintained by OPM as well as other Federal investigative agencies). Records document investigations on file with DoD agencies and the United States Coast Guard.

The database also provides data query, data management and reporting capabilities on data pertaining to the existence and physical location of criminal and personnel security investigative files.

**DATES:** Comments will be accepted on or before March 16, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name and docket number 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.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 6, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 9, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**V5–02**

**SYSTEM NAME:**

Defense Clearance and Investigations Index (DCII) (August 17, 1999, 64 FR 44704).

**CHANGES:**

* * * * *

**SYSTEM ID:**

Delete entry and replace with ''DMDC 13 DoD.''

**SYSTEM NAME:**

Delete entry and replace with ''Defense Central Index of Investigations (DCII).''

**SYSTEM LOCATION:**

Delete entry and replace with ''Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.''

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete entry and replace with ''All Armed Forces personnel, DoD and U.S. Coast Guard civilian employees, federal contractor employees, and applicants, ''affiliated'' personnel (such as Non-Appropriated Fund employees, Red Cross volunteers and staff; USO personnel, and congressional staff members) who are the subject of an investigation completed by or for a DoD investigative organization or the United States Coast Guard when that investigation is retained by the organization and the name is submitted for central indexing.''

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Delete entry and replace with ''Records contain names, known alias, Social Security Number (SSN), date of birth, state of birth, country of birth, date investigation completed, employing agencies/companies, type of incident, type of record, and investigation information to include custodian of the file, year indexed, number used by the repository to locate the file location of the investigation, and file number.''

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with ''E.O. 12829, National Industrial Security Program; E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; DoD Instruction 1320.04, Military Officer Actions Requiring Presidential, Secretary of Defense, or Under Secreary of Defense for Personnel and Readiness Approval or Senate Confirmation; DoDI 5200.02, DoD Personnel Security Program (PSP); DoDI 5505.07, Titling and Indexing Subjects of Criminial Investigations in the Department of Defense; and E.O. 9397 (SSN), as amended.''

**PURPOSE(S):**

Delete entry and replace with ''The DCII is a central database of DoD conducted or sponsored investigations used by DoD law enforcement activities, personnel security adjudicators, and in the Continuous Evaluation program. It also aggregates the results of National Agency Check (NAC) information prior to February 2005 (NAC information after this period is maintained by OPM as well as other Federal investigative agencies). Records document investigations on file with DoD agencies and the United States Coast Guard.

The database also provides data query, data management and reporting

capabilities on data pertaining to the existence and physical location of criminal and personnel security investigative files.''

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the White House to obtain approval of the President of the United States regarding certain military personnel officer actions.

To the U.S. Senate for appointments and promotions which require Senate confirmation.

To Federal agencies for use in the performance of criminal investigation and personnel security activities to determine the security clearance status of an individual and to determine the existence or physical location of criminal and personnel security investigative files.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx''*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Delete entry and replace with ''Electronic storage media.''

**RETRIEVABILITY:**

Delete entry and replace with ''SSN, name, combination of another data element with date of birth and/or place of birth; and/or by employing agencies/companies, type of incident, type of record, or file number.''

**SAFEGUARDS:**

Delete entry and replace with ''Records are accessible only to authorized persons with a valid need-to-know, who are appropriately screened, investigated, and determined eligible for access. Physical safeguards include guards, the use of identification badges, and closed circuit TV. Technical safeguards include Personally Identifiable Verification (PIV) card login, Intrusion Detection System, encryption, firewall, and virtual private network. Administrative safeguards include security audits, monitoring of users' security practices, and encrypting backups of sensitive data offsite.''

**RETENTION AND DISPOSAL:**

Delete entry and replace with ''Records are deleted in accordance with DoD Component authorized disposition schedules or 15 years after completion date of the last update for that file, whichever is sooner.''

**SYSTEM MANAGER(S) AND ADDRESS:**

Delete entry and replace with ''Deputy Director for Identity and Personnel Assurance, Defense Manpower Data Center, 4800 Mark Center, Alexandria, VA 22350–4000.''

**NOTIFICATION PROCEDURE:**

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to: Defense Manpower Data Center (DMDC) Boyers, ATTN: Privacy Act Office, P.O. Box 168, Boyers, PA 16020–0168.

Written requests must contain the full name and SSN of the subject individual, along with a return address.''

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with ''Individuals seeking access to records about themselves contained in this system should address written inquiries to: Defense Manpower Data Center (DMDC) Boyers, ATTN: Privacy Act Office, P.O. Box 168, Boyers, PA 16020–0168.

Signed, written requests must contain the full name and SSN of the subject individual, a return address, and the name and number of this system of records notice.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for their representative to act on their behalf.''

**CONTESTING RECORD PROCEDURES:**

Delete entry and replace with ''The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents, and appealing initial agency determinations are published in OSD Administrative Instruction 81, 32 CFR part 311; or may be obtained directly from the system manager.''

**RECORD SOURCE CATEGORIES:**

Delete entry and replace with ''Air Force Office of Special Investigations, Army Crime Records Directorate, Army Investigation Record Repository, Defense Contract Management Agency, Defense Intelligence Agency, Defense Logistics Agency, Department of Defense Consolidated Adjudications Facility, Department of Defense Office of Inspector General, National Security Agency, Naval Criminal Investigative Service, Pentagon Force Protection Agency, United States Coast Guard and other DoD agencies performing criminal investigation or personnel security activities.''

* * * * *

[FR Doc. 2015–02968 Filed 2–12–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Availability and Notice of Public Meetings for the Draft Environmental Impact Statement for Land-Water Interface and Service Pier Extension, Naval Base Kitsap Bangor, Silverdale, WA

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500 through 1508), the Department of the Navy (Navy) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (EIS) for Land-Water Interface (LWI) and Service Pier Extension (SPE) on Naval Base Kitsap Bangor, Silverdale, WA. The Draft EIS evaluates the potential environmental effects of two proposed actions: (1) The proposed construction and operation of LWI structures and (2) the proposed construction and operation of a SPE and associated support facilities, both on Naval Base Kitsap Bangor.

With the filing of the Draft EIS, the Navy is initiating a 60-day public comment period and has scheduled two public meetings to provide information and receive comments on the Draft EIS. This notice announces the dates and locations of the public meetings and provides information about the environmental planning effort.

**DATES:** *Dates and Addresses:* Public meetings will be held from 5:00 p.m. to 8:00 p.m., with a presentation at 6:30 p.m. on the following dates and locations: March 3, 2015, at the Chimacum High School Commons, 91 West Valley Road, Chimacum, WA 98325; March 4, 2015, at the North Kitsap High School Commons, 1780 NE Hostmark Street, Poulsbo, WA 98370.

The 60-day public review and comment period for the Draft EIS is from February 13, 2015 through April 13, 2015. The Navy will hold two public meetings to inform the public about the proposed actions and potential environmental impacts, and to provide an opportunity for the public to comment on the adequacy and accuracy of the environmental analysis. The public meetings will include an open house information session, followed by a presentation by the Navy, and a verbal comment session. Navy representatives will be available during the open house information sessions to clarify information related to the Draft EIS. Federal, state, and local agencies and officials, as well as interested organizations and individuals, are encouraged to provide comments in writing during the public review period or in person at one of the scheduled public meetings.

Attendees will be able to submit verbal and/or written comments during the public meetings. A court reporter will record comments from the public during the verbal comment session. In the interest of available time, and to ensure all who wish to provide a verbal statement to the court reporter have the opportunity to do so, each speaker's comments will be limited to three (3) minutes, which may be extended if meeting attendance and time permits. Equal weight will be given to verbal and written comments.

Comments may also be submitted via mail to Naval Facilities Engineering Command Northwest, 1101 Tautog Circle, Suite 203, Silverdale, WA 98315–1101, Attn: Mr. Thomas Dildine, LWI/SPE EIS Project Manager, via Email at *nwnepa@navy.mil,* or via the project Web site at: *http://www.nbkeis.com/lwi.* All comments, verbal or written, submitted during the public comment period will become part of the public record. All comments will be considered and acknowledged or responded to in the Final EIS. The Navy may address the comments directly, or the Navy may respond to public comments by modifying the analysis in the EIS as appropriate. Comments must be postmarked or received online by April 13, 2015, to ensure they are considered in the Final EIS. No decision will be made to implement any alternative until the NEPA process is complete and a Record of Decision is signed by the Navy.

**FOR FURTHER INFORMATION CONTACT:** Naval Facilities Engineering Command Northwest, 1101 Tautog Circle, Suite 203, Silverdale, WA 98315–1101, Attn: Mr. Thomas Dildine, LWI/SPE EIS Project Manager, Email: *nwnepa@navy.mil,* or project Web site: *http://www.nbkeis.com/lwi.*

**SUPPLEMENTARY INFORMATION:** A Notice of Intent to prepare the Land-Water Interface and Service Pier Extension EIS was published in the **Federal Register** on February 1, 2013 (78 FR 7416). Two public scoping meetings were held on the following dates and locations:

1. February 20, 2013, Chimacum High School Commons, 91 West Valley Road, Chimacum, WA 98325; and

2. February 21, 2013, North Kitsap High School Commons, 1780 Northeast Hostmark Street, Poulsbo, WA 98370.

The LWI proposed action is to complete the perimeter of the Waterfront Restricted Area at Naval Base Kitsap Bangor by constructing and operating barrier structures connecting the existing on-water Port Security Barrier system to the existing on-land Waterfront Security Enclave. The purpose of the LWI proposed action is to comply with Department of Defense directives to protect OHIO Class ballistic missile (TRIDENT) submarines from increased and evolving threats and to prevent the seizure, damage, or destruction of military assets. The LWI is needed to enhance security within the Waterfront Restricted Area and comply with security requirements. Three alternatives were carried forward for analysis: No Action (Alternative 1), Pile-Supported Pier (Alternative 2), and Port Security Barrier Modifications (Alternative 3). Alternative 3 is the preferred alternative.

The SPE proposed action is to extend and operate the existing Service Pier and construct and operate support facilities to accommodate the transfer of two SEAWOLF Class submarines from Naval Base Kitsap Bremerton to Naval Base Kitsap Bangor. The purpose of the SPE proposed action is to eliminate deployment constraints and improve maintenance of the SEAWOLF Class submarine fleet. The SPE is needed to avoid restrictions at Naval Base Kitsap Bremerton on navigating SEAWOLF Class submarines through Rich Passage under certain tidal conditions; improve long-term operational effectiveness for the three SEAWOLF Class submarines on Naval Base Kitsap; provide berthing and logistical support for SEAWOLF, LOS ANGELES, and VIRGINIA Class submarines at the Navy's submarine

research, development, test, and evaluation hub, located at Naval Base Kitsap Bangor; and improve submarine crew training and readiness through co-location of SEAWOLF Class submarines with command functions on the Naval Base Kitsap Bangor submarine training center. Three alternatives were carried forward for analysis: No Action (Alternative 1), Short Pier (Alternative 2), and Long Pier (Alternative 3). Alternative 2 is the preferred alternative.

The LWI and SPE are independent actions, but are analyzed in the same EIS because their geographic proximity results in the potential for the two projects to have overlapping environmental impacts. The U.S. Army Corps of Engineers and National Marine Fisheries Service (NMFS) are cooperating agencies for this EIS.

The Navy analyzed potential impacts from the proposed actions on environmental resources, including marine water resources (hydrography, water quality, sediment quality); marine vegetation and invertebrates; plankton; fish; marine mammals; marine birds; terrestrial biological resources (vegetation and habitats; wetlands; threatened, endangered, and sensitive species; and wildlife); geology, soils, and water resources; land use and recreation; airborne acoustic environment; aesthetics and visual quality; socioeconomics; environmental justice and protection of children; cultural resources; American Indian traditional resources; traffic; and air quality.

For the LWI structures constructed under Alternative 2, impacts would include in-water pile-driving noise, including effects on fish and wildlife; turbidity; and habitat impacts. Impacts from operation and maintenance would include loss and shading of marine habitat, including eelgrass, macroalgae, and the benthic (bottom-dwelling) community, as well as potential interference with migration of some Endangered Species Act (ESA) protected juvenile salmon. LWI Alternative 2 has the potential to impact fish and bird species protected under the ESA and marine mammals protected under the ESA and the Marine Mammal Protection Act (MMPA). For the LWI structures constructed under Alternative 3, impacts would include airborne pile-driving noise, including effects on fish and wildlife, and habitat impacts. Impacts from operation and maintenance would include loss of marine habitat, including eelgrass. LWI Alternative 3 has the potential to impact fish and bird species protected under the ESA.

Upland construction for both Alternatives 2 and 3 would result in permanent and temporary vegetation disturbance, but no wetland impacts would occur. No terrestrial animals or plants protected under the ESA or Migratory Bird Treaty Act would be affected; however, bald eagles foraging along the shoreline could be disturbed during construction. Project construction would have overall positive impacts on the local economy. Tribal access to some shellfish beds would be restricted during construction and, in the long term, a small area of these beds would be lost. During construction, vessel traffic would result in more openings of the Hood Canal Bridge, causing traffic delays on State Route 104 between the Olympic and Kitsap peninsulas. Construction impacts on air and water quality would be minor and localized.

For the SPE, construction impacts would include in-water pile-driving noise and its effects on fish, wildlife, and neighboring communities; turbidity; and habitat impacts. Impacts from operation and maintenance would include loss and shading of marine habitat, but there would be minimal interference with the migration of juvenile salmon. SPE alternatives 2 and 3 could potentially impact fish and bird species protected under the ESA and marine mammals protected under the ESA and the MMPA. Upland impacts would include both permanent and temporary vegetation disturbance; however, no wetland impacts would occur. No terrestrial animals or plants protected under the ESA would be affected. Bald Eagles foraging along the shoreline could be disturbed during construction. Residential areas south of the base would experience increased noise levels during project construction. Construction would have an overall positive impact on the local economy. During construction, vessel traffic would result in more openings of the Hood Canal Bridge, causing traffic delays on State Route 104 between the Olympic and Kitsap peninsulas. Construction impacts on air and water quality would be minor and localized.

The Navy is consulting with NMFS in compliance with the MMPA permitting process regarding the potential behavioral disturbance of marine mammals associated with SPE construction. In accordance with ESA, the Navy is consulting with NMFS and the U.S. Fish and Wildlife Service on the potential impacts of construction and operation on federally listed species and critical habitat for both LWI and SPE projects. The Navy is also consulting with NMFS regarding impacts on essential fish habitat. Other permitting and consultation will also occur.

Past, present, and other reasonably foreseeable future actions are expected to result in cumulative impacts on marine habitats and species in Hood Canal. However, through the implementation of proposed compensatory aquatic mitigation actions described in the Mitigation Action Plan, the LWI and SPE contribution to cumulative impacts would not be significant. The LWI and SPE would contribute to regional cumulative impacts on nearshore terrestrial habitats. Construction of the LWI and SPE could possibly overlap with one another and construction of other waterfront structures on Naval Base Kitsap Bangor, resulting in increased pile-driving noise impacts on marine and terrestrial species. During construction, marine vessel traffic from LWI and SPE projects would increase the frequency of openings of the Hood Canal Bridge, resulting in impacts to travelers on State Route 104 between the Olympic and Kitsap peninsulas. Additionally, noise impacts on nearby residential and recreational areas would increase slightly. Construction of multiple projects may also increase traffic impacts on base roads and delays at the gates entering the base, leading to increased traffic impacts on adjacent roads. The projects would also have cumulative economic benefits.

The Draft EIS was distributed to federal, state, and local agencies, elected officials, and other interested organizations and individuals. Copies of the Draft EIS are available for public review at the following public libraries:

1. Jefferson County Library (Port Hadlock), 620 Cedar Ave., Port Hadlock, WA 98339;
2. Kitsap Regional Library (Poulsbo), 700 NE Lincoln Road, Poulsbo, WA 98370;
3. Kitsap Regional Library—Sylvan Way (Bremerton), 1301 Sylvan Way, Bremerton, WA 98310;
4. Kitsap Regional Library (Silverdale), 3450 NW Carlton St., Silverdale, WA 98383;
5. Port Townsend Public Library, 1220 Lawrence St., Port Townsend, WA 98368; and
6. Seattle Central Library, 1000 Fourth Ave., Seattle, WA 98104.

The Draft EIS is also available for electronic viewing at *www.nbkeis.com/lwi.* A compact disc of the Draft EIS will be made available upon written request by contacting: Naval Facilities Engineering Command Northwest, 1101 Tautog Circle, Suite 203, Silverdale, WA 98315–1101, Attn: Mr. Thomas Dildine, LWI/SPE EIS Project Manager, Email: *nwnepa@navy.mil,* or project Web site: *http://www.nbkeis.com/lwi.*

**Authority:** 35 U.S.C. 207, 37 CFR part 404.

Dated: February 5, 2015.

**N. A. Hagerty-Ford,**

*Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2015–03046 Filed 2–12–15; 8:45 am]

**BILLING CODE 3810–FF–P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

**[Docket ID: USN–2015–0002]**

### Privacy Act of 1974; System of Records

**AGENCY:** United States Marine Corps, DoD.

**ACTION:** Notice to alter a System of Records.

**SUMMARY:** The U.S. Marine Corps proposes to alter the system of records, MMC00010, entitled ''Marine Corps Marathon Automated Support System'' in its inventory of record systems subject to the Privacy Act of 1974, as amended.

This system will be used to collect information to register, acknowledge and promote participation in Marine Corps race events. The primary user of the collected information is the Marine Corps Marathon Office. Information is used to plan, organize, coordinate and execute the events and communicate with the runners and volunteers before, during and after the event to include publication of finisher results, finisher certificates and race photographs, videos and motion pictures. Data and photographs, videotape, motion pictures and other recordings may be used by the Marine Corps Marathon Office and its select sponsors for surveys, publications on Web sites, race programs and promotions, newspaper articles, newsletters and other race marketing purposes and runner enhancements.

**DATES:** Comments will be accepted on or before March 16, 2015. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name and docket number 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.

**FOR FURTHER INFORMATION CONTACT:** Sally A. Hughes, Head, FOIA/PA Programs (ARSF), Headquarters, U.S. Marine Corps, 3000 Marine Corps Pentagon, Washington, DC 20350–3000, telephone (703) 614–3685.

**SUPPLEMENTARY INFORMATION:** The U.S. Marine Corps' notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on November 24, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: February 10, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**MMC00010**

**SYSTEM NAME:**

Marine Corps Marathon Automated Support System (August 3, 1993, 58 FR 41254).

**CHANGES:**

* * * * *

**SYSTEM LOCATION:**

Delete entry and replace with ''Marine Corps Marathon Office, Building 3399 Russell Road, Quantico, VA 22134–5000.''

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete entry and replace with ''Participants, parents/guardians and volunteers for the Marine Corps Marathon, Marine Corps Marathon Transfer/Deferment, Marine Corps Marathon 10K, Marine Corps Marathon Kids Run, Marine Corps Historic Half, Historic 10K, Semper Fred 5K, Marine Corps 1775K, Run Amuck, Mini Run Amuck, Quantico Triathlon, Turkey Trot 10K, and Turkey Trot Kids Mile.''

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Delete entry and replace with ''Full name, home address, country, email address, phone numbers, birthdate and gender, emergency contact information for day of the race, military service and status, race name and volunteer job selection, physical or special accommodations selection, first time participants, expected finish time, race results, name, completion time, image, apparel selection and size, credit card type, card holder name, number, verification code and expiration.''

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with ''10 U.S.C. 5041, Headquarters, Marine Corps: Function, Composition; Marine Corps Order P1700.27B, Marine Corps Community Services Policy Manual (MCCS); Marine Corps Marathon Charter, 27 March 2007.''

**PURPOSE(S):**

Delete entry and replace with ''Information is collected to register, acknowledge and promote participation in Marine Corps race events. The primary user of the collected information is the Marine Corps Marathon Office. Information is used to plan, organize, coordinate and execute the events and communicate with the runners and volunteers before, during and after the event to include publication of finisher results, finisher certificates and race photographs, videos and motion pictures. Data and photographs, videotape, motion pictures and other recordings may be used by the Marine Corps Marathon Office and its select sponsors for surveys, publications on Web sites, race programs and promotions, newspaper articles, newsletters and other race marketing purposes and runner enhancements.''

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained in the system may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Television, online and print media to provide publicity on the Marine Corps Marathon organization events.

Participant information to select sponsors approved by the Marine Corps Marathon Office.

The Blanket Routine Uses set forth at the beginning of the Marine Corps system of records notices may apply to this system.''

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Delete entry and replace with ''Electronic storage media and paper files.''

**RETRIEVABILITY:**

Delete entry and replace with ''Records may be retrieved by name, home address, email address or telephone number.''

**SAFEGUARDS:**

Delete entry and replace with ''Records are stored under lock and key in secure containers or on electronic media that contain intrusion safeguards. Access to records is role-based and limited to individuals requiring access in the performance of their official duties. All individuals who are granted access must have a need-to-know and have been advised as to the sensitivity of the records and their responsibilities to safeguard information from unauthorized disclosure. Electronic audit logs will be maintained to document access to data. All individuals granted access to this system of records will complete Information Assurance and Privacy Act training.

Records are maintained in a database housed on a server secured by firewalls and locked in a secure area or on encrypted CDs locked in containers in a controlled area accessible only to authorized personnel. Entry to areas is restricted by the use of locks, administrative procedures and entry code access.''

**RETENTION AND DISPOSAL:**

Delete entry and replace with ''Disposition pending. Until the National Archives and Records Administration (NARA) disposition schedule is approved, treat as permanent.''

**SYSTEM MANAGER(S) AND ADDRESS:**

Delete entry and replace with ''Director, Marine Corps Marathon, 3399 Russell Road, Quantico, VA 22134–5000.''

**NOTIFICATION PROCEDURE:**

Delete entry and replace with ''Individuals seeking to determine whether this system contains information about themselves should address written inquiries to Director, Marine Corps Marathon, P.O. Box 188, Quantico, VA 22134–5000.

Written requests must contain full name, address, city, state, country and telephone number. You must sign your request. An email address is optional.

For personal visits, the individual should be able to provide an identification bearing picture and signature or sufficient verbal data to ensure that the individual is the subject of the inquiry. A visitor may review his/her records by appointment, Monday through Friday, 8 a.m. to 4:30 p.m., Marine Corps Marathon, Building 3399 Russell Road, Quantico, VA 22134–5000. Please call (703)784–2225 for an appointment.''

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with ''Individuals seeking to request access to information about themselves should address written inquiries to Director, Marine Corps Marathon, P.O. Box 188, Quantico, VA 22134–5000.

Written requests must contain full name, address, city, state, country and telephone number. You must sign your request. An email address is optional.

For personal visits, the individual should be able to provide an identification bearing picture and signature or sufficient verbal data to ensure that the individual is the subject of the inquiry. A visitor may review his/her records by appointment, Monday through Friday, 8 a.m. to 4:30 p.m., Marine Corps Marathon, Building 3399 Russell Road, Quantico, VA 22134. Please call (703) 784–2225 for an appointment.''

**CONTESTING RECORD PROCEDURES:**

Delete entry and replace with ''The USMC rules for accessing records and contesting and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5 and 32 CFR part 701, subpart E or may be obtained from the system manager.''

**RECORD SOURCE CATEGORIES:**

Delete entry and replace with ''Information in the system is obtained from the individual (*i.e.,* participant, parent/guardian or volunteer) through registration online, using Marine Corps Marathon Database (MCM).''

* * * * *

[FR Doc. 2015–03012 Filed 2–12–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF EDUCATION

**[Docket No. ED–2015–ICCD–0016]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Grants Under the Minority Science & Engineering Improvement Program (MSEIP) (1894–0001)

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a reinstatement of a previously approved information collection.

**DATES:** Interested persons are invited to submit comments on or before March 16, 2015.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0016 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Stacey Slijepcevic, (202) 219–7124.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also

helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Application Package for Grants Under the Minority Science & Engineering Improvement Program (MSEIP) (1894–0001).

*OMB Control Number:* 1840–0109.

*Type of Review:* A reinstatement of a previously approved information collection.

*Respondents/Affected Public:* State, Local and Tribal Governments.

*Total Estimated Number of Annual Responses:* 200.

*Total Estimated Number of Annual Burden Hours:* 8,000.

*Abstract:* The purpose of the Minority Science and Engineering Improvement Program (MSEIP) is to effect long-range improvement in science and engineering education at predominantly minority institutions and to increase the flow of underrepresented ethnic minorities, particularly minority women, into scientific and technological careers. MSEIP supports the Federal Government's efforts to improve and expand the scientific and technological capacity of the United States to support its technological and economic competitiveness.

For the purpose of planning for a competition in fiscal year (FY) 2015 for grants under the MSEIP, this application package includes program background, application instructions, and forms needed to submit a complete application to the Department of Education.

The information on the applicant's eligibility form will be collected annually from applicants that desire to apply for awards under Title III, Part E—Minority Science and Engineering Improvement Program (MSEIP). Applicants for MSEIP include public and private, nonprofit postsecondary institutions, nonprofit science-oriented organizations, and professional scientific societies. Without the collection of this information, the Department cannot properly screen applicants for eligibility, and therefore cannot award new grants in accordance with the Congressional intent of this program. The program staff and peer reviewers will use the information collected to evaluate applications and make funding decisions.

Dated: February 9, 2015.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2015–02963 Filed 2–12–15; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

**[Catalog of Federal Domestic Assistance (CFDA) Number: 84.144F]**

### Migrant Education Program (MEP) Consortium Incentive Grants Program; Correction

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice; correction.

**SUMMARY:** On February 5, 2015, we published a notice in the **Federal Register** (80 FR 6502) inviting applications for new awards for fiscal year (FY) 2015 for the MEP Consortium Incentive Grants program. This notice corrects the ''Deadline for Intergovernmental Review'' date.

**DATES:** Effective February 13, 2015.

**FOR FURTHER INFORMATION CONTACT:** Rachel Crawford, U.S. Department of Education, 400 Maryland Ave. SW., Room 3E–319, Washington, DC 20202–6135. Telephone: (202) 260–2590 or by email: *Rachel.Crawford@ed.gov.* If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

#### Corrections

In the **Federal Register** of February 5, 2015 (80 FR 6502), on page 6502, in the third column, under the **DATES** heading, we correct the ''Deadline for Intergovernmental Review'' caption to read:

*Deadline for Intergovernmental Review:* June 19, 2015.

On page 6504, in the first column, we correct the ''Deadline for Intergovernmental Review'' caption to read:

*Deadline for Intergovernmental Review:* June 19, 2015.

All other information in the February 5, 2015, notice remains unchanged.

*Accessible Format:* Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* 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: February 10, 2015.

**Deborah Delisle,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2015–03065 Filed 2–12–15; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Agency Information Collection Extension

**AGENCY:** U.S. Department of Energy.

**ACTION:** Submission for Office of Management and Budget (OMB) review; comment request.

**SUMMARY:** The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three year extension of its ''Technology Partnerships Ombudsman Reporting Requirements'', OMB Control Number 1910–5118. This information collection request covers information necessary to implement a statutory requirement that the Technology Transfer Ombudsmen

report quarterly on complaints they receive.

**DATES:** Comments regarding this proposed information collection must be received on or before March 16, 2015. If you anticipate difficulty that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

**ADDRESSES:** Written comments should be sent to the:

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503; and to

Janet N. Freimuth, HG–6, Acting Director, Office of Conflict Prevention and Resolution, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; or by fax at 202–287–1415 or by email at *janet.freimuth@hq.doe.gov.*

**FOR FURTHER INFORMATION CONTACT:** Janet N. Freimuth at the address listed in **ADDRESSES**. The Web site address for the report is *http://www.energy.gov/oha/downloads/technology-transfer-reporting-form.*

**SUPPLEMENTARY INFORMATION:** This information collection request contains: (1) *OMB No.* 1910–5118; (2) *Information Collection Request Title:* ''Technology Partnerships Ombudsman Reporting Requirements''; (3) *Type of Request:* Renewal; (4) *Purpose:* The information collected will be used to determine whether the Technology Partnerships Ombudsmen are properly helping to resolve complaints from outside organizations regarding laboratory policies and actions with respect to technology partnerships; (5) *Annual Estimated Number of Respondents:* 22; (6) Annual Estimated Number of Total Responses: 88; (7) *Annual Estimated Number of Burden Hours:* 50; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $ 2,500. The cost burden is based on an average hourly rate of $ 50 per hour. We expect no start up or maintenance costs.

**Statutory Authority:** Section 11 of the Technology Transfer Commercialization Act of 2000, Pub. L. 106–404, codified at 42 U.S.C. 7261c(c)(3)(C).

Issued in Washington, DC on February 9, 2015.

**Janet N. Freimuth,**

*Acting Director, Office of Conflict Prevention and Resolution, Office of Hearings and Appeals, U.S. Department of Energy.*

[FR Doc. 2015–03034 Filed 2–12–15; 8:45 am]

**BILLING CODE 6450–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[ER–FRL–9019–5]**

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 02/02/2015 Through 02/06/2015 Pursuant to 40 CFR 1506.9.

**Notice**

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

*EIS No. 20150028, Final EIS, USFS, ID,* Clear Creek Integrated Restoration Project, *Review Period Ends:* 03/16/2015, *Contact:* Lois Hill 208–935–4257.

*EIS No. 20150029, Final EIS, USFS, 00,* Greater Sage Grouse Bi-State Distinct Population Segment Forest Plan Amendment, *Review Period Ends:* 04/07/2015, *Contact:* James Winfrey 775–355–5308.

*EIS No. 20150030, Draft EIS, USN, WA,* Land-Water Interface and Service Pier Extension at Naval Base Kitsap Bangor, *Comment Period Ends:* 04/13/2015, *Contact:* Thomas Dildine 360–396–0018.

*EIS No. 20150031, Draft EIS, BLM, NV,* Gold Rock Mine Project, *Comment Period Ends:* 03/30/2015, *Contact:* Dan Netcher 775–289–1872.

*EIS No. 20150032, Draft EIS, BOP, KY,* U.S. Penitentiary and Federal Prison Camp, Letcher County, *Comment Period Ends:* 03/30/2015, *Contact:* Issac Gaston 202–514–6470.

*EIS No. 20150033, Draft EIS, USFS, ID,* Salmon-Challis National Forest Invasive Plant Treatment, *Comment Period Ends:* 03/30/2015, *Contact:* Jennifer Purvine 208–879–4162.

*EIS No. 20150034, Draft EIS, USACE, OR,* Double-crested Cormorant Management Plan to Reduce Predation of Juvenile Salmonids in the Columbia River Estuary, *Comment Period Ends:* 03/16/2015, *Contact:* Robert Winters 503–808–4738.

**Amended Notices**

*EIS No. 20140372, Draft EIS, DOE, 00,* Plains and Eastern Clean Line Transmission Project, *Comment Period Ends:* 04/20/2015, *Contact:* Jane Summerson, 505–845– 4091, Revision to FR Notice Published 12/29/2014; Extending Comment Period from 03/19/2015 to 04/20/2015

Dated: February 10, 2015.

**Cliff Rader,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2015–03068 Filed 2–12–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2015–0097; FRL–9922–89]**

### Pesticide Program Dialogue Committee; Notice of Public Webinar

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), the Environmental Protection Agency's (EPA's) Office of Pesticide Programs is announcing a public webinar for the Pesticide Program Dialogue Committee (PPDC) on February 25, 2015. The purpose of this webinar is to provide the PPDC with brief updates on several key topics, and to set-up discussion topics for the next in-person meeting to be held May 14–15, 2015. The PPDC provides advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides. The webinar is free, open to the public, and no advance registration is required.

**DATES:** The webinar will be held on Wednesday, February 25, 2015, from 1 p.m. to 2:30 p.m.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the webinar, to give EPA as much time as possible to process your request.

**ADDRESSES:** The webinar will be available only online, at the following

site: *https://epa.connectsolutions.com/ppdc_feb2015.*

**FOR FURTHER INFORMATION CONTACT:** Dea Zimmerman, Office of Pesticide Programs (LC–8J), Environmental Protection Agency, 77 W. Jackson Boulevard, Chicago, IL 60604; telephone number: (312) 353–6344; email address: *zimmerman.dea@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

You may be potentially affected by this action if you work in agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; the Pesticide Registration Improvement Act (PRIA), and the Endangered Species Act (ESA). Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; State, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0097, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

**II. Background**

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the PPDC in September 1995, to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the current PPDC: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; Federal and State/local/tribal governments; the general public; academia; and public health organizations.

**III. How can I request to participate in this meeting?**

PPDC meetings are open to the public. Persons interested in participating in the webinar do not need to register in advance of the meeting. As this is an informational briefing, there will not be time for public comment during the webinar. Members of the public may submit comments through the public docket, identification (ID) number EPA–HQ–OPP–2015–0097, available at *http://www.regulations.gov.*

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: February 6, 2015.

**Jack E. Housenger,**

*Director, Office of Pesticide Programs.*

[FR Doc. 2015–03052 Filed 2–12–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9922–90]**

## Pesticide Program Dialogue Committee; Request for Nominations to the Pesticide Program Dialogue Committee

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency's (EPA's) Office of Pesticide Programs is inviting nominations from a diverse range of qualified candidates to be considered for appointment to the Pesticide Program Dialogue Committee (PPDC). The PPDC was chartered to provide advice and recommendations to the EPA Administrator on a broad range of issues concerning pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from pesticide use. To maintain the representation outlined by the charter, nominees will be selected to represent: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; Federal/State/local and tribal governments; academia; and public health organizations. Vacancies are expected to be filled by early summer 2015. Sources in addition to this **Federal Register** notice may be utilized in the solicitation of nominees.

**DATES:** Nominations must be emailed or postmarked no later than March 16, 2015.

**ADDRESSES:** Submit nominations electronically with the subject line ''PPDC Membership 2015'' to *zimmerman.dea@epa.gov.* You may also submit nominations by mail to: Dea Zimmerman (LC–8J), PPDC Designated Federal Officer, Office of Pesticide Programs, U.S. Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, IL 60604. Non-electronic submissions must follow the same format and contain the same information.

**FOR FURTHER INFORMATION CONTACT:** Dea Zimmerman, Designated Federal Officer for the PPDC, telephone number: (312) 353–6344; email address: *zimmerman.dea@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

This action is directed to the public in general, and may be of particular interest to persons who work in agricultural settings or persons who are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; and the Pesticide Registration Improvement Act (PRIA). Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farmworker groups; pesticide users and growers; animal rights groups; pest consultants; State, local and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person

listed under **FOR FURTHER INFORMATION CONTACT**.

## II. Background

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the PPDC in September 1995, to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the current PPDC: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; Federal and State/local/tribal governments; the general public; academia; and public health organizations.

The PPDC usually meets face-to-face twice a year, generally in the spring and the fall. Additionally, members may be asked serve on work groups to develop recommendations to address specific policy issues. The average workload for members is approximately 4 to 6 hours per month. PPDC members may receive travel and per diem allowances where appropriate and according to applicable federal travel regulations.

## III. Nominations

The EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, the agency encourages nominations of women and men of all racial and ethnic groups. All nominations will be fully considered, but applicants need to be aware of the specific representation sought as outlined in the Summary above. Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals may self-nominate. Nominations may be submitted in electronic format (preferred) or mailed to Dea Zimmerman at the address listed under **ADDRESSES**.

To be considered, all nominations should include:

- Current contact information for the nominee, including the nominee's name, organization (and position within that organization), current business address, email address, and daytime telephone number.
- Brief Statement describing the nominee's interest and availability in serving on the PPDC.
- Résumé and a short biography (no more than 2 paragraphs) describing the professional and educational qualifications of the nominee, including a list of relevant activities, or any current or previous experience on advisory committees.
- Letter(s) of recommendation from a third party supporting the nomination. The letter should describe how the nominee's experience and knowledge will bring value to the work of the PPDC.

Other sources, in addition to this **Federal Register** notice, may also be utilized in the solicitation of nominees.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: February 6, 2015.

**Jack E. Housenger,**

*Director, Office of Pesticide Programs.*

[FR Doc. 2015–03054 Filed 2–12–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9923–09–OA]**

## Local Government Advisory Committee: Request for Nominations

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

**ACTION:** Notice of request for nominations.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates to be considered for appointment to its Local Government Advisory Committee (LGAC). The LGAC is chartered to provide advice to the EPA Administrator on a broad range of environmental issues affecting local governments. This notice solicits nominations to fill up to twelve (12) vacancies for one or two year terms. To maintain the representation outlined by the charter, nominees will be selected to represent: Large cities; moderate-sized cities; small communities; and townships (under 10,000); county-elected officials-urban, suburban and rural; city-elected and appointed officials; state-elected and appointed officials; and tribal-elected and appointed officials. Vacancies are anticipated to be filled by April 2015. Sources in addition to this **Federal Register** Notice may be utilized in the solicitation of nominees.

**DATES:** Nominations should be submitted no later than February 27, 2015.

**ADDRESSES:** Submit nominations electronically with the subject line ''LGAC Membership 2015'' to *LGAC2015@epa.gov*. You may also submit nominations by mail to: M. Frances Eargle, LGAC Designated Federal Officer, Office of Congressional and Intergovernmental Relations (OCIR), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW. (MC1301A), Washington, DC 20460. Non-electronic submissions must follow the same format and contain the same information.

**FOR FURTHER INFORMATION CONTACT:** M. Frances Eargle, Designated Federal Officer for the LGAC, U.S. EPA; telephone (202) 564–3115; email: *eargle.frances@epa.gov.*

**SUPPLEMENTARY INFORMATION:** The LGAC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the LGAC in 1993 to provide independent advice to the EPA Administrator on a broad range of public health and environmental issues affecting local governments. The LGAC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App2) and related regulations.

The Committee consists of approximately 30 members (including a Chairperson) appointed by EPA's Administrator. Members serve as non-federal stakeholders representing: Large cities; moderate-sized cities; small communities; and townships (under 10,000); county-elected officials-urban, suburban and rural; city-elected and appointed officials; state-elected and appointed officials; and tribal-elected and appointed officials. Members are appointed for one or two (1–2) year terms, and eligible for reappointment.

The LGAC usually meets one or two times a year in person. Additionally, members participate in teleconference meetings and serve on Subcommittee and Workgroups to develop recommendations, advice letters and reports to address specific policy issues. The average workload for members is approximately 5 to 8 hours per month. We are unable to provide honoraria or compensation for members services. However, members may receive travel and per diem allowances where appropriate and according to applicable federal travel regulations.

*Nominations:* The EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, the agency encourages nominations of women and men of all racial and ethnic groups. All nominations will be fully considered, but applicants need to be aware of the specific representation sought as

outlined in the Summary above. In addition, EPA is seeking nominees with demonstrated local leadership in community sustainability and sustainable development; public health and health disparities; air quality, energy, and climate change; water quality issues; green jobs and economic initiatives; and environmental financing.

Other criteria used to evaluate nominees will include:

- The background and experience that would help members contribute to the diversity of perspectives on the committee (*e.g.,* geographic, economic, social, cultural, educational background, professional affiliations, and other considerations);
- Demonstrated experience as elected and/or appointed official for a local, state or tribal government;
- Demonstrated experience working with officials from other governments or other levels of government (*e.g.,* other local governments, federal agencies);
- Excellent interpersonal and consensus-building skills;
- Ability to volunteer time to attend full committee meetings 1–2 times a year, participate in teleconference meetings, attend listening sessions with the Administrator or other senior-level EPA officials, develop policy recommendations to the Administrator and prepare reports and advice letters; and
- Demonstrated ability to work constructively and effectively on committees. How to Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals may self-nominate. Nominations can be submitted in electronic format (preferred) or in hard copy format (see **ADDRESSES** section above).

To be considered, all nominations should include:

- Current contact information for the nominee, including the nominee's name, organization (and position within that organization), current business address, email address, and daytime telephone number;
- Brief Statement describing the nominee's interest in serving on the LGAC;
- Resume and a short biography (no more than 2 paragraphs) describing the professional and educational qualifications of the nominee, including a list of relevant activities, and any current or previous service on advisory committees; and
- Letter(s) of recommendation from a third party supporting the nomination. Letter(s) should describe how the nominee's experience and knowledge will bring value to the work of the LGAC.

Other sources, in addition to this **Federal Register** notice, may be utilized in the solicitation of nominees.

Dated: January 31, 2015.

**Frances Eargle,**

*Designated Federal Officer, Local Government Advisory Committee.*

[FR Doc. 2015–03157 Filed 2–12–15; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

**[3060–1204]**

### Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before March 16, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Benish Shah, Office of Managing Director, (202) 418–7866.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–1204.

*Title:* Deployment of Text-to-911.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for profit; not-for-profit institutions; and state, local or tribal governments.

*Number of Respondents:* 3,370 respondents; 58,012 responses.

*Estimated Time per Response:* 1 to 8 hours.

*Frequency of Response:* One-time reporting requirements.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152, 154(i), 154(j), 154(o), 251(e), 303(b), 303(g), 303(r), 316, and 403.

*Total Annual Burden:* 76,237 hours.

*Total Annual Cost:* None.

*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:* On August 13, 2014, the Commission released the Order, FCC 14–118, published at 79 FR 55367, September 16, 2014, adopting final rules—containing information collection requirements—to enable the Commission to implement text-to-911 service pursuant to the Second Report and Order, FCC 14–118, released August 13, 2014. The Second Report and Order adopts new rules to commence the implementation of text-to-911 service with an initial deadline of December 31, 2014 for all covered text providers to be capable of supporting text-to-911 service. The Second Report and Order also provides that covered text providers then have a six-month implementation period—they must begin routing all 911 text messages to a Public Safety Answering Point (PSAP) by June 30, 2015 or within six months

of a valid PSAP request for text-to-911 service, whichever is later. To implement these requirements, the Commission seeks to collect information primarily for a database in which PSAPs will voluntarily register that they are technically ready to receive text messages to 911. As PSAPs become text-ready, they may either register in the PSAP database (or, if the database is not yet available, submit a notification to PS Docket Nos. 10–255 and 11–153), or provide other written notification reasonably acceptable to a covered text messaging provider. Either measure taken by the PSAP shall constitute sufficient notification pursuant to the adopted rules in the Second Report and Order. PSAPs and covered text providers may mutually agree to an alternative implementation timeframe (other than six months). Covered text providers must notify the FCC of the dates and terms of the alternate timeframe that they have mutually agreed on with PSAPs within 30 days of the parties' agreement.

Additionally, the rules adopted by the Second Report and Order also include other information collections for third party notifications that need to be effective in order to implement text-to-911, including necessary notifications to consumers, covered text providers, and the Commission. These notifications are essential to ensure that all of the affected parties are aware of the limitations, capabilities, and status of text-to-911 services. These information collections will enable the Commission to meet objectives to commence the implementation of text-to-911 service as of December 31, 2014 in furtherance of its core mission to ensure the public's safety.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2015–03008 Filed 2–12–15; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

*Agreement No.:* 011314–003.

*Title:* CSVV/Trans Global Cooperative Working Agreement.

*Parties:* CSAV Sud Americana de Vapores S.A. and Trans Global Shipping N.V.

*Filing Party:* Walter H. Lion Esq.; McLaughlin & Stern, LLP; 260 Madison Avenue, New York, NY 10016.

*Synopsis:* The Amendment updates the agreement to reflect current name and address information for CSVV.

*Agreement No.:* 012312–001.

*Title:* Grimaldi/Mitsui OSK Lines Ltd. Space Charter Agreement.

*Parties:* Grimaldi Deep Sea S.p.A. and Mitsui OSK Lines Ltd.

*Filing Party:* Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

*Synopsis:* The Amendment changes the name of Industria Armamento Meridionale S.P.A. to Grimaldi Deep Sea S.p.A., and restates the Agreement accordingly.

*Agreement No.:* 201219–001.

*Title:* The Los Angeles and Long Beach Port Infrastructure and Environmental Programs Cooperative Working Agreement.

*Parties:* City of Los Angeles and City of Long Beach.

*Filing Party:* Heather M. McCloskey, Deputy City Attorney; Los Angeles City Attorney's Office; 425 S. Palos Verdes Street; San Pedro, CA 90731.

*Synopsis:* The amendment would restate the agreement to clarify the agreement's purpose and discussion authority to include additional supply chain sectors operating in and around the two ports; to update agreement language regarding the Clean Truck Program; and to address updates to some administrative items. The parties requested expedited review.

By Order of the Federal Maritime Commission.

Dated: February 10, 2015.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2015–03053 Filed 2–12–15; 8:45 am]

**BILLING CODE 6730–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifiers: CMS–10542, CMS–10543 and CMS–209]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by March 16, 2015.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number,

and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) Survey Mode Experiment; *Use:* Hospital-level scores derived from national implementation of Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) Survey are publicly reported quality data on CMS' Hospital Compare Web site. Our HCAHPS initiative allows vendors to select one mode of survey administration from four approved administration protocols (mail only, telephone only, mail-telephone mixed mode, and touch-tone IVR only). Before public reporting, HCAHPS scores are adjusted for the selected mode of administration, using mail administration as the comparison mode, to correct for any inflation or deflation of scores that are a result of mode. The current mode adjustments employed for HCAHPS are the product of two separate mode experiments conducted using different versions of the survey and different sample. The purpose of the planned HCAHPS mode experiment is to conduct a mode experiment of sufficient sample and scale to determine if the mode adjustments currently employed for the 32-item HCAHPS core survey need revision. An additional goal is to collect empirical evidence on the effect of the number of additional supplemental items on survey response rate and patterns of response to the HCAHPS core demographic items (known as ''About You'' items). *Form Number:* CMS–10542 (OMB control number 0938-New); *Frequency:* Once; *Affected Public:* Individuals and households; *Number of Respondents:* 8,160; *Total Annual Responses:* 8,160; *Total Annual Hours:* 1,322. (For policy questions regarding this collection contact Elizabeth Flow-Delwiche at 410–786–1718).

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Emergency Department Patient Experience of Care (EDPEC) Survey Mode Experiment; *Use:* This survey supports the six national priorities for improving care from the National Quality Strategy developed by the Department of Health and Human Services that was called for under the Affordable Care Act to create national aims and priorities to guide local, state, and national efforts to improve the quality of health care. The six priorities include: Making care safer by reducing harm caused by the delivery of care; ensuring that each person and family are engaged as partners in their care; promoting effective communication and coordination of care; promoting the most effective prevention and treatment practices for the leading causes of mortality, starting with cardiovascular disease; working with communities to promote wide use of best practices to enable healthy living; and making quality care more affordable for individuals, families, employers, and governments by developing and spreading new health care delivery models. In 2012, we launched the development of the Emergency Department Patient Experience of Care Survey (EDPEC) to measure the experiences of patients (18 and older) with emergency department care. This survey will provide patient experience with care data that enables comparisons of emergency department and support for improving the quality of patient experience in the emergency department. *Form Number:* CMS–10543 (OMB control number 0938-New); *Frequency:* Once; *Affected Public:* Individuals and households; *Number of Respondents:* 4,951; *Total Annual Responses:* 4,951; *Total Annual Hours:* 923. (For policy questions regarding this collection contact Elizabeth Flow-Delwiche at 410–786–1718).

3. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Laboratory Personnel Report (CLIA) and Supporting Regulations; *Use:* The information collected on this survey form is used in the administrative pursuit of the Congressionally-mandated program with regard to regulation of laboratories participating in CLIA. The surveyor will provide the laboratory with the CMS–209 form. While the surveyor performs other aspects of the survey, the laboratory will complete the CMS–209 by recording the personnel data needed to support their compliance with the personnel requirements of CLIA. The surveyor will then use this information in choosing a sample of personnel to verify compliance with the personnel requirements. Information on personnel qualifications of all technical personnel is needed to ensure the sample is representative of the entire laboratory; *Form Number:* CMS–209 (OMB control number 0938–0151); *Frequency:* Biennially; *Affected Public:* Private Sector—State, Local, or Tribal Governments; and Federal Government; *Number of Respondents:* 19,051; *Total Annual Responses:* 9,526; *Total Annual Hours:* 4,763. (For policy questions regarding this collection contact Kathleen Todd at 410–786–3385.)

Dated: February 10, 2015.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2015–03036 Filed 2–12–15; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* Objective Work Plan (OWP) and Objective Progress Report (OPR).

*OMB No.:* 0970–0452.

*Description:* Content and formatting changes are being made to the OPR and OWP. The information in OPR is currently collected on quarterly basis to monitor the performance of grantees and better gauge grantee progress. The OWP is used by applicants when they submit their proposals and then by grantees to monitor their projects once the award is made by ANA. ANA has determined that the requirement for ANA grantees to submit information about the project activities on quarterly basis creates undue burden for Grantees. Therefore, ANA has reformatted the OPR to require

Grantees submit semi-annual reports instead of quarterly report. This will reduce the administrative burden on Grantees, especially the smaller organizations. The majority of content being requested from the grantees essentially remain same except for the frequency of reporting.

*OPR:* The following are proposed content changes to the document: Grantee Information: Report Frequency—This section of OPR will be reformatted to request semi-annual or final project data instead of quarterly information. The other sections of the document with reference to ''quarterly'' information will be changed to reflect the shift from four-times a year reporting requirement to twice per year.

*Objective Work Plan Update:* Content remains the same. No changes are proposed for this section of the OPR.

*Impact indicator:* Current Status of Expected Results and Current Status of Expected Benefits which are reported separately on the OPR will be combined to read ''Current Status of Expected Results and Benefits.'' The content requested in this section is similar to the previous OPR without the added burden of having the reporting organizations provide the analysis that distinguish between 'results and benefits''. Every section of the document will be rewritten to reflect this change.

*OWP:* ANA proposes to reformat the OWP (content is same) by swapping the Objective field with Problem Statement. In other words, this section will require respondents to begin with a concise statement about the problem the project is designed to address and will be followed by more details about the objectives of the project.

The two fields ''Results Expected and Benefits Expected'' will be combined into one field to read ''Results and benefits Expected''. This will reduce redundancy and help reduce the burden on Grantees.

*Respondents:* Tribal Government, Native non-profit organizations, Tribal Colleges & Universities.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| OWP | 500 | 1 | 2 | 1000 |
| OPR | 275 | 2 | 1 | 550 |

*Estimated Total Annual Burden Hours:* 1,550.

*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 recommendation 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. 2015–03032 Filed 2–12–15; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2010–N–0161]**

### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Export of Food and Drug Administration Regulated Products: Export Certificates; Correction

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

**ACTION:** Notice; correction.

**SUMMARY:** The Food and Drug Administration is correcting a notice entitled ''Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Export of Food and Drug Administration Regulated Products: Export Certificates '' that appeared in the **Federal Register** of February 6, 2015 (80 FR 6728). The document announced that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. The document was published with three errors. This document corrects those errors.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of Friday, February 6, 2015, in FR Doc. 2015–02348, the following corrections are made:

1. On page 6728, in the third column, under the heading Export of Food and Drug Administration Regulated Products: Export Certificates—(OMB Control Number 0910–0498)—Extension, the following sentence is added at the end of the first paragraph: ''In January 2011, section 801(e)(4)(A) was amended by the Food Safety Modernization Act (Pub. L. 111–353) to provide authorization for export certification fees for food and animal feed.''

2. On page 6728, in the third column, under the heading Export of Food and Drug Administration Regulated Products: Export Certificates—(OMB Control Number 0910–0498)—Extension, in the second paragraph, the first sentence is revised to read as follows: ''This section of the FD&C Act authorizes FDA to issue export certificates for regulated food, animal feed, pharmaceuticals, biologics, and devices that are legally marketed in the United States, as well as for these same products that are not legally marketed but are acceptable to the importing country, as specified in sections 801(e) and 802 of the FD&C Act.''

3. On page 6729, Table 2 is corrected as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

| FDA center | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|---|---|---|---|---|---|
| Center for Biologics Evaluation and Research | 2,114 | 1 | 2,114 | 1 | 2,114 |
| Center for Devices and Radiological Health | 10,528 | 1 | 10,528 | 2 | 21,056 |
| Center for Veterinary Medicine | 1,848 | 1 | 1,848 | 1 | 1,848 |
| Total | | | | | 25,018 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: February 9, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–03005 Filed 2–12–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2013–P–1055]**

### Determination That SUBUTEX (Buprenorphine Hydrochloride) Sublingual Tablets, Equivalent 2 Milligrams Base and Equivalent 8 Milligrams Base, 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) has determined that SUBUTEX (buprenorphine hydrochloride (HCl)) Sublingual Tablets, Equivalent (Eq) 2 milligrams (mg) base and Eq 8 mg base, 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 SUBUTEX, and it will allow FDA to continue to approve ANDAs that refer to SUBUTEX as long as they meet relevant legal and regulatory requirements.

**FOR FURTHER INFORMATION CONTACT:** Ayako Sato, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6228, Silver Spring, MD 20993–0002, 240–402–4191.

**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 under an ANDA procedure. ANDA sponsors 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. Sponsors of ANDAs 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 known generally 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.

SUBUTEX (buprenorphine HCl) Sublingual Tablets is the subject of NDA 20–732, held by Reckitt Benckiser Pharmaceuticals, Inc. (Reckitt). It was approved on October 8, 2002. After Reckitt discontinued marketing SUBUTEX in 2011, FDA moved SUBUTEX to the ''Discontinued Drug Product List'' section of the Orange Book. Another buprenorphine-containing product, SUBOXONE (buprenorphine HCl and naloxone HCl) Sublingual Tablets, is the subject of NDA 20–733, also held by Reckitt. It was originally approved on October 8, 2002, and later approved in another dosage form (sublingual film) on August 30, 2010, under NDA 22–410. In March 2013, Reckitt discontinued marketing the sublingual tablet dosage form of SUBOXONE.[1] All three products are approved for treatment of opioid dependence.[2]

Actavis Elizabeth LLC submitted a citizen petition dated August 16, 2013 (Docket No. FDA–2013–P–1055), under 21 CFR 10.30, requesting that FDA determine whether SUBUTEX was withdrawn from sale for reasons of safety or effectiveness. The petition contains no data or other information suggesting that SUBUTEX was withdrawn for reasons of safety or effectiveness.

We have carefully reviewed our records concerning the withdrawal of SUBUTEX from sale. Based on the information we have at this time, FDA has determined under § 314.161 that SUBUTEX was not withdrawn for reasons of safety or effectiveness.

The buprenorphine in both SUBUTEX and SUBOXONE is a mu opioid partial agonist that can precipitate withdrawal in patients physically dependent on full opioid agonists. That is, the relative reduction in activity at the mu receptor when buprenorphine replaces a full opioid agonist can cause symptoms of opioid withdrawal. SUBOXONE also contains naloxone. Naloxone is a potent

[1] On September 27, 2012, after Reckitt publicly announced that it was planning to discontinue the product, Lachman Consultant Services Inc. (Lachman) submitted a citizen petition requesting that the Agency determine whether SUBOXONE Sublingual Tablets were withdrawn from sale for reasons of safety or effectiveness (Docket No. FDA–2012–P–1034). After considering Lachman's citizen petition and reviewing our records, including the analysis that the Agency prepared in connection with Reckitt's citizen petition (Docket No. FDA–2012–P–1028), FDA determined that SUBOXONE Sublingual Tablets was not discontinued for reasons of safety or effectiveness (78 FR 34108).

[2] On September 25, 2012, Reckitt submitted a citizen petition requesting that FDA not approve any new drug application or abbreviated new drug application (ANDA) for a buprenorphine product for treatment of opioid dependence unless the applications and products met certain criteria. On February 22, 2013, FDA denied Reckitt's petition (Docket No. FDA–2012–P–1028).

opioid antagonist with high affinity for the mu opioid receptor. The naloxone is intended to be inactive when SUBOXONE is used appropriately, but to precipitate more severe withdrawal symptoms if the product is crushed and injected by an individual dependent on full opioid agonists. A variety of factors such as degree of opioid dependence, relative amount of buprenorphine exposure, and route of administration influence the antagonist effect of naloxone. As a result, buprenorphine/naloxone combination products may not have the same effect on non-dependent opioid abusers or abusers of buprenorphine. As stated in the approved SUBOXONE labeling in section 12.2, ''naloxone in buprenorphine/naloxone tablets may deter injection of buprenorphine/naloxone tablets by persons with active substantial heroin or other full mu-opioid dependence,'' but ''some opioid-dependent persons, particularly those with a low level of full mu-opioid physical dependence or those whose opioid physical dependence is predominantly to buprenorphine, abuse buprenorphine/naloxone combinations by the intravenous or intranasal route.''

SUBUTEX has important therapeutic benefits for certain patient populations that may not tolerate or should not be exposed to the naloxone in SUBOXONE. Specifically, as explained in section 5.11 of the approved labeling for SUBOXONE, ''[b]uprenorphine/naloxone products are not recommended in patients with severe hepatic [liver] impairment and may not be appropriate for patients with moderate hepatic impairment.'' Section 5.11 further states that ''hepatic impairment results in a reduced clearance of naloxone to a much greater extent than buprenorphine,'' and thus, ''patients with severe hepatic impairment will be exposed to substantially higher levels of naloxone than patients with normal hepatic function.'' SUBUTEX also is preferred to SUBOXONE for patients transitioning from treatment with methadone or other long-acting opioid products because they are at higher risk for precipitated and prolonged withdrawal, and the naloxone in buprenorphine/naloxone combination products may cause worse withdrawal in this population.

Although Reckitt has publicly stated that SUBUTEX ''creates a greater risk of misuse, abuse, and diversion'' than SUBOXONE (please refer to letter from Reckitt to Health Care Providers, available at *http://buprenorphine.samhsa.gov/SubutexDiscontinuation9-16-11.pdf*), Reckitt has not submitted any data, information, or analysis to support this claim. Based on our independent review of the available data and the published studies on the relative abuse liability of SUBUTEX and SUBOXONE, we do not have sufficient information at this time to determine that SUBUTEX poses an increased potential for abuse or misuse relative to SUBOXONE. Furthermore, as discussed previously, SUBUTEX has important therapeutic benefits for certain patient populations that may not tolerate or should not be exposed to the naloxone in SUBOXONE.

For these reasons, based on the data and information available to the Agency at this time, we find that the benefits of SUBUTEX continue to outweigh the risks. Therefore, we conclude that SUBUTEX was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list SUBUTEX in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of ANDAs that refer to SUBUTEX. Such ANDAs may continue to be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs.

Dated: February 9, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–03001 Filed 2–12–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–N–2187]**

### Identifying Potential Biomarkers for Qualification and Describing Contexts of Use To Address Areas Important to Drug Development; Request for Comments

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is seeking information to facilitate development and qualification of biomarkers in areas related to human drug therapeutics. Towards this goal, FDA is encouraging interested groups and individuals to submit information on specific medical and biological areas where novel biomarkers can be identified that would meaningfully advance drug development. FDA encourages respondents to describe evidentiary considerations that are important to qualify these biomarkers for a specific context of use. Details of information that should be provided to the Agency are described in the survey.

**DATES:** Submit either electronic or written comments by April 14, 2015.

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

**Electronic Submissions**

Submit electronic comments in either of the following ways:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *SurveyMonkey Link: https://www.surveymonkey.com/s/RHJLHS7.* This survey may be used to provide feedback on answers to questions regarding potential biomarkers for qualification and to describe contexts of use to address areas important to drug development.

**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–2187 for this document. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. It is only necessary to send one set of comments. For additional information on submitting comments, see the ''Request for Information'' 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, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Marianne Noone, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 4528, Silver Spring, MD 20993–0002, 301–796–7495.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The President signed into law the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144) on July 9, 2012. Title I of FDASIA reauthorizes the Prescription Drug User Fee Act (PDUFA) and provides FDA with the user fee resources necessary to maintain an efficient review process for human drug and biological products. The reauthorization of PDUFA added performance goals and procedures for the Agency that represent FDA's commitments during fiscal years 2013 through 2017. These commitments are fully described in the document entitled ''PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017'' (PDUFA Goals Letter), available on FDA's Web site at *http://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM270412.pdf.* Section IX of the PDUFA Goals Letter entitled ''Enhancing Regulatory Science and Expediting Drug Development'' references support for the identification and advancement of biomarkers.

A biomarker is an objective characteristic that is measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacologic responses to treatment. Biomarkers can serve many purposes in clinical drug development, including the following: Defining the appropriate patient populations for study, as well as those who should receive the drug in clinical practice; pharmacodynamic markers for proof of concept and dose selection; and pharmacodynamic markers of adverse effects. A subset of pharmacodynamic biomarkers can serve as replacements for clinical efficacy endpoints that reflect how a patient feels, functions, or survives. The path to development of promising therapeutics can be enabled by the availability of biomarkers that are analytically validated and clinically qualified for a specific context of use (*i.e.,* a comprehensive, clear, and precise statement that describes the manner of use, interpretation, and purpose of use of a biomarker in drug development).

Qualification is based on a body of evidence that demonstrates that the biomarkers are fit for purpose in drug development and evaluation (*http://www.fda.gov/Drugs/DevelopmentApprovalProcess/DrugDevelopmentToolsQualificationProgram/ucm284076.htm*). Further, qualification is dependent on the specific proposed context of use. Biomarkers that are qualified can help to progressively reduce uncertainty about the outcome of clinical development programs.

Public/private partnerships involving regulatory, academic, and industry scientists, collaborating within a precompetitive framework, are essential to catalyzing progress. Because of limitations in resources, such efforts must be focused on the opportunities that offer the greatest potential for impact.

FDA intends to facilitate identification of the most promising biomarkers and the areas important to drug development and to promote efforts that will aid in the qualification and regulatory adoption of the drug development framework.

## II. Request for Information

FDA is seeking public feedback to identify promising biomarker candidates in areas important to drug development and to identify considerations for evidence needed to qualify various types of biomarkers for specific contexts of use. FDA requests identification of specific biomarkers with a proposed context of use and of the type of evidence needed to support qualification. After reviewing the information provided, FDA will post the collated information on its Web site.

### *A. Information Requirements*

In general, submitted information should include the following for each biomarker nominated, as well as any other relevant information:

- Areas that have a critical need for biomarkers to assist drug development;
- The name of the biomarker;
- The proposed context of use for the biomarker (if known);
- The reason why the biomarker should be considered, taking into account its usefulness as a drug development tool; and
- Any evidence that should be developed to support qualification of the biomarker.

### *B. Questions and Requests*

Specific questions and requests are as follows:

1. Are there specific aspects of drug development that could be enhanced through the development of biomarkers?

a. Please list the specific applications of biomarkers that address areas important to drug development.

b. Please list the specific areas (for example, a specific disease area or an organ toxicity) needed for development of biomarkers important to drug development.

c. Is there information or efforts which could be leveraged to advance these areas? If yes, please describe.

d. Are there areas that appear to be promising for the development of new biomarkers and for which collaborative engagement from stakeholders offers a path forward? If so, please explain.

- Are there groups positioned to accomplish this? If yes, please describe.

e. Are there barriers that preclude engagement or investment in biomarkers for these priority areas? If yes, please explain.

2. In each of these priority areas that are important to drug development, please provide the following information:

a. Biomarker: What specific biomarkers do you believe represent the greatest near-term opportunity to establish utility in drug development (*i.e.,* that could be substantially advanced by facilitating discussion and consensus building)?

b. Rationale: Why should the biomarker(s) be included on the list, taking into account its usefulness in regulatory decisionmaking as a drug development tool?

c. Context of use: Can you please describe/propose a specific context of use for the biomarker(s)?

d. Evidentiary gaps: To support the proposed context of use, what do you see as the largest evidentiary gaps that need to be addressed to permit ''fit for purpose'' qualification?

e. How can these evidentiary gaps be addressed?

f. Collaborative data sharing: Can any of these gaps be addressed by collaborative data sharing of existing data versus prospective studies specifically dedicated to addressing the gap?

3. Please indicate your affiliation from the following list: Academia, pharmaceutical sector, biotechnology sector, government, professional organization, non-profit organization, clinician, patient advocacy group, patient, or other (please provide specifics, if you choose other).

## III. Paperwork Reduction Act

This **Federal Register** notice requests input from biomarker experts from academia, the pharmaceutical industry, and government organizations on the evidentiary standards for biomarkers or on the expectations about data for qualification of different types of biomarkers.

This request is exempt from the Office of Management and Budget's review under 5 CFR 1320.3(h)(4): Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof,

provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the Agency's full consideration of the comment.

Dated: February 5, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–02976 Filed 2–12–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–N–1049]**

### Conditional Approval of New Animal Drugs; Public Meeting; Request for Comments

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

**ACTION:** Notification of public meeting; request for comments.

The Food and Drug Administration (FDA) is announcing a public meeting to explore the use of statutory changes to expand the use of conditional approval to additional categories of new animal drugs. This policy exploration is consistent with a stated performance goal in the Animal Drug User Fee Amendments of 2013 (ADUFA III) goals letter. FDA is requesting that you submit any comments related to this issue by September 30, 2015.

*Date and Time:* The public meeting will be held on March 16, 2015, from 1 p.m. until 4 p.m.

*Location:* The public meeting will be held at the Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., 3rd Floor, Rockville, MD 20855. Parking is free.

*Contact Person:* Laura Bradbard, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rm. 159, Rockville, MD 20855, 240–276–9109, FAX: 240–276–9020, email: *Laura.Bradbard@fda.hhs.gov.*

*Registration:* Registration is free and available on a first-come, first-served basis. Persons interested in attending this meeting must register by March 10, 2015. For general questions about the meeting, for assistance to register for the meeting, to request an opportunity to make an oral presentation, or to request special accommodations due to a disability, contact Laura Bradbard (see *Contact Person*). Please include your name, organization, and contact information. If you are requesting an opportunity to speak, please send a brief summary of your comments. Early registration for the meeting is encouraged due to limited time and space.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

FDA considers the timely review of the safety and effectiveness of new animal drugs to be central to the Agency's mission to protect and promote the public health. Before 2004, the timeliness and predictability of the new animal drug review program was a concern. The Animal Drug User Fee Act enacted in 2003 (Pub. L. 108–130; hereinafter referred to as ''ADUFA I''), authorized FDA to collect user fees for 5 years—fiscal year (FY) 2004 to FY 2008—that were to be dedicated to expediting the review of new animal drug applications according to certain performance goals and to expand and modernize the new animal drug review program. The Agency agreed to meet a comprehensive set of performance goals established to show significant improvement in the timeliness and predictability of the new animal drug review process. The implementation of ADUFA I provided a significant funding increase that enabled FDA to increase the number of staff dedicated to the new animal drug application review process.

In 2008, before ADUFA I expired, Congress passed the Animal Drug User Fee Amendments of 2008 (Pub. L. 110–316; hereinafter referred to as ''ADUFA II''), which included an extension of ADUFA for an additional 5 years—FY 2009 to FY 2013. ADUFA II performance goals were established based on ADUFA I FY 2008 review timeframes. In addition, FDA provided program enhancements to reduce review cycles and improve communications during reviews.

In 2013, before ADUFA II expired, Congress passed ADUFA III (Pub. L. 113–14), which was signed by the President on June 13, 2013. Like its predecessors, ADUFA III includes its own comprehensive set of performance goals. One such goal, as stated in the ADUFA III goals letter, is: Beginning in early FY 2014, the Agency agrees to explore, in concert with industry, the feasibility of pursuing statutory revisions, consistent with the Agency's mission to protect and promote the public health, that may expand the use of conditional approvals to other appropriate categories of new animal drug applications and develop recommendations by September 30, 2015.

Currently, the conditional approval provisions allow an applicant to market a new animal drug intended for a minor species or a minor use in a major species after the applicant has demonstrated that the drug is safe and can be manufactured according to standards applicable to approval of applications under section 512(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)(1)). FDA and members of regulated industry jointly agreed to explore, as part of the performance goals outlined in the ADUFA III goals letter, statutory changes to expand the use of conditional approval to other appropriate categories of new animal drugs.

This public meeting is intended to provide an additional opportunity for public comment. The Agency is especially interested in receiving comments during the meeting on the categories of new animal drug applications that would be considered ''appropriate'' and why; concerns, if any, that might arise due to the expansion of the Conditional Approval process; and the length of marketing exclusivity, if any, that should be associated with the expansion of the Conditional Approval process.

FDA will consider comments received at this meeting as it moves forward with this process.

FDA has already opened public docket FDA Docket No. FDA–2014–N–1049 to receive comments on the issue (79 FR 53430, September 9, 2014). Although you can comment on this document at any time, to ensure that the Agency considers your comment before finalizing work on the exploration process described in this document, submit either electronic or written comments by September 30, 2015.

#### II. Participation in a Public Meeting

While oral presentations from specific individuals and organizations may be limited due to time constraints during the public meeting, stakeholders may submit electronic or written comments discussing any issues of concern to the administration record (the docket). All relevant data and documentation should be submitted with the comments to Docket No. FDA–2014–N–1049. Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Identify comments with the docket number FDA–2014–N–1049. 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.*

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

Information and data submitted voluntarily to FDA during the public meeting will become part of the administrative record and will be accessible to the public at *http://www.regulations.gov.* The transcript of the proceedings from the public meeting will become part of the administrative record. Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov,* Docket No. FDA–2014–N–1049, and at FDA's CVM Web site at: *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/ucm042891.htm.* It may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Additionally, FDA will be recording the meeting via Adobe Connect on March 16, 2015. Once the recording has been made 508 compliant, it will be accessible at FDA's CVM Web site at *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/ucm042891.htm.*

Dated: February 10, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–03004 Filed 2–12–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–N–1050]**

### Regulation of Combination Drug Medicated Feeds; Public Meeting; Request for Comments

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

**ACTION:** Notification of public meeting; request for comments.

The Food and Drug Administration (FDA) is announcing a public meeting to explore the feasibility of pursuing statutory revisions that may modify the current requirement that the use of multiple new animal drugs in the same medicated feed be subject to an approved application. This policy exploration is consistent with a stated performance goal in the Animal Drug User Fee Amendments of 2013 (ADUFA III) goals letter. FDA is requesting that you submit any comments related to this issue by March 31, 2016.

*Date and Time:* The public meeting will be held on March 16, 2015, from 9 a.m. until 12 p.m.

*Location:* The public meeting will be held at the Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., 3rd Floor, Rockville, MD 20855. Parking is free.

*Contact Person:* Laura Bradbard, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rm. 159, Rockville, MD 20855, 240–276–9109, FAX: 240–276–9020, email: *Laura.Bradbard@fda.hhs.gov.*

*Registration:* Registration is free and available on a first-come, first-served basis. Persons interested in attending this meeting must register by March 10, 2015. For general questions about the meeting, for assistance to register for the meeting, to request an opportunity to make an oral presentation, or to request special accommodations due to a disability, contact Laura Bradbard (see *Contact Person*). Please include your name, organization, and contact information. If you are requesting an opportunity to speak, please send a brief summary of your comments. Early registration for the meeting is encouraged due to limited time and space.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA considers the timely review of the safety and effectiveness of new animal drugs to be central to the Agency's mission to protect and promote the public health. Before 2004, the timeliness and predictability of the new animal drug review program was a concern. The Animal Drug User Fee Act enacted in 2003 (Pub. L. 108–130; hereinafter referred to as ''ADUFA I''), authorized FDA to collect user fees for 5 years—fiscal year (FY) 2004 to FY 2008—that were to be dedicated to expediting the review of new animal drug applications (NADAs) according to certain performance goals and to expand and modernize the new animal drug review program. The Agency agreed to meet a comprehensive set of performance goals established to show significant improvement in the timeliness and predictability of the new animal drug review process. The implementation of ADUFA I provided a significant funding increase that enabled FDA to increase the number of staff dedicated to the new animal drug application review process.

In 2008, before ADUFA I expired, Congress passed the Animal Drug User Fee Amendments of 2008 (Pub. L. 110–316; hereinafter referred to as ''ADUFA II''), which included an extension of ADUFA for an additional 5 years—FY 2009 to FY 2013. ADUFA II performance goals were established based on ADUFA I FY 2008 review timeframes. In addition, FDA provided program enhancements to reduce review cycles and improve communications during reviews.

In 2013, before ADUFA II expired, Congress passed ADUFA III (Pub. L. 113–14), which was signed by the President on June 13, 2013. Like its predecessors, ADUFA III includes its own comprehensive set of performance goals. One such goal, as stated in the ADUFA III goals letter, is: Beginning in early FY 2014, the Agency agrees to explore, in concert with affected parties, the feasibility of pursuing statutory revisions, consistent with the Agency's mission to protect and promote the public health, that may modify the current requirement that the use of multiple new animal drugs in the same medicated feed be subject to an approved application and develop recommendations by September 30, 2016.

Currently, the use of multiple new animal drugs in the same medicated feed (*i.e.,* a combination drug medicated feed) requires an approved NADA for each new animal drug in the combination and a separate approved NADA for the combination new animal drug itself (21 U.S.C. 360b(d)(4); 21 CFR 514.4(c)). FDA and members of regulated industry jointly agreed to explore, as part of the performance goals outlined in the ADUFA III goals letter, potential changes to the approval process for the use of a combination drug medicated feed. The intent of this exploration is to consider changes intended to allow combination drug medicated feeds to be made available to the end user in the most efficient manner possible while protecting and promoting the public health.

This public meeting is intended to provide an additional opportunity for public comment. Although in the ADUFA III performance goals letter FDA only agreed to explore the feasibility of pursuing statutory changes, the Agency also invites comment on potential changes to procedures and requirements

related to the approval process for these products that can be accomplished under the Agency's existing statutory authority. FDA will consider comments received at this meeting as it moves forward with this process.

FDA has already opened public docket FDA Docket No. FDA–2014–N–1050 to receive comments on the issue (79 FR 53431, September 9, 2014). Although you can comment on this document at any time, to ensure that the Agency considers your comment before finalizing work on the exploration process described in this document, submit either electronic or written comments by March 31, 2016.

**II. Participation in a Public Meeting**

While oral presentations from specific individuals and organizations may be limited due to time constraints during the public meeting, stakeholders may submit electronic or written comments discussing any issues of concern to the administration record (the docket). All relevant data and documentation should be submitted with the comments to Docket No. FDA–2014–N–1050. Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Identify comments with the docket number FDA–2014–N–1050. 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.*

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

Information and data submitted voluntarily to FDA during the public meeting will become part of the administrative record and will be accessible to the public at *http://www.regulations.gov.* The transcript of the proceedings from the public meeting will become part of the administrative record. Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov,* Docket No. FDA–2014–N–1050, and at FDA's CVM Web site at: *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/ucm042891.htm.* It may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Additionally, FDA will be recording the meeting via Adobe Connect on March 16, 2015. Once the recording has been made 508 compliant, it will be accessible at FDA's CVM Web site at *http://www.fda.gov/ForIndustry/UserFees/AnimalDrugUserFeeActADUFA/ucm042891.htm.*

Dated: February 10, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–03002 Filed 2–12–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2015–N–0001]**

### The Tobacco Products Scientific Advisory Committee; Notice of Meeting

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

**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

*Name of Committee:* The Tobacco Products Scientific Advisory Committee.

*General Function of the Committee:* To provide advice and recommendations to the Agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on April 9, 2015, from 8:30 a.m. to 5 p.m. and April 10, 2015, from 8 a.m. to 5 p.m.

*Location:* FDA White Oak, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

*Contact Person:* Caryn Cohen, Office of Science, Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 1–877–287–1373, email: *TPSAC@fda.hhs.gov.* A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

*Agenda:* On April 9 and 10, 2015, the Committee will discuss modified risk tobacco product applications submitted by Swedish Match North America Inc. for 10 tobacco products:

- MR0000020: General Loose, smokeless tobacco, loose snus, 1.59 oz (45g), cardboard can (SKU 4852);
- MR0000021: General Dry Mint Portion Original Mini, smokeless tobacco, snus portions, 0.21 oz (6g), 20 0.3g portions, plastic can (SKU 4800);
- MR0000022: General Portion Original Large, smokeless tobacco, snus portions, 0.9 oz (24g), 24 1g portions, plastic can (SKU 4880);
- MR0000023: General Classic Blend Portion White Large, smokeless tobacco, snus portions, 0.48 oz (13.5g), 15 0.9g portions, plastic can (SKU 4877);
- MR0000024: General Classic Blend Portion White Large, smokeless tobacco, snus portions, 0.38 oz (10.8g), 12 0.9g portions, plastic can (SKU 4878);
- MR0000025: General Mint Portion White Large, smokeless tobacco, snus portions, 0.9 oz (24g), 24 1g portions, plastic can (SKU 4352);
- MR0000026: General Nordic Mint Portion White Large, smokeless tobacco, snus portions, 0.48 oz (13.5g), 15 0.9g portions, plastic can (SKU 4876);
- MR0000027: General Nordic Mint Portion White Large, smokeless tobacco, snus portions, 0.38 oz (10.8g), 12 0.9g portions, plastic can (SKU 4875);
- MR0000028: General Portion White Large, smokeless tobacco, snus portions, 0.9 oz (24g), 24 1g portions, plastic can (SKU 4881); and
- MR0000029: General Wintergreen Portion White Large, smokeless tobacco, snus portions, 0.9 oz (24g), 24 1g portions, plastic can (SKU 4882).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after

the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

*Procedure:* On April 9, 2015, from 8:30 a.m. to 4 p.m. and on April 10, 2015, from 8 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 20, 2015. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 p.m. on April 10, 2015. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 12, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 13, 2015.

*Closed Committee Deliberations:* On April 9, 2015, between 4 p.m. and 5 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (see 5 U.S.C. 552b(c)(3) and (c)(4)). This portion of the meeting will be closed because the Committee will be discussing trade secret and/or confidential data provided by Swedish Match North America Inc.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA 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 Caryn Cohen at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 9, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–03000 Filed 2–12–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Bethesda Campus Master Plan Record of Decision

**SUMMARY:** The Department of Health and Human Services, the National Institutes of Health (NIH), has decided, after completion of a Final Environmental Impact Statement (FEIS) and a thorough consideration of the public comments on the Draft EIS, to implement the Proposed Action, referred to as the Proposed Action in the Final EIS. This action is for a long-range physical Master Plan for National Institutes of Health Bethesda Campus (NIH) located in Bethesda, Maryland. This alternative accounts for potential growth in NIH personnel, new construction, additions, renovations, demolitions, and upgrades in site utilities.

*Responsible Official:* Daniel G. Wheeland, Director, Office of Research Facilities (ORF) Development and Operations, NIH.

**FOR FURTHER INFORMATION CONTACT:** Valerie Nottingham, Deputy Director, DEP, ORF, NIH, Building 13, Room 2S11, 9000 Rockville Pike, Bethesda, MD 20892, Phone 301–496–7775, *nihnepa@mail.nih.gov.*

**SUPPLEMENTARY INFORMATION:**

#### Decision

After careful review of the environmental consequences in the Final Environmental Impact Statement for the Master Plan, National Institutes of Health Bethesda Campus, and consideration of public comment throughout the NEPA process, the NIH has decided to implement the Proposed Action described below as the Selected Alternative.

#### Selected Alternative

The Selected Alternative is intended to be a strategic tool for the efficient allocation of campus resources, the orderly accommodation of future growth, and the creation of an environment that is both functionally and aesthetically conducive to accomplishing the NIH mission. The Selected Alternative will provide a guide for the reasoned and orderly development of the NIH campus, one that values and builds on existing resources, corrects current deficiencies and meets changing needs through new construction or renovation. The plan sets forth implementation priorities and a logical sequencing of planned development.

The Selected Alternative is for a long-range physical Master Plan for NIH. This alternative covers a 20-year planning period, with reviews every 5 years to ensure that the plan continues to address issues affecting the campus. The alternative addresses the future development of the NIH site, including placement of future construction; vehicular and pedestrian circulation on and off-campus; parking within the property boundaries; open space in and around the campus; required setbacks; historic properties; natural and scenic resources; noise; and lighting. This alternative accounts for potential growth in NIH personnel, and consequent construction of space over the planning period. Future construction on the site could include such facilities as new animal holding, research laboratories, and support facilities.

NIH will continue to develop the Bethesda campus to accommodate NIH's research needs and required programmatic needs consistent with the commitment to maintain the ''campus'' character of the site. The Selected Alternative advances this objective by programming and locating future NIH growth so that new development would tie into the existing utility services and utilities are available to support growth, and establishing development guidelines for future changes to the site that ensure that as the campus grows new development would be responsive to the context of adjacent neighborhoods or developments. Under the Selected Alternative, the total NIH population on the campus is anticipated to grow in the next twenty years to a total of approximately 23,594, which is an increase of approximately 3,000 employees. The primary growth at the campus would be in intramural research personnel and the administrative and facility staff to support them. The majority, if not all, of the employees would be coming from off-site facilities and are already employees, or contractors, of NIH.

#### Alternatives Considered

The Proposed Action Alternative, the Redevelopment Alternative and No Action Alternative were the three alternatives analyzed in the Final EIS.

The Master Plan covers a 20-year planning period, but will be reviewed every 5 years to ensure that the plan continues to remain current and relevant to the key issues affecting the campus. The alternatives addressed the future development of the NIH site, including placement of future construction; vehicular and pedestrian circulation on and off-campus; parking within the property boundaries; open space in and around the campus; required setbacks; historic properties; natural and scenic resources; noise; and lighting. The alternatives account for potential growth in NIH personnel, and consequent construction of space over the planning period. Future construction on the site could include such facilities as new animal holding, research laboratories, and support facilities.

**Factors Involved in the Decision**

The Department of Health and Human Services (HHS) requires that NIH facilities have a Master Plan and, the previous Master Plan for the NIH campus was outdated. In addition, factors such as the aging of facilities that were designed only to accommodate temporary use, animal housing facilities that do not provide adequate space for projected increases in animal populations, and research support facilities not being adequate to sustain current and projected programs. The Master Plan contains information, analysis, and recommendations to guide development of individual projects. It also serves as a means of informing city and county officials and utilities of future NIH development plans so they can anticipate and plan for the potential effects of NIH proposals on their systems.

*Resources Impacted*

The Final EIS describes potential environmental effects of the Selected Alternative. These potential effects are documented in Chapter 3 of the Final EIS. Any potential adverse environmental effects will be avoided or mitigated through design elements, procedures, and compliance with regulatory and NIH requirements. Potential impacts on air quality are all within government standards (federal, state, and local). NIH does not expect significant negative effects on the environment or on the citizens of Bethesda from construction and operation at NIH.

*Summary of Impacts*

The following is a summary of potential impacts resulting from the Selected Alternative that the NIH considered when making its decision. No adverse cumulative effects have been identified during the NEPA process. Likewise, no unavoidable or adverse impacts from implementation of the Selected Alternative have been identified. The Selected Alternative will be beneficial to the long-term productivity of the national and world health communities. Biomedical research conducted at the NIH facilities on the campus will have the potential to advance techniques in disease prevention and cures, develop disease immunizations, and prepare defenses against naturally emerging and re-emerging diseases and against bioweapons. Additionally, the local community will benefit from increased employment, income and, government and public finance.

*Housing*

Under the Selected Alternative, the building program would improve existing laboratory and office spaces. This would allow NIH to attract well-qualified personnel to the campus. The campus building program would be expanded with nominal population increases. These added employees would continue to seek regional housing options and use local community services. This modest expansion would have a modest beneficial economic impact with modest increased demand for housing and community services.

*Education*

The expected increases of employees on the NIH campus are from employees already working in the Bethesda area in the agency's off campus, leased facilities. If any new employees were hired, the current public school capacity in Bethesda or Montgomery County and surrounding school districts would be adequate to accommodate the expected minimal growth caused by the Selected Alternative.

*Transportation*

The potential increase in vehicular traffic generated by the additional facilities and employees envisioned in the Master Plan would only minimally contribute to the amount of traffic on the roadways in the vicinity of the campus. If the campus houses 3,000 additional staff, the impact on morning and evening rushes is estimated to be approximately 12 percent more NIH vehicles. When taking into account that NIH's contribution to local traffic constitutes only approximately 25% of the traffic, the impact on the community is estimated to be 3%. Furthermore, by the time the capital improvements contemplated under the Selected Alternative are in place, mass transit developments such as the Purple Line and Bus Rapid Transit might well be in place, thereby offsetting the 3% congestion. The Selected Alternative includes 3,000 additional employees, and would generate approximately an additional 432 a.m. and 439 p.m. trips. The seven proposed Base Realignment and Closure (BRAC) improvements, discussed in the EIS, several of which were facilitated through NIH easements, would result in mitigating this slight increase AM and PM peak traffic, and also help keep the congestion standard below 1,600 Calculated Load Value (CLV). Stated differently, the modest increase in traffic would not change the intersection ratings. Lastly, if NIH increases the campus population, it will increase parking at the ration of 1 parking spot per 3 additional staff.

*Security*

The Selected Alternative would not be expected to have adverse impacts on security on the NIH Campus. No new security measures are proposed in the Master Plan.

*Employment*

If the Selected Alternative is fully implemented, an increase of up to 3,000 employees and contractors would increase the current total of 20,594 up to approximately 23,594. The increase draws from employees that are already working in the Bethesda/Montgomery County area.

*Environmental Justice*

The Selected Alternative would not be expected to have disproportionately high or adverse impacts on low income or minority populations of the affected area.

*Visual Quality*

The Master Plan's land use plan provides a framework to help organize future development at NIH so that similar land use types are consolidated while open space and natural features are preserved. NIH would exhibit the same basic types of land use as it does currently, but in a slightly different configuration. The Master Plan does not propose any land use changes outside NIH. Therefore, the NIH campus is anticipated to remain consistent with the county plan and zoning regulations.

*Noise*

To limit impacts to nearby residences, NIH would limit construction activities to normal daytime working hours. Under the Master Plan, the ambient noise levels at NIH would remain within Maryland and Montgomery

County noise thresholds. Furthermore, any minor change in noise levels is not expected to affect the character of the site.

*Air Quality*

Traffic is expected to be the primary mobile source of air emissions at or near the campus. Mobile air emissions for the campus at this time are expected to originate from vehicles associated with visitors, commuter transportation, employee parking, commercial delivery, and construction vehicles. Future traffic generated carbon monoxide (CO) concentrations were predicted to be less than 2003 concentrations in the Selected Alternative due to projected vehicle emission rate reductions. Based on predicted values, the one and eight-hour average National Ambient Air Quality Standards (NAAQS) CO concentrations would not be exceeded and no impacts are expected for any of the proposed Alternatives.

*Wastewater/Water Supply*

The Selected Alternative would increase the amount of wastewater generated on campus with the proposal of additional development. To facilitate the construction of the improvements under this proposed alternative, the existing wastewater distribution system would need to be relocated and upgraded as necessary. With the increase in demand, NIH will consult with the Washington Suburban Sanitary Commission (WSSC) to ensure adequate sewer capacity is available for the campus. This consultation would also assist WSSC in determining if and when any of the public lines surrounding the campus need to be upgraded. All sanitary sewer design would be in accordance with the NIH Facilities Development Manual, ''Section 8–6: Drainage Systems'' of the 2008 National Institutes of Health Design Requirements for Biomedical Laboratories and Animal Research Facilities and the WSSC requirements. No significant impacts are expected for wastewater or the NIH campus water supply.

*Historic Resources*

NIH would comply with National Historic Preservation Act (NHPA) Section 106 by consulting with Maryland Historical Trust (MHT) on the need for particular archeological studies as individual Master Plan project elements are funded, designed, and executed. In the event that eligible prehistoric resources are identified and adverse effects are anticipated, NIH would continue Section 106 consultation with the appropriate consulting parties (which would include MHT and may also include Advisory Council on Historic Preservation (ACHP) and Native American tribes) to establish a Memorandum of Agreement (MOA) to resolve adverse effects. Mitigation measures identified through this consultation could include in-place preservation through site avoidance, protection, or easement acquisition; development and implementation of a data recovery plan to retrieve and analyze the site's resources implementation of innovative, alternative mitigation measures or a combination of these measures.

**Practicable Means To Avoid or Minimize Potential Environmental Harm From the Selected Alternative**

All practicable means to avoid or minimize adverse environmental effects from the Selected Action have been identified and incorporated into the action. The proposed Master Plan construction will be subject to the existing NIH pollution prevention, waste management, and safety, security, and emergency response policies and procedures as well as existing environmental permits. Best management practices, spill prevention and control, and stormwater management plans will be followed to appropriately address the construction and operation envisioned in [or ''described in''—the Master Plan itself will not be constructed and operated] of the new Master Plan and comply with applicable regulatory and NIH requirements. No additional mitigation measures have been identified.

**Pollution Prevention**

Air quality permit standards will be met, as will all federal, state, and local requirements to protect the environment and public health.

**Conclusion**

Based upon review and careful consideration, the NIH has decided to implement the Selected Alternative for a long-range physical Master Plan for NIH Bethesda Campus located in Bethesda, Maryland. The decision accounts for potential growth of NIH personnel, and consequent construction of space over the planning period. The decision was based upon review and careful consideration of the impacts identified in the Final EIS and public comments received throughout the NEPA process.

Separate NEPA reviews, when required, will be done on projects discussed in the Master Plan. Proper NEPA documentation will be completed based on the outcome of that review.

Dated: February 5, 2015.

**Daniel G. Wheeland, P.E.**

*Director, Office of Research Facilities Development and Operations, National Institutes of Health.*

[FR Doc. 2015–02993 Filed 2–12–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Announcement of a Draft NIH Policy on Dissemination of NIH-Funded Clinical Trial Information

**SUMMARY:** On November 19, 2014, the National Institutes of Health (NIH) published a request for public comments in the NIH Guide for Grants and Contracts on a draft policy to promote broad and responsible dissemination of information on clinical trials funded by the NIH through registration and submission of summary results information to ClinicalTrials.gov. See Guide notice NOT–OD–15–019 at *http://grants.nih.gov/grants/guide/notice-files/NOT-OD-15-019.html.* NIH is publishing this notice in order to inform readers of the **Federal Register** about the draft policy and the opportunity to comment.

**DATES:** The deadline for receiving comments on the draft policy is no later than 5:00 p.m. on March 23, 2015.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Email: clinicaltrials.disseminationpolicy@mail.nih.gov.*
- *Fax:* 301–496–9839.
- *Mail/Hand delivery/Courier:* Office of Clinical Research and Bioethics Policy, Office of Science Policy, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892.

**FOR FURTHER INFORMATION CONTACT:** Office of Clinical Research and Bioethics Policy, Office of Science Policy, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, 301–496–9838, *OCRBP-OSP@od.nih.gov.*

**SUPPLEMENTARY INFORMATION:**

**Background**

The National Institutes of Health (NIH) is dedicated to improving the health of Americans by conducting and funding biomedical and behavioral

research, including clinical trials.[1] A fundamental premise of all NIH-funded research is that the results of such work must be disseminated in order to contribute to the general body of scientific knowledge and, ultimately, to the public health. NIH awardees are expected to make the results and accomplishments of their activities available to the research community and to the public at large.

The results of NIH funded research can be disclosed in a number of ways, including through publications, presentations at scientific meetings, sharing research tools, and depositing information into databases and materials into repositories. NIH has a number of policies that promote the dissemination of research results and guide funding recipients in disseminating their results. The NIH Data Sharing Policy, the NIH Public Access Policy, the NIH Research Tools Policy, and the NIH Genomic Data Sharing Policy are important examples of policies to ensure that research data and materials generated using NIH funds are used productively to further scientific progress and to promote public health.[2] Increasing public access to information from NIH research supports the public access and data sharing directives of the Executive Office of the President (EOP Directives).[3]

Traditionally, scientists fulfill their obligation to contribute to the general body of knowledge through peer reviewed journal publications. However, journal publication is not always possible, and many clinical trials are not being published or published in a timely manner. A recent study found that the results of less than half of NIH-funded clinical trials had been published in a peer-reviewed biomedical journal within 30 months of trial completion.[4] Selective publication of the results of some trials and not others—or publication of incomplete or partial findings from a particular trial—can lead to inappropriate conclusions about the usefulness of particular therapies.[5]

Public access to clinical trial information drives scientific progress and optimizes the return on the nation's investment in clinical trials. It helps inform future research, improve study design, and prevent duplication of unsafe and unsuccessful trials. In addition, there is an important ethical dimension to dissemination of clinical trial results because individuals who volunteer to participate in such studies, and who may assume risks, trust that what we learn will contribute to generalizable knowledge about human health. Finally, enhancing transparency also increases public trust in clinical research. It is, therefore, important to provide other ways for clinical trial results to be disseminated and publicly available to researchers, health care providers, and patient communities.

Some NIH-funded clinical trials are subject to mandatory registration and reporting of results under federal law, *i.e.,* Title VIII of the Food and Drug Administration Amendments Act of 2007 (FDAAA). FDAAA applies, in general, to controlled, interventional studies of Food and Drug Administration (FDA)-regulated drugs, biological products, and devices, excluding phase 1 studies of drugs and biological products and small feasibility studies of devices. Under FDAAA, a minimal set of summary information about such clinical trials must be submitted in a structured, tabular format to ClinicalTrials.gov, a freely accessible and searchable registry and results data bank operated by the National Library of Medicine (NLM), NIH.

NIH is proposing to issue a policy to ensure that all NIH-funded clinical trials are registered and have summary results, including adverse event information, submitted to ClinicalTrials.gov. Compliance with this policy will be a term and condition in the Notice of Grant Award and a contract requirement in the Contract Award. This proposed policy supports the NIH mission and is essential to facilitate the translation of research results into knowledge, products, and procedures that improve human health.

**Request for Comments**

NIH encourages the public to provide comments on any aspect of the draft policy, described below. Comments should be submitted electronically to the Office of Clinical Research and Bioethics Policy (OCRBP), Office of Science Policy, NIH, via email at email at *clinicaltrials.disseminationpolicy@mail.nih.gov,* mail at 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, or by fax at 301–496–9839. Submitted comments are considered public information; private or confidential information should not be submitted. Comments may be posted along with the submitter's name and affiliation on the OCRBP Web site after the public comment period closes.

**Draft NIH Policy on Dissemination of NIH-Funded Clinical Trial Information**

*Purpose.* The purpose of this Policy is to promote broad and responsible dissemination of information from NIH-funded clinical trials through ClinicalTrials.gov, the clinical trial registry and results databank operated by the National Library of Medicine (NLM). Disseminating this information supports the NIH mission to advance the translation of research results into knowledge, products, and procedures that improve human health. This Policy is intended to complement the statutory mandate under Title VIII of the Food and Drug Administration Amendments Act of 2007 (FDAAA) that requires registration and submission of summary results for certain clinical trials, whether funded by NIH or by other entities, to be registered and have summary results submitted to ClincalTrials.gov.[6]

*Scope and Applicability.* This Policy applies to all NIH-funded awardees and investigators conducting clinical trials, funded in whole or in part by NIH, regardless of study phase, type of intervention, or whether they are subject to the FDAAA registration and results submission requirements set forth in Section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)). For

[1] NIH's mission is to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life, and reduce illness and disability. See *http://www.nih.gov/about/mission.htm.*

[2] See *http://www.grants.nih.gov/grants/policy/data_sharing/data_sharing_guidance.htm; http://publicaccess.nih.gov/; http://grants.nih.gov/grants/intell-property_64FR72090.pdf;* and *http://gds.nih.gov/03policy2.html.*

[3] See the Office of Science and Technology Policy's memorandum, ''Increasing Access to the Results of Federally Funded Scientific Research,'' (February 22, 2013), the Office of Management and Budget's memorandum, ''Open Data Policy—Managing Information as an Asset,'' M–13–13 (May 9, 2013) *http://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf,* and Executive Order No. 13,642 (May 9, 2013) *http://www.gpo.gov/fdsys/pkg/DCPD-201300318/pdf/DCPD-201300318.pdf.*

[4] Ross JS, Tse T, Zarin DA, Xu H, Zhou L, Krumholz HM. Publication of NIH funded trials registered in ClinicalTrials.gov: cross-sectional analysis. BMJ. 2012;344:d7292.

[5] Nissen S, Biomarkers in Cardiovascular Medicine, The Shame of Publication Bias, JAMA Intern Med 2013 March 25; doi:10.001/jamainternmed.2013.4074; Dwan K et al., Systematic review of the empirical evidence of study publication bias and outcome reporting bias, PLoS One 2008 Aug 28;3(8):e3081. doi: 0.1371/journal.pone.0003081; Begg C, Berlin J, Publication bias and dissemination of clinical research, J Natl Cancer Inst 1989, Jan 18;81(2):107–15.

[6] The mandate applies to certain ''applicable clinical trials'' (ACTs) of drugs (defined by section 402(j)(1)(A)(vii) of the Public Health Service Act to include biological products) and devices, including any pediatric postmarket surveillance of a device required by FDA under section 522 of the Federal Food, Drug, and Cosmetic Act (FD&C Act). See 42 U.S.C. 282(j).

purposes of this Policy, a clinical trial is defined as ''a research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of those interventions on health-related biomedical or behavioral outcomes.[7]''

*Effective Date.* This Policy is effective for:

- Competing grant applications that include clinical trials and are submitted to the NIH for the [date to be determined] receipt date and subsequent receipt dates;
- Proposals for contracts that include clinical trials and are submitted to the NIH on or after [date to be determined]; and
- NIH intramural research projects that include clinical trials for which Institutional Review Board review is initiated after [date to be determined].

*Responsibilities.* As set forth in the terms and conditions of grant and contract awards, all NIH-funded awardees and investigators conducting clinical trials, funded in whole or in part by NIH, who have committed to NIH that they will comply with NIH policies, are expected to ensure that their NIH-funded clinical trials are registered and summary results, including adverse event information, are submitted to ClinicalTrials.gov in accord with the timelines that will be set forth at ClinicalTrials.gov. Generally, this means registration of the clinical trial not later than 21 days after enrollment of the first participant and submission of summary results information not later than one year after the completion date. ''Completion date'' is defined to be the date that the final subject was examined or received an intervention for the purpose of final collection of data for the primary outcome, whether the clinical trial concluded according to the pre-specified protocol or was terminated. It will be possible to delay results submission for up to two years beyond the initial deadline with a certification that regulatory approval of the product is being sought. Clinical trials covered by the policy will be expected to submit the same type of registration and results data and in the same timeframes as the trials subject to FDAAA. The specific registration and results information to be submitted will be made available at the ClinicalTrials.gov site.

Institutions and investigators should submit information directly to ClinicalTrials.gov. If the trial is subject to FDAAA, *i.e.,* section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)), submissions must be made by the Responsible Party, as defined at 42 U.S.C. 282(j)(1)(A)(ix). If an NIH-funded clinical trial is also subject to FDAAA, it needs to have only one entry in ClinicalTrials.gov that contains its registration and results information. Investigators and funding recipients are expected to cooperate with NLM to address any data curation or quality control issues to facilitate timely posting.

In general, NIH expects to make clinical trial registration and results information publicly available through ClinicalTrials.gov within 30 days after receipt by ClinicalTrials.gov.[8] For NIH-funded trials that are subject to section 402(j) of the Public Health Services Act (42 U.S.C. 282(j)), submitted information will be posted in compliance with the relevant requirements of that section.

Failure to comply with the terms and conditions of NIH awards may provide a basis for enforcement actions, including termination, consistent with 45 CFR 74.62 and/or other authorities, as appropriate.[9]

Dated: January 8, 2015.

**Lawrence Tabak,**

*Principal Deputy Director, National Institutes of Health.*

[FR Doc. 2015–02994 Filed 2–12–15; 8:45 am]

**BILLING CODE 4140–01–P**

[7] Several terms within the NIH definition of clinical trial definition mean are defined as follows. ''Research'' and ''human subject'' are defined in the Common Rule at 45 CFR 46.102(d) and 45 CFR 46.102(f), respectively. ''Prospectively assigned'' refers to a pre-defined process (*e.g.,* randomization) specified in an approved protocol that stipulates the assignment of research subjects (individually or in clusters) to one or more arms (*e.g.,* intervention, placebo or other control) of the clinical trial. An ''intervention'' is defined as a manipulation of the subject or subject's environment for the purpose of modifying one or more health-related biomedical or behavioral processes and/or endpoints. Examples include drugs/small molecules/compounds; biologics; devices; procedures (*e.g.,* surgical techniques); delivery systems (*e.g.,* telemedicine, face-to-face interviews); strategies to change health-related behavior (*e.g.,* diet, cognitive therapy, exercise, development of new habits); treatment strategies; prevention strategies; and, diagnostic strategies. A ''health-related biomedical or behavioral outcome'' is defined as the pre-specified goal(s) or condition(s) that reflect the effect of one or more interventions on human subjects' biomedical or behavioral status or quality of life. Examples include positive or negative changes to physiological or biological parameters (*e.g.,* improvement of lung capacity, gene expression); positive or negative changes to psychological or neurodevelopmental parameters (*e.g.,* mood management intervention for smokers; reading comprehension and/or information retention); positive or negative changes to disease processes; positive or negative changes to health-related behaviors; and, positive or negative changes to quality of life. See *http://osp.od.nih.gov/office-clinical-research-and-bioethics-policy/clinical-research-policy/clinical-trials*>

[8] For clinical trials funded through SBIRs, the timeframe for posting results will be consistent with the SBIR Policy Directive, which generally prohibits the agency from posting SBIR data for at least 4 years from completion of the study unless the awardee consents to an earlier release. See SBIR Policy Directive, Sections 8(b)(2) and (4).

[9] When the final policy is issued, NIH will also provide more specific procedural guidance to facilitate implementation.

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

**[AAK6006201 1565A2100DD AOR3030.999900]**

### National Environmental Policy Act: Implementing Procedures; Additions to Categorical Exclusions for Bureau of Indian Affairs (516 DM 10)

**AGENCY:** Department of the Interior.

**ACTION:** Notice of Final National Environmental Policy Act Implementing Procedures.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality regulations implementing NEPA, and Department of the Interior (Department) NEPA implementing regulations, the Bureau of Indian Affairs (BIA) in the Department is adding three categorical exclusions (CE) to the Departmental Manual 516 DM 10. The three proposed CEs pertain to timber harvesting on Indian lands.

**DATES:** *Effective Date:* The categorical exclusions are effective February 13, 2015.

**ADDRESSES:** To obtain a copy of the new categorical exclusions contact Mr. David Koch, Acting Chief Forester, Bureau of Indian Affairs, 1849 C Street, Washington, DC 20240; email: *david.koch@bia.gov.*

**FOR FURTHER INFORMATION CONTACT:** Mr. David Koch, Acting Chief Forester, (202) 208–4837.

**SUPPLEMENTARY INFORMATION:**

#### Background

Harvesting timber on Indian lands, as defined in 25 CFR 163.1, allows landowners to realize value from lands held in trust for them by the Federal Government or subject to restrictions against alienation. The National Indian Forest Resources Management Act, and its implementing regulations, require the Secretary, with the participation of the landowners, to undertake forest land management activities on Indian forest

lands, including the approval of timber harvests. As a result of the need for Federal permits and contracts, such projects are Federal actions that require compliance with the NEPA. The BIA has typically conducted NEPA reviews of actions associated with timber harvesting by preparing Environmental Assessments (EA). The addition of CEs to cover these three categories of small actions will allow for a more efficient NEPA review because those EAs resulted in findings of no significant impacts which were substantiated over time. The three proposed CEs were developed based on CEs currently used by the United States Forest Service (FS), as described in FS regulations 36 CFR 220, and adopted by the Bureau of Land Management (BLM), as described the Departmental Manual, 516 DM 11. The BIA relied on the experience of the FS and BLM and applied its expertise to benchmark these CEs and determined these are appropriate to establish as BIA CEs.

Because these CEs have important implications for actions occurring on Indian lands, the BIA initiated consultation and requested comments from all federally recognized tribes. This consultation period began on July 23, 2014, and concluded on September 21, 2014. Public comments were also solicited through a notice placed in the **Federal Register** on November 14, 2014 [79 FR 68287].

**Comments on the Proposal**

The BIA received no comments from tribes, and no public comments.

**Conclusion**

The Department and the BIA determined that the actions defined in the CEs presented at the end of this notice normally do not individually or cumulatively have a significant effect on the human environment and, absent extraordinary circumstances, do not require preparation of an Environmental Assessment or an Environmental Impact Statement. This finding is based on the analysis of the application of similar CEs established and used by other Federal departments and agencies; and the professional judgment of BIA environmental and forestry personnel who conducted environmental reviews of similar actions that resulted in Findings of No Significant Impact.

**Categorical Exclusions**

The Department will add the following categorical exclusions to the Departmental Manual at 516 DM 10.5: H. Forestry.

(11) Harvesting live trees not to exceed 70 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) Shall not include even-aged regeneration harvests or vegetation type conversions.

(b) May include incidental removal of trees for landings, skid trails, and road clearing.

(c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BIA or Tribal transportation systems and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to:

(a) Removing individual trees for sawlogs, specialty products, or fuelwood.

(b) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

(12) Salvaging dead or dying trees not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(b) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BIA or Tribal transportation systems and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(c) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

(d) For this CE, a dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, or disease, such that in the judgment of an experienced forest professional or someone technically trained for the work, the tree is likely to die within a few years.

Examples include, but are not limited to:

(a) Harvesting a portion of a stand damaged by a wind or ice event.

(b) Harvesting fire damaged trees.

(13) Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities:

(a) May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and

(b) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BIA or tribal transportation systems and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to:

(a) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations (a buffer); and

(b) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian longhorned beetle, or sudden oak death pathogen.

Dated: February 5, 2015.

**Willie R. Taylor,**

*Director, Office of Environmental Policy and Compliance.*

[FR Doc. 2015–03039 Filed 2–12–15; 8:45 am]

**BILLING CODE 4337–A2–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R1–ES–2014–N247; FXES11130100000C4–156–FF01E00000]**

### Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of 133 Species in Hawaii, Oregon, Idaho, and Washington

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews for 133 species in Hawaii, Oregon, Idaho, and Washington under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review.

**DATES:** To ensure consideration in our reviews, we are requesting submission of new information no later than April 14, 2015. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For the 130 species in Hawaii (see table below), submit information to: Deputy Field Supervisor—Programmatic, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3–122, Box 50088, Honolulu, HI 96850.

For Bradshaw's desert-parsley and Howell's spectacular thelypody, submit information to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266. Alternatively you may submit information on the Oregon species by email to: *fw1or5yearreview@fws.gov.*

For MacFarlane's four-o'-clock, submit information to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 1387 S. Vinnell Way, Suite 368, Boise, ID 83709.

**FOR FURTHER INFORMATION CONTACT:** Marie Bruegmann, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**), 808–792–9400 (for species in Hawaii); Jeff Dillon, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 503–231–6179 (for Bradshaw's desert-parsley and Howell's spectacular thelypody); or Kim Garner, Idaho Fish and Wildlife Office, 208–378–5243 (for MacFarlane's four-o'-clock). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:**

#### Why do we conduct 5-year reviews?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2) of the Act requires us to review each listed species' status at least once every 5 years to determine whether it should be removed from the List; or be changed in status from endangered to threatened, or from threatened to endangered. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review.

#### What information do we consider in the review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that has become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for these species.

#### What species are under review?

This notice announces our active review of the 133 species listed in the table below.

SPECIES FOR WHICH WE ARE INITIATING A 5-YEAR STATUS REVIEW

| Common name | Scientific name | Status | Where listed | Final listing rule |
|---|---|---|---|---|
| **ANIMALS** | | | | |
| Millerbird, Nihoa | *Acrocephalus familiaris kingi* | Endangered | U.S.A. (HI) | 32 FR 4001; 03/11/1967. |
| Wolf spider, Kauai cave | *Adelocosa anops* | Endangered | U.S.A. (HI) | 65 FR 2348; 01/14/2000. |
| Duck, Laysan | *Anas laysanensis* | Endangered | U.S.A. (HI) | 32 FR 4001; 03/11/1967. |
| Pomace fly [unnamed] | *Drosophila musaphilia* | Endangered | U.S.A. (HI) | 71 FR 26835; 05/09/2006. |
| Fly, Hawaiian picture-wing | *Drosophila sharpi* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Newcomb's snail | *Erinna newcombi* | Threatened | U.S.A. (HI) | 65 FR 4162; 01/26/2000. |
| Nukupu'u (honeycreeper) | *Hemignathus lucidus* | Endangered | U.S.A. (HI) | 35 FR 16047; 10/13/1970. |
| 'Akialoa, Kauai | *Hemignathus procerus* | Endangered | U.S.A. (HI) | 32 FR 4001; 03/11/1967. |
| Akekee | *Loxops caeruleirostris* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| 'O'o, Kauai | *Moho braccatus* | Endangered | U.S.A. (HI) | 32 FR 4001; 03/11/1967. |
| Thrush, large Kauai | *Myadestes myadestinus* | Endangered | U.S.A. (HI) | 35 FR 16047; 10/13/1970. |
| Thrush, small Kauai | *Myadestes palmeri* | Endangered | U.S.A. (HI) | 32 FR 4001; 03/11/1967. |
| 'Akikiki | *Oreomystis bairdi* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Amphipod, Kauai cave | *Spelaeorchestia koloana* | Endangered | U.S.A. (HI) | 65 FR 2348; 01/14/2000. |
| Finch, Laysan | *Telespyza cantans* | Endangered | U.S.A. (HI) | 32 FR 4001; 03/11/1967. |

SPECIES FOR WHICH WE ARE INITIATING A 5-YEAR STATUS REVIEW—Continued

| Common name | Scientific name | Status | Where listed | Final listing rule |
|---|---|---|---|---|
| Finch, Nihoa | *Telespyza ultima* | Endangered | U.S.A. (HI) | 32 FR 4001; 03/11/1967. |
| | **PLANTS** | | | |
| No common name | *Amaranthus brownii* | Endangered | U.S.A. (HI) | 61 FR 43178; 08/21/1996. |
| No common name | *Asplenium dielmannii* (=*Diellia mannii*). | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Asplenium dielpallidum* (=*Diellia pallida*). | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Pa'iniu | *Astelia waialealae* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Olulu | *Brighamia insignis* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| 'Awikiwiki | *Canavalia napaliensis* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Papala | *Charpentiera densiflora* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Haha | *Cyanea asarifolia* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Haha | *Cyanea dolichopoda* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Haha | *Cyanea eleeleensis* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Haha | *Cyanea kolekoleensis* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Haha | *Cyanea kuhihewa* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Haha | *Cyanea recta* | Threatened | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Haha | *Cyanea remyi* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| No common name | *Cyanea* (=*Delissea*) *rivularis* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Haha | *Cyanea undulata* | Endangered | U.S.A. (HI) | 56 FR 47695; 09/20/1991. |
| Mapele | *Cyrtandra cyaneoides* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Ha'iwale | *Cyrtandra kealiae* ssp. *kealiae* (=*Cyrtandra limahuliensis*). | Threatened | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Ha'iwale | *Cyrtandra oenobarba* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Ha'iwale | *Cyrtandra paliku* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Delissea rhytidosperma* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| No common name | *Doryopteris angelica* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Aumakua, Palapalai | *Dryopteris crinalis* var. *podosorus* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Na'ena'e | *Dubautia imbricata* ssp. *imbricata* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Na'ena'e | *Dubautia kalalauensis* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Na'ena'e | *Dubautia kenwoodii* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Na'ena'e | *Dubautia latifolia* | Endangered | U.S.A. (HI) | 57 FR 20580; 05/13/1992. |
| Na'ena'e | *Dubautia pauciflorula* | Endangered | U.S.A. (HI) | 56 FR 47695; 09/20/1991. |
| Na'ena'e | *Dubautia plantaginea* ssp. *magnifolia* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Na'ena'e | *Dubautia waialealae* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| 'Akoko | *Euphorbia* (=*Chamaesyce*) *eleanoriae*. | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| 'Akoko | *Euphorbia haeleeleana* | Endangered | U.S.A. (HI) | 61 FR 53108; 10/10/1996. |
| No common name | *Euphorbia* (=*Chamaesyce*) *halemanui*. | Endangered | U.S.A. (HI) | 57 FR 20580; 05/13/1992. |
| 'Akoko | *Euphorbia* (=*Chamaesyce*) *remyi* var. *kauaiensis*. | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| 'Akoko | *Euphorbia* (=*Chamaesyce*) *remyi* var. *remyi*. | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Heau | *Exocarpos luteolus* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Nohoanu | *Geranium kauaiense* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Gouania meyenii* | Endangered | U.S.A. (HI) | 56 FR 55770; 10/29/1991. |
| No common name | *Hesperomannia lydgatei* | Endangered | U.S.A. (HI) | 56 FR 47695; 09/20/1991. |
| Kauai hau kuahiwi | *Hibiscadelphus distans* | Endangered | U.S.A. (HI) | 51 FR 15903; 04/29/1986. |
| Hau kuahiwi | *Hibiscadelphus woodii* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Hibiscus, Clay's | *Hibiscus clayi* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Koki'o ke'oke'o | *Hibiscus waimeae* ssp. *hannerae* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Wawae'iole | *Huperzia* (=*Lycopodium*) *nutans* | Endangered | U.S.A. (HI) | 59 FR 14482; 03/28/1994. |
| Aupaka | *Isodendrion laurifolium* | Endangered | U.S.A. (HI) | 61 FR 53108; 10/10/1996. |
| Aupaka | *Isodendrion longifolium* | Threatened | U.S.A. (HI) | 61 FR 53108; 10/10/1996. |
| Hedyotis, Na Pali Beach | *Kadua (=Hedyotis) st.-johnii* | Endangered | U.S.A. (HI) | 56 FR 49639; 09/30/1991. |
| No common name | *Keysseria erici* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Keysseria helenae* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Koki'o | *Kokia kauaiensis* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Kamakahala | *Labordia helleri* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Kamakahala | *Labordia lydgatei* | Endangered | U.S.A. (HI) | 56 FR 47695; 09/20/1991. |
| Kamakahala | *Labordia pumila* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Kamakahala | *Labordia tinifolia* var. *wahiawaensis* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| No common name | *Lobelia niihauensis* | Endangered | U.S.A. (HI) | 56 FR 55770; 10/29/1991. |
| Desert-parsley, Bradshaw's | *Lomatium bradshawi* | Endangered | U.S.A. (OR, WA). | 53 FR 38448; 09/30/1988. |
| Lehua makanoe | *Lysimachia daphnoides* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Lysimachia filifolia* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| No common name | *Lysimachia iniki* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Lysimachia pendens* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |

SPECIES FOR WHICH WE ARE INITIATING A 5-YEAR STATUS REVIEW—Continued

| Common name | Scientific name | Status | Where listed | Final listing rule |
|---|---|---|---|---|
| No common name | *Lysimachia scopulensis* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Lysimachia venosa* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Nehe | *Melanthera* (=*Lipochaeta*) *fauriei* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Nehe | *Melanthera* (=*Lipochaeta*) *micrantha* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Nehe | *Melanthera* (=*Lipochaeta*) *waimeaensis*. | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Alani | *Melicope degeneri* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Alani | *Melicope haupuensis* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Alani | *Melicope pallida* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Alani | *Melicope paniculata* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Alani | *Melicope puberula* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Alani | *Melicope quadrangularis* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Four-o'-clock, MacFarlane's | *Mirabilis macfarlanei* | Threatened | U.S.A. (ID, OR) | 61 FR 10693; 03/15/1996. |
| Kolea | *Myrsine knudsenii* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Kolea | *Myrsine linearifolia* | Threatened | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Kolea | *Myrsine mezii* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| ʻAiea | *Nothocestrum peltatum* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Lau ʻehu | *Panicum niihauense* | Endangered | U.S.A. (HI) | 61 FR 53108; 10/10/1996. |
| No common name | *Phyllostegia knudsenii* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| No common name | *Phyllostegia renovans* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Phyllostegia waimeae* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| No common name | *Phyllostegia wawrana* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Hoʻawa | *Pittosporum napaliense* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Pilo kea lau liʻi | *Platydesma rostrata* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Bluegrass, Mann's | *Poa mannii* | Endangered | U.S.A. (HI) | 59 FR 56330; 11/10/1994. |
| Bluegrass, Hawaiian | *Poa sandvicensis* | Endangered | U.S.A. (HI) | 57 FR 20580; 05/13/1992. |
| No common name | *Poa siphonoglossa* | Endangered | U.S.A. (HI) | 57 FR 20580; 05/13/1992. |
| No common name | *Polyscias* (=*Tetraplasandra*) *bisattenuata*. | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Polyscias* (=*Tetraplasandra*) *flynnii* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Polyscias racemosa* (=*Munroidendron racemosum*). | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Loʻulu, (=Naʻenaʻe) | *Pritchardia hardyi* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Loʻulu | *Pritchardia napaliensis* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Loʻulu | *Pritchardia viscosa* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Loʻulu | *Pritchardia remota* | Endangered | U.S.A. (HI) | 61 FR 43178; 08/21/1996. |
| Kopiko | *Psychotria grandiflora* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Kopiko | *Psychotria hobdyi* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Kaulu | *Pteralyxia kauaiensis* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| No common name | *Remya kauaiensis* | Endangered | U.S.A. (HI) | 56 FR 1450; 01/14/1991. |
| No common name | *Remya montgomeryi* | Endangered | U.S.A. (HI) | 56 FR 1450; 01/14/1991. |
| Maʻoliʻoli | *Schiedea apokremnos* | Endangered | U.S.A. (HI) | 56 FR 49639; 09/30/1991. |
| No common name | *Schiedea attenuata* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| No common name | *Schiedea helleri* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| No common name | *Schiedea kauaiensis* | Endangered | U.S.A. (HI) | 61 FR 53108; 10/10/1996. |
| Kuawawaenohu | *Schiedea* (=*Alsinidendron*) *lychnoides*. | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| No common name | *Schiedea membranacea* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| No common name | *Schiedea spergulina* var. *leiopoda* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| No common name | *Schiedea spergulina* var. *spergulina* | Threatened | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| Laulihilihi | *Schiedea stellarioides* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| No common name | *Schiedea verticillata* | Endangered | U.S.A. (HI) | 61 FR 43178; 08/21/1996. |
| No common name | *Schiedea viscosa* (=*Alsinidendron viscosum*). | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| ʻAiakeakua, popolo | *Solanum sandwicense* | Endangered | U.S.A. (HI) | 59 FR 9304; 02/25/1994. |
| No common name | *Stenogyne campanulata* | Endangered | U.S.A. (HI) | 57 FR 20580; 05/13/1992. |
| No common name | *Stenogyne kealiae* | Endangered | U.S.A. (HI) | 75 FR 18960; 04/13/2010. |
| Thelypody, Howell's spectacular | *Thelypodium howellii* ssp. *spectabilis* | Threatened | U.S.A. (OR) | 64 FR 28393; 5/26/1999. |
| No common name | *Viola helenae* | Endangered | U.S.A. (HI) | 56 FR 47695; 09/20/1991. |
| Nani waiʻaleʻale | *Viola kauaensis* var. *wahiawaensis* | Endangered | U.S.A. (HI) | 61 FR 53070; 10/10/1996. |
| Iliau, dwarf | *Wilkesia hobdyi* | Endangered | U.S.A. (HI) | 57 FR 27859; 06/22/1992. |
| No common name | *Xylosma crenatum* | Endangered | U.S.A. (HI) | 57 FR 20580; 05/13/1992. |

**Request for New Information**

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See ''What Information Do We Consider in Our Review?'' for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed above, please submit

your comments and materials to the appropriate contact in the Oregon Fish and Wildlife Office, Idaho Fish and Wildlife Office, or Pacific Islands Fish and Wildlife Office (see **ADDRESSES** section).

**Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

**Completed and Active Reviews**

A list of all completed and currently active 5-year reviews addressing species for which the Pacific Region of the Service has lead responsibility is available at *http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html.*

**Authority**

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 6, 2015.

**Richard Hannan,**

*Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2015–03015 Filed 2–12–15; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R1–ES–2015–N027; FXES11130100000–156–FF01E00000]**

### Endangered Species; Recovery Permit Application

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following application for a recovery permit to conduct activities with the purpose of enhancing the survival of an endangered species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with endangered species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing such permits.

**DATES:** To ensure consideration, please send your written comments by March 16, 2015.

**ADDRESSES:** Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE. 11th Avenue, Portland, OR 97232–4181. Please refer to the permit number for the application when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Colleen Henson, Fish and Wildlife Biologist, at the above address, or by telephone (503–231–6131) or fax (503–231–6243).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with respect to endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17, the Act provides for certain permits, and requires that we invite public comment before issuing these permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittee to conduct activities (including take or interstate commerce) with respect to U.S. endangered or threatened species for scientific purposes or enhancement of propagation or survival. Our regulations implementing section 10(a)(1)(A) of the Act for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Application Available for Review and Comment**

We invite local, State, and Federal agencies and the public to comment on the following application. Please refer to the permit number for the application when submitting comments.

Documents and other information submitted with this application are available for review by request from the Program Manager for Restoration and Endangered Species Classification at the address listed in the **ADDRESSES** section of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

**Permit Number: TE–003483**

*Applicant:* U.S. Geological Survey, Pacific Island Ecosystems Research Center, Hawaii National Park, Hawaii.

The applicant requests a permit amendment to take (capture, band, mark, measure, weigh, collect blood samples, radio-tag, release, recapture, and search for and monitor nests) the Hawaiian coot (*Fulica americana alai*) and the Hawaiian stilt (*Himantopus mexicanus knudseni*) on the island of Oahu, in conjunction with scientific research, for the purpose of enhancing the species' survival.

**Public Availability of Comments**

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: January 30, 2015.

**Theresa E. Rabot,**

*Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2015–03024 Filed 2–12–15; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R1–ES–2015–N004; FXES11130100000–156–FF01E00000]**

### Endangered Species; Recovery Permit Application

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following application for a recovery permit to conduct activities with the purpose of enhancing the survival of an endangered species. The Endangered Species Act of 1973, as

amended (Act), prohibits certain activities with endangered species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing such permits.

**DATES:** To ensure consideration, please send your written comments by March 16, 2015.

**ADDRESSES:** Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE. 11th Avenue, Portland, OR 97232–4181. Please refer to the permit number for the application when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Colleen Henson, Fish and Wildlife Biologist, at the above address, or by telephone (503–231–6131) or fax (503–231–6243).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with respect to endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for certain permits, and requires that we invite public comment before issuing these permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittee to conduct activities (including take or interstate commerce) with respect to U.S. endangered or threatened species for scientific purposes or enhancement of propagation or survival. Our regulations implementing section 10(a)(1)(A) of the Act for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Application Available for Review and Comment**

We invite local, State, and Federal agencies and the public to comment on the following application. Please refer to the permit number for the application when submitting comments.

Documents and other information submitted with this application are available for review by request from the Program Manager for Restoration and Endangered Species Classification at the address listed in the **ADDRESSES** section of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

*Permit Number: TE–017352*

*Applicant:* Commonwealth of the Northern Mariana Islands, Division of Fish and Wildlife, Saipan, MP

The applicant requests amendment of a permit to take (playback survey) Mariana common moorhens (*Gallinula chloropus guami*) and to take (playback survey, photograph, and videograph) Micronesian megapodes (*Megapodius laperouse*) throughout the Commonwealth of the Northern Islands in conjunction with research for the purpose of enhancing species' survival.

**Public Availability of Comments**

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority**

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: January 21, 2015.

**Richard R. Hannan,**

*Regional Director, Pacific Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2015–03016 Filed 2–12–15; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

**[145A2100DD AAK4000000 A0R9B0000.999900]**

### Renewal of Agency Information Collection for Probate of Indian Estates

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of submission to OMB.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is submitting to the Office of Management and Budget (OMB) a request for renewal for the collection of information titled ''Probate of Indian Estates, Except for Members of the Osage Nation and the Five Civilized Tribes.'' The information collection is currently authorized by OMB Control Number 1076–0169, which expires February 28, 2015.

**DATES:** Interested persons are invited to submit comments on or before March 16, 2015.

**ADDRESSES:** You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to Charlene Toledo, Bureau of Indian Affairs, Office of Trust Services, Division of Probate Services 2600 N Central Ave STE MS 102, Phoenix, AZ 85004: *Charlene.Toledo@bia.gov.*

**FOR FURTHER INFORMATION CONTACT:** Charlene Toledo, (505) 563–3371. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Secretary of the Interior probates the estates of individual Indians owning trust or restricted property in accordance with 25 U.S.C. 372–373. In order to compile the probate file, the Bureau of Indian Affairs (BIA) must obtain information regarding the deceased from individuals and the tribe. This request for renewal makes adjustments to reflect the accurate number of respondents. As a result, the estimated burden hours has increased from 1,037,493 to 1,037,513 hours. No other changes were made to the information collection.

**II. Request for Comments**

On October 28, 2014, the BIA published a notice announcing the renewal of this information collection and provided a 60-day comment period in the **Federal Register** (79 FR 64210). The BIA received one comment in response to this notice. The commenter expressed disagreement with the application of the Act of August 4, 1947, 61 Stat. 731, and proposed repealing of the 1947 Act would reduce the burden in collecting information for probate of restricted land. However, the data for this information collection is collected under 25 U.S.C. 372–373, which does not apply to members of the Five Civilized Tribes. Therefore, no changes

were made to this information collection.

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable 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.

**III. Data**

*OMB Control Number:* 1076–0169.

*Title:* Probate of Indian Estates, Except for Members of the Osage Nation and Five Civilized Tribes.

*Brief Description of Collection:* This part contains the procedures that the Secretary of the Interior follows to initiate the probate of the trust estate for a deceased person who owns an interest in trust or restricted property. The Secretary must perform the information collection requests in this part to obtain the information necessary to compile an accurate and complete probate file. This file will be forwarded to the Office of Hearing and Appeals (OHA) for disposition. Responses to these information collection requests are required to create a probate file for the decedent's estate so that OHA can determine the heirs of the decedent and order distribution of the trust assets in the decedent's estate. A response is required to obtain or retain a benefit.

*Type of Review:* Extension without change of currently approved collection.

*Respondents:* Indians, businesses, and tribal authorities.

*Number of Respondents:* 65,751.

*Frequency of Response:* One per respondent each year with the exception of tribes that may be required to provide enrollment information on an average of approximately 10 times/year.

*Estimated Total Annual Responses:* 76,695.

*Estimated Time per Response:* Ranges from 0.5 hours to 45.5 hours (see table below).

| CFR Section | Description of info collection requirement | Number of responses per yr | Hours per response | Total burden hours |
|---|---|---|---|---|
| 15.9 | File affidavit to self-prove will, codicil, or revocation | 1,000 | 0.5 | 500 |
| 15.9 | File supporting affidavit to self-prove will, codicil, or revocation. | 2,000 | 0.5 | 1,000 |
| 15.104 | Reporting req.-death certificate | 5,850 | 5 | 29,250 |
| 15.105 | Provide probate documents | 21,235 | 45.5 | 966,193 |
| 15.203 | Provide tribal information for probate file | 5,660 | 2 | 11,320 |
| 15.301 | Reporting funeral expenses | 5,850 | 2 | 11,700 |
| 15.305 | Provide info on creditor claim (6 per probate) | 35,100 | 0.5 | 17,550 |
| Total | | 76,695 | | 1,037,513 |

*Estimated Total Annual Hour Burden:* 1,037,513.

*Estimated Total Annual Non-Hour Dollar Cost:* $0.

Dated: February 10, 2015.

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.*

[FR Doc. 2015–03045 Filed 2–12–15; 8:45 am]

**BILLING CODE 4310–W7–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLCOS06000 L10200000.EE0000]**

### Notice of Intent To Amend the Resource Management Plan for the Bureau of Land Management Gunnison Field Office and Prepare an Associated Environmental Impact Statement, Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Gunnison Field Office, Gunnison, Colorado, intends to prepare a Resource Management Plan (RMP) amendment with an associated Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

**DATES:** This notice initiates the public scoping process for the RMP amendment with associated EIS. Comments on issues may be submitted in writing until March 16, 2015. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: *http://www.blm.gov/co/st/en/fo/gfo.html.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation as appropriate.

**ADDRESSES:** You may submit comments on issues and planning criteria related to the Gunnison Field Office RMP amendment/EIS by any of the following methods:

- *Email: blm_co_gfo_nepa_comments@blm.gov.*
- *Fax:* 970–642–4990.
- *Mail:* 210 West Spencer Street, Suite A, Gunnison, CO 81230.

Documents pertinent to this proposal may be examined at the BLM Gunnison Field Office at the address above.

**FOR FURTHER INFORMATION CONTACT:** Kristi Murphy, Outdoor Recreation Planner; telephone, 970–642–4955; address, 210 West Spencer Street, Suite A, Gunnison, CO 81230; email, *blm_*

*co_gfo_nepa_comments@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This document provides notice that the BLM Gunnison Field Office intends to prepare an RMP amendment with an associated EIS for 16 domestic sheep grazing allotments, announces the beginning of the scoping process and seeks public input on issues and planning criteria. The planning area is located in Gunnison, Hinsdale, and portions of Montrose, Ouray, and San Juan counties, Colorado. The planning area encompasses approximately 115,000 acres of public land. The BLM will analyze grazing that is currently authorized by five livestock grazing permits in the planning area. The five livestock grazing permits authorize sheep grazing on twelve grazing allotments. Eight of those allotments completely or partly overlap with mapped Rocky Mountain bighorn sheep (RMBS) habitat. Livestock grazing authorized by these five permits has not yet been fully analyzed in compliance with NEPA; therefore, these permits are currently being authorized under the authority of Public Law 108–108 and Public Law 111–8. In addition, the BLM will analyze livestock grazing on four other livestock grazing allotments located in areas south and west of Lake City, Colorado, which are currently vacant (domestic livestock grazing is not currently permitted on those allotments). Although there is no demand for livestock grazing on these four vacant allotments, the risk of contact with RMBS is high if permitted. Because the BLM may change livestock grazing allocations through this process, the BLM may need to amend its Resource Management Plan. These changes could include making some areas and related allotments unavailable to livestock grazing; adjusting area-wide forage availability for livestock; and making some areas or allotments that are currently unavailable to livestock grazing available for that use.

Over the past 30 years, the bighorn sheep population in the area has increased to a level indicating a healthy, stable population. New information about disease transmission between domestic sheep and RMBS indicates that contact between the species can pose a risk to the health of the RMBS population. The potential for disease transmission is a particular concern in areas where the risk of contact between species is high and design criteria or mitigation measures to achieve separation may not be effective. To fully analyze the direct, indirect and cumulative impacts of authorizing livestock grazing in bighorn sheep habitat areas, the EIS will consider the five livestock grazing permits, including the associated grazing allotments outside of RMBS habitat, as well as four allotments that are currently vacant and unpermitted.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the plan amendment area have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issues include: RMBS population health, domestic sheep grazing, socio-economics, riparian area conditions, noxious weeds, Canada lynx habitat, Gunnison Sage-Grouse habitat and upland soils. Preliminary planning criteria include:

1. The BLM will continue to manage the Gunnison Field Office in accordance with the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 (*et seq.*), other applicable laws and regulations and all existing public land laws.

2. The RMP amendment will be developed using an interdisciplinary approach to identify alternatives and analyze resource impacts, including cumulative impacts to natural and cultural resources and the social and economic environment.

3. The amendment process will follow the FLPMA planning process and the BLM will develop an EIS analyzing the amendment, consistent with NEPA.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed earlier in the **ADDRESSES** section. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 15 days after the last public meeting, whichever is later.

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. The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed.

The BLM will evaluate identified issues to be addressed in the plan amendment, and will place them into one of three categories:

1. Issues to be resolved in the plan amendment;

2. Issues to be resolved through policy or administrative action; or

3. Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the Draft RMP amendment/Draft EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan amendment. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency. The BLM will use an interdisciplinary approach to develop the plan amendment in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: rangeland management, minerals and geology,

forestry, outdoor recreation, archaeology, paleontology, wildlife and fisheries, lands and realty, hydrology, soils, sociology, and economics.

**Authority:** 40 CFR 1501.7 and 43 CFR 1610.2

**Ruth Welch,**

*BLM Colorado State Director.*

[FR Doc. 2015–02946 Filed 2–12–15; 8:45 am]

**BILLING CODE 4310–JB–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNVL01000. L51100000.GN0000.LVEMF1402520. 241A.14X; MO#4500069499]**

### Notice of Availability of the Draft Environmental Impact Statement for the Gold Rock Mine Project, White Pine County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Egan Field Office, Ely, Nevada has prepared a Draft Environmental Impact Statement (Draft EIS) for the proposed Gold Rock Mine Project in White Pine County, NV, and by this notice is announcing the opening of the public comment period on the Draft EIS.

**DATES:** To ensure comments will be considered, the BLM must receive written comments on the Draft EIS within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce any public meetings or other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

**ADDRESSES:** You may submit comments related to the Gold Rock Mine Project by any of the following methods:

- *Web site: http://on.doi.gov/1zAxyW9.*
- *fax:* 775–289–1910.
- *mail:* BLM Ely District, Egan Field Office, HC 33 Box 33500, Ely, NV 89301–9408.

Copies of the Draft EIS are available in the Egan Field Office at the above address and on the Ely District's Web page at *http://www.blm.gov/nv/st/en/fo/ely_field_office/blm_programs/minerals/mining_projects/gold_rock_project.html.*

**FOR FURTHER INFORMATION CONTACT:** For further information contact Dan Netcher, Project Manager, telephone 775–289–1872; address BLM Ely District, Egan Field Office, HC 33 Box 33500, Ely, NV 89301–9408; email *dnetcher@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:**

Midway Gold US Inc. (Midway) proposes to construct and operate an open-pit gold mining operation on the eastern side of the Pancake Mountain Range, approximately 50 miles west of Ely in White Pine County, Nevada. The proposed location is 15 miles south of U.S. Route 50 near Newark Valley and the northern Railroad Valley, in the same geographic area as the reclaimed and closed Easy Junior Mine. Midway submitted the Gold Rock Mine Project Plan of Operations on March 21, 2013. The BLM's approval of the mine plan as proposed (the Proposed Action) would authorize approximately 3,946 acres of disturbance on land administered by the BLM. Under the Proposed Action, the proposed operations and associated disturbance would include a proposed power line extending south from the Pan Mine to the west side of the proposed Gold Rock Mine Project site. Also under the Proposed Action, a county road that currently passes through the Gold Rock Mine Project area would be re-located onto existing and new BLM and county roads. An updated inventory of lands with wilderness characteristics was completed and found no lands with wilderness characteristics in the project area.

The projected life of the project is 48 years: 10 years of mining and additional time for associated construction, reclamation, closure, and post-closure monitoring periods. Midway is currently conducting exploration activities in the project area; which activities were analyzed in two separate environmental assessments (EAs): The *Midway Gold Rock Project Final Environmental Assessment* (June 2012), and the *Environmental Assessment for the Midway Gold Rock Project, Exploration Amendment* (October 2012).

On September 5, 2013, a Notice of Intent (NOI) was published in the **Federal Register** inviting scoping comments on the Proposed Action. A legal notice was prepared by the BLM and published in the Ely *Times,* the Eureka *Sentinel,* the *High Desert Advocate,* and the *Reno Gazette-Journa*l informing the public of the BLM's intention to prepare the Gold Rock Mine EIS. Public scoping meetings were held in September 2013 in Ely, Eureka, and Reno, Nevada. On November 7, 2013, the BLM learned that the email account set up to receive scoping comments on the Gold Rock Mine Project EIS, along with all of its contents, had disappeared during the first week of October 2013 and was not recoverable. On March 28, 2014, the BLM published a second Notice of Intent to prepare an EIS in the **Federal Register**, extending the scoping period for another 30-day public input period, inviting the public to submit comments, and requesting that anyone who submitted scoping comments by email during the initial 30-day scoping period (September 5, 2013, through October 7, 2013) resubmit their comments by mail, by fax, or through the ePlanning system during this 30-day extension of the public input period. No changes were made to the Proposed Action. No scoping meetings were held during this 30-day extension of the public input period, as these meetings were not affected by the technical difficulties with the email account. In total, 60 comment documents were received during scoping. The comments were incorporated in a Scoping Summary Report and were considered in the preparation of this Draft EIS.

Concerns raised during scoping include: Positive and negative socioeconomic impacts on the communities of Ely and Eureka, and to White Pine County; changes to the quantity and quality of surface water and groundwater; potential occurrence of acid drainage from waste rock disposal areas into surface or groundwater; impacts to soils through reduced infiltration or increased erosion; potential occurrence of a release of pollutants and hazardous materials to the environment during operations or following closure; impacts to wild horses and their habitat; impacts to vegetation communities, and vegetative food resources for wildlife; short- and long-term impacts on wildlife population dynamics and habitats; potential impacts to population and habitat of greater sage-grouse; potential impacts to Native American traditional and religious values regarding greater sage-grouse, antelope traps and geologic and mineral resources; impacts to air quality through point (equipment) and non-point (site roads and facilities) pollution sources; potential impacts to

public health and safety resulting from increased traffic; impacts to general health of the rangeland resources; increase in light pollution in the area and direct visual impacts from mine facilities; potential impacts to cultural resource sites listed on or eligible for the National Register of Historic Places if they exist in or near the project area; and cumulative impacts to wildlife, wild horses, cultural, air, water, and vegetation resources, pine nut gathering, and Native American traditional and religious values.

The Draft EIS describes and analyzes the proposed project's site-specific impacts (including cumulative impacts) on all affected resources. The Proposed Action, six action alternatives, and the No Action Alternative were analyzed. Five of the six action alternatives were developed to help reduce impacts to greater sage-grouse: Two power line route alternatives, two main access route alternatives, and one county road re-route alternative. One tailings storage facility location alternative was also considered to minimize impacts to mule deer crucial winter range. Mitigation measures have also been identified to show how impacts on resources could be minimized.

The BLM has prepared the Draft EIS in conjunction with its four Cooperating Agencies: The Duckwater Shoshone Tribe, Eureka County Board of Commissioners, the Nevada Department of Wildlife, and the White Pine County Board of County Commissioners.

Please note that public comments and information submitted including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (8:00 a.m. to 4:00 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Authority:** 40 CFR 1506.6; 40 CFR 1506.10

**Jill A. Moore,**

*Egan Field Office Manager.*

[FR Doc. 2015–02950 Filed 2–12–15; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NRNHL–17590; 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 24, 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 March 2, 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 30, 2015.

**James Gabbert,**

*Acting Chief, National Register of Historic Places/National Historic Landmarks Program.*

**COLORADO**

**Eagle County**

Notch Mountain Shelter, Notch Mtn. Summit, White River NF, Minturn, 15000059

Tigiwon Community House, FSR 707, Holy Cross Dist., White River NF, Minturn, 15000060

**DISTRICT OF COLUMBIA**

**District of Columbia**

Walter Reed Army Medical Center (WRAMC) Historic District, 6900 Georgia Ave. NW., Washington, 15000061

**FLORIDA**

**Orange County**

Gary-Morgan House, 1041 Osceola Ave., Winter Park, 15000062

**OKLAHOMA**

**Kay County**

First Church of Christ, Scientist, 300 N. 3rd St., Ponca City, 15000063

St. John Baptist Church and Rectory, 1009 S. 11th St., Ponca City, 15000064

**Pittsburg County**

McAlester Downtown Historic District, Bounded by Business 69, E. Carl Albert Pkwy., N. 5th St. & RR tracks, McAlester, 15000065

**Tulsa County**

First National Bank, 123 E. W.C. Rogers Blvd., Skiatook, 15000066

Oklahoma Iron Works—Bethlehem Supply Company Building, 118 N. Lansing Ave., Tulsa, 15000067

[FR Doc. 2015–02995 Filed 2–12–15; 8:45 am]

**BILLING CODE 4312–51–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–930]**

### Certain Laser Abraded Denim Garments; Notice of Commission Decision Amending the Notice of Investigation and Extending the Target Date

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 20) granting a motion to amend the complaint and notice of investigation to add new respondents, and to extend the target date for completion of the above-captioned investigation by four months.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired

persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on September 23, 2014, based on a complaint filed by RevoLaze, LLC and TechnoLines, LLC, both of Westlake, Ohio (collectively, ''RevoLaze''). 79 *FR* 56828 (Sept. 23, 2014). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337, by reason of the importation into the United States, the sale for importation, and the sale within the United States after importation of certain laser abraded denim garments. The complaint alleged the infringement of seventy-one claims of six United States patents. The notice of institution named twenty respondents.

On January 7, 2015, RevoLaze filed an unopposed motion to amend the complaint and notice of investigation. In particular, RevoLaze sought to add as proposed respondents certain third-party suppliers of the existing respondents. The proposed new respondents are: Crystal Apparel Ltd. of Kowloon, Hong Kong; Denim Service S.p.A. of Mason Vincento, Italy; Denimatrix S.A. of Guatemala City, Guatemala; Eroglu Giyin San Tic AS of Avcilar-Istanbul, Turkey; Martelli Lavorazioni Tessili S.p.A. of Toscanella, Italy; Modelos Yasiro (Tepeji del Rio) SA DE CV of Tepeji del Rio, Mexico; Private Label Tehuacan, of Puebla, Mexico; Ropa Siete Leguas, Inc. of El Paso, Texas; and Ropa Siete Leguas S.A. de C.V. of Durango, Mexico (''RSL Durango''). RevoLaze also argued that it was necessary to extend the target date to avoid prejudicing the proposed respondents.

On January 20, 2015, the respondents and Commission investigative attorney filed separate responses indicating that they do not oppose RevoLaze's motion, provided that the target date is also extended.

On January 23, 2015, the ALJ issued the subject ID granting the motion. Order No. 20. (The ID, like RevoLaze's motion, includes two addresses for RSL Durango. *Id.* at 4.) The ID extended the target date by four months, from February 23, 2016 to June 23, 2016. The ID explained that good cause exists for granting the motion in view of RevoLaze's difficulty in obtaining third-party discovery from the proposed respondents and because the ''public interest will be served by the inclusion of Proposed Respondents and Respondents in a single investigation.'' *Id.* at 2–3.

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210). By order of the Commission.

Dated: February 10, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015–03010 Filed 2–12–15; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Community Oriented Policing Services; Public Teleconference With the President's Task Force on 21st Century Policing Discussing the Task Force Report

**AGENCY:** Community Oriented Policing Services, Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** On December 18, 2014, President Barack Obama signed an Executive Order 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 teleconference.

The meeting agenda is as follows:

Call to Order
Discussion of the Task Force Report
Conclusion

**DATES:** The teleconference will be held Sunday, March 1, 2015 from 2:00 p.m. to 4:00 p.m. Eastern Standard Time.

For disability access please call 1–800–888–8888 (TTY users call via Relay).

**ADDRESSES:** The meeting will be held by teleconference only. To access the conference line, please call 1–866–906–7447 and, when prompted, enter access code 8072024#.

**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:**

**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 teleconference will be available on the Task Force Web site at *www.cops.usdoj.gov/PolicingTaskForce* in advance of the teleconference.

**Deborah Spence,**

*Alternate Designated Federal Official.*

[FR Doc. 2015–03035 Filed 2–12–15; 8:45 am]

**BILLING CODE 4410–AT–P**

## DEPARTMENT OF JUSTICE

### National Institute of Corrections

### Advisory Board; Notice of Meeting

This notice announces a forthcoming meeting of the National Institute of Corrections (NIC) Advisory Board. The meeting will be closed to the public.

*Name of the Committee:* NIC Advisory Board.

*General Function of the Committee:* To aid the National Institute of Corrections in developing long-range plans, advise on program development, and to support NIC's efforts in the areas of training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies.

*Date and Time:* 8:00 a.m.–4:30 p.m. on Monday, March 9, 2015, 8:00 a.m.–12:00 p.m. on Tuesday, March 10, 2015.

*Location:* National Institute of Corrections, 500 First Street NW., 2nd Floor Washington, DC 20534, (202) 514–4222.

*Contact Person:* Shaina Vanek, Executive Assistant, National Institute of Corrections, 320 First Street NW., Room 5002, Washington, DC 20534. To contact Ms. Vanek, please call (202) 514–4222.

*Agenda:* On March 9–10, 2015, the Advisory Board will hear updates on the following topics: (1) Agency Report from the NIC Acting Director, (2) a briefing from NIC Prisons Division on current activities and future goals, (3) an update from the Staff Wellness Subcommittee, and (4) partner agency updates.

*Procedure:* On March 9–10, 2015, the meeting is open to the public. Interested

persons may present data, information, or views, orally or in writing, on issues pending before the committee. Oral presentations from the public will be scheduled between approximately 11:15 a.m. to 11:30 a.m. and 4:00 p.m. and 4:15 p.m. on March 9, 2015 and between 11:15 a.m. and 11:30 a.m. on March 10, 2015. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 2, 2015.

*General Information:* NIC 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 Shaina Vanek at least 7 days in advance of the meeting. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

**Robert M. Brown, Jr.,**

*Acting Director, National Institute of Corrections.*

[FR Doc. 2015–02428 Filed 2–12–15; 8:45 am]

**BILLING CODE 4410–36–M**

## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting Notice

**DATE AND TIME:** The Legal Services Corporation's Board of Directors and Finance Committee will meet telephonically on February 19, 2015. The Finance Committee meeting will commence at 4:00 p.m., EDT, and upon its adjournment, will immediately be followed by the Board of Directors meeting.

**LOCATION:** John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., Washington, DC 20007.

**PUBLIC OBSERVATION:** Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

**CALL-IN DIRECTIONS FOR OPEN SESSIONS:**

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348.
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

**Finance Committee**

1. Approval of agenda
2. Consider and act on management's proposed reorganization plan
   - Jim Sandman, President
   - Lynn Jennings, Vice President for Grants Management
3. Public comment
4. Consider and act on other business
5. Consider and act on adjournment of meeting

**Board of Directors**

1. Approval of agenda
2. Consider and act on the report of the Finance Committee regarding management's proposed reorganization plan
3. Public comment
4. Consider and act on other business
5. Consider and act on adjournment of meeting

**CONTACT PERSON FOR INFORMATION:** Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

**ACCESSIBILITY:** LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: February 11, 2015.

**Katherine Ward,**

*Executive Assistant to the Vice President for Legal Affairs and General Counsel.*

[FR Doc. 2015–03112 Filed 2–11–15; 11:15 am]

**BILLING CODE 7050–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. IC–31452; 812–14300]**

### The Adams Express Company and Petroleum & Resources Corporation; Notice of Application

February 9, 2015.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice of an application under sections 6(c), 17(d) and 23(c) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited under section 17(d) of the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit them, subject to shareholder approval, to adopt new equity-based incentive compensation plans to replace equity-based incentive compensation plans adopted in 2005.

**APPLICANTS:** The Adams Express Company (''Adams'') and Petroleum & Resources Corporation (''Petroleum'').

**FILING DATES:** The application was filed on April 22, 2014, and amended on September 12, 2014 and January 20, 2015.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 6, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, Commission, 100 F Street NE., Washington, DC 20549. Applicants, c/o Lawrence L. Hooper, Jr., Vice President, General Counsel and Secretary, The Adams Express Company, 7 Saint Paul Street, Baltimore, MD 21202.

**FOR FURTHER INFORMATION CONTACT:** Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

**Applicants' Representations**

1. Adams and Petroleum, both of which are Maryland corporations, are registered under the Act as closed-end management investment companies. Adams' principal business is the ownership and management of its investment portfolio, which consists predominantly of equity securities. Petroleum's principal business also is the ownership and management of its investment portfolio, which consists predominantly of equity securities and emphasizes investments in energy and natural resources companies. Each company is internally managed. Each company's stock is listed on the New York Stock Exchange. Adams presently owns approximately 8% of the outstanding voting shares of Petroleum.[1]

2. Adams has eight directors, seven of whom are neither Employees (as defined below) nor ''interested persons'' of the company as defined in section 2(a)(19) of the Act (''Non-Interested Directors''), and twenty Employees. Petroleum has eight directors, seven of whom are Non-Interested Directors, and eighteen Employees. The boards of directors (''Boards'') of Adams and Petroleum are comprised of the same individuals. Sixteen Employees serve both Adams and Petroleum.

3. In 2005, the Commission issued an order granting applicants exemptions from sections 17(d), 18(d), and 23(a), (b), and (c)(3) of the Act (the ''2005 Order'').[2] At their respective annual meetings held in April 2005, the applicants' shareholders approved the Adams 2005 Equity Incentive Compensation Plan (the ''2005 Adams Plan'') and the Petroleum Equity Incentive Compensation Plan (the ''2005 Petroleum Plan,'' and together with the 2005 Adams Plan, the ''2005 Incentive Plans''). The 2005 Incentive Plans were adopted in reliance on the 2005 Order. The 2005 Incentive Plans will expire by their terms on April 27, 2015.

5. Applicants state that, because the investment management business is highly competitive, they believe their successful operation depends on their continued ability to attract, motivate and retain their Employees with competitive compensation packages similar to those offered by their competitors. Applicants are requesting relief to permit, subject to shareholder approval, the adoption of The Adams Express Company 2015 Incentive Compensation Plan and Petroleum & Resources Corporation 2015 Incentive Compensation Plan (the ''Plans''). Each Plan, if approved by shareholders, would be administered by a compensation committee (the ''Committee'') composed of three or more directors who (a) are Non-Interested Directors of the relevant applicant, (b) are ''non-employee directors'' within the meaning of rule 16b–3 under the Securities Exchange Act of 1934 (the ''Exchange Act''), and (c) are ''outside directors'' as defined under section 162(m) of the Internal Revenue Code of 1986 (the ''Code''). Applicants represent that each Committee is currently composed of four directors, each of whom satisfies these criteria.

6. The Plans, if approved by shareholders, would permit the applicants to issue stock options (''Options''),[3] stock appreciation rights (including freestanding and tandem stock appreciation rights) (''Stock Appreciation Rights''),[4] restricted shares of stock (''Restricted Stock''),[5] restricted stock units (''Restricted Stock Units''),[6] deferred stock units (''Deferred Stock Units''),[7] shares of common stock granted as a bonus (''Bonus Stock''),[8] and awards denominated in cash (''Cash Awards'')[9] (collectively, ''Awards'') to Eligible Persons (defined below), subject to the terms and conditions discussed below.[10] In addition, the Plans would permit dividend equivalents to be awarded in connection with any Awards under the Plans while the Awards are outstanding or otherwise subject to a restriction period on a like number of shares of applicants' common stock. Furthermore, certain Awards may be subject to performance conditions as may be specified by the respective Committee.[11]

7. Existing awards made under the 2005 Incentive Plans would remain outstanding and would remain subject to the terms and conditions of the 2005 Incentive Plans. However, no further

[1] Applicants state that Adams first acquired an ownership interest in Petroleum in 1929 and subsequently increased its ownership interest by means of stock dividends and participations in rights offerings. Section 12(d) of the Act restricts the purchase or other acquisition by investment companies of securities issued by other investment companies under specified circumstances. However, section 12(d) excepts securities received as dividends from the restriction on acquisitions and purchases. Applicants represent that, as noted above, Adams' initial acquisition and ownership of shares of Petroleum pre-dated the Act. Applicants further state that, since the Act became effective, Adams has not purchased or otherwise acquired shares of Petroleum other than through stock dividends, with the exception of acquisitions made in 1956 and 1969 in connection with certain rights offerings by Petroleum, each of which was made pursuant to exemptive orders issued by the Commission. *See* The Adams Express Company, Investment Company Act Release Nos. 2363 (May 28, 1956) (order) and 5744 (July 16, 1969) (order).

[2] The Adams Express Company *et al.,* Investment Company Act Release Nos. 26759 (Feb. 10, 2005) (notice) and 26780 (Mar. 8, 2005) (order). Applicants represent that the 2005 Incentive Plans replaced stock option plans adopted by Adams and Petroleum in reliance upon the 1985 order obtained by the Association of Publicly Traded Investment Funds (''APTIF'') of which Adams and Petroleum were both members. Applicants note that the APTIF order exempted APTIF's internally-managed, closed-end investment company members from the provisions of sections 17(d), 18(d), and 23(a)(b), and (c) of the Act and permitted them to offer their key employees deferred equity compensation in the form of stock options or stock appreciation rights. Association of Publicly Traded Investment Funds, Investment company Act Release Nos. 14541 (May 28, 1985) (notice) and 14594 (June 21, 1985) (order).

[3] The exercise price of Options must be at least 100% of the fair market value (''Fair Market Value'') of a share of an applicant's stock on the date of the grant. For purposes of the Plans, Fair Market Value would equal the mean of the high and low sale prices per share of the stock of the applicant as reported on the New York Stock Exchange-Composite Transactions (or such other national securities exchange or automated inter-dealer quotation system on which the stock has been duly listed and approved for quotation and trading) on the date on which the value is to be determined, or if no sale of the stock is reported for such date, the next preceding day for which there is a reported sale. Options issued under the Plans will expire no later than 10 years from the date of grant.

[4] A Stock Appreciation Right is a right to receive, upon exercise, the excess of (i) the Fair Market Value of one share of an applicant's stock on the date of exercise over (ii) the stock appreciation right's grant price. Stock Appreciation Rights issued under the Plans will expire no later than ten years from the date of grant.

[5] Restricted Stock is stock that is subject to restrictions on transferability, risk of forfeiture, or other restrictions.

[6] Restricted Stock Units are rights to receive stock and are subject to certain restrictions and a risk of forfeiture.

[7] A Deferred Stock Unit is a right to receive stock, cash or a combination thereof at the end of a specified deferral period.

[8] Except as otherwise determined by the applicable Committee, Bonus Stock would vest immediately and would not be subject to any restrictions.

[9] To the extent that a Cash Award is settled in cash, the applicants are not requesting any relief.

[10] The principal difference between the Plans and the 2005 Incentive Plans is that the Plans would permit Awards in the form of Bonus Stock and Cash Awards in addition to the Award types provided in the 2005 Incentive Plans. However, Awards that could be issued under the Plans would be subject to the same limitations, including the limit of 4% of the outstanding shares of each applicant, as the 2005 Incentive Plans. Applicants note that this is less than the 4.4% limit that was approved in a similar order obtained by Central Securities in 2012. Central Securities Corporation, Investment Company Act Release Nos. 29915 (Jan. 6, 2012) (notice) and 29940 (Feb. 1, 2012) (order) (the ''2012 Order'').

[11] Such Awards would be payable in cash or stock of the relevant applicant, conditioned on satisfaction of performance criteria established by the relevant Committee.

grants would be made under the 2005 Incentive Plans following the earlier of April 27, 2015, and approval of the Plans by each applicant's stockholders at its respective annual meeting, which applicants expect to hold in April 2015 or as soon thereafter as practicable.

8. Each Plan, in its proposed form, has been approved by the relevant applicant's Board, including a majority of the Non-Interested Directors of each applicant. Subject to receipt of the order, applicants expect that their respective Boards will approve the submission of the respective Plan to stockholders for approval at each applicant's annual meeting. Each Plan would become effective if approved by stockholders. In addition, each applicant would submit its Plan to stockholders for approval once every five years.[12]

9. Grants under each Plan may be made only to ''Eligible Persons,'' which is defined, with respect to an applicant, to mean any person, including officers, in the regular employment of the applicant and/or its subsidiaries on a full-time basis, or of both Adams (and/or any subsidiary thereof) and Petroleum (and/or any subsidiary thereof) on a combined full-time basis (''Employees'') and the respective directors of the applicant who at the time an Award is to be granted are not Employees (''Non-Employee Directors'').[13]

10. Immediately following each annual meeting of stockholders, each Non-Employee Director who is elected a director at, or who was previously elected and continues as a director after, that annual meeting would receive 750 Restricted Stock Units of Adams and 400 Restricted Stock Units of Petroleum, as applicable, which amounts may be adjusted to reflect certain corporate transactions. In addition, at the effective date of such Non-Employee Director's initial election to the Board, the Non-Employee Director would be granted 750 Restricted Stock Units of Adams and 400 Restricted Units of Adams, as applicable, which amounts may be adjusted to reflect certain corporate transactions. Non-Employee Directors would also receive dividend equivalents in respect of such Restricted Stock Units equal to the amount or value of any cash or other dividends or distributions payable on an equivalent number of shares of common stock. The Restricted Stock Units and related dividend equivalents would vest (and become non-forfeitable) and be paid (in the form of shares of common stock) one year from the date of grant. In addition, Non-Employee Directors may elect each year, not later than December 31 of the year preceding the year as to which the annual grant of Restricted Stock Units is to be applicable, to defer to a fixed date or pursuant to a specified schedule payment of all or any portion of the annual grant of Restricted Stock Units. Under the Plans, Non-Employee Directors may also elect each year, not later than December 31 of the year preceding the year as to which deferral of fees is to be applicable, to defer to a fixed date or pursuant to a specified schedule all or any portion of the cash retainer to be paid for Board service in the following calendar year through the issuance of Deferred Stock Units, valued at the Fair Market Value of the relevant applicant's stock on the date when each payment of such retainer amount would otherwise be made in cash.

11. The total number of shares of each applicant's stock reserved and available for delivery in connection with Awards under the applicable Plan (other than any shares of Adams stock or Petroleum stock issued in payment of dividend equivalents) is 4% of the outstanding shares of the applicable applicant as of the effective time of the Plan. As of January 14, 2015, this represents 3,850,570 shares of Adams stock and 1,095,752 shares of Petroleum stock.

12. Applicants state that, in the event that a dividend, capital gain distribution or other distribution, recapitalization, forward or reverse stock split, reorganization, merger, consolidation, spin-off, combination, repurchase, share exchange, liquidation, dissolution or other similar corporate transaction affects the common stock of an applicant, then the relevant Committee would, in such manner as it may deem equitable, adjust any or all of (i) the aggregate number of shares subject to the relevant Plan; (ii) the number and kind of shares which may be delivered under the relevant Plan; (iii) the number and kind of shares by which per-person Award limitations are measured; (iv) the number and kind of shares subject to or deliverable in respect of outstanding Awards; and (v) the exercise price or grant price relating to any Award. In addition, after the occurrence of any such corporate transaction, the relevant Committee would also have the authority to make provision for payment of cash or other property in respect of an Award. Applicants state that, in the event a capital gains distribution is made to applicants' stockholders, the exercise price of outstanding Options and the grant price of outstanding Stock Appreciation Rights issued under the Plans may be reduced to reflect any such distribution made after the date of grant (provided that no such reduction will be made that would reduce the exercise price or grant price below zero). No adjustments will be made in the case of a cash income dividend.

**Applicants' Legal Analysis**

*Sections 18(d), 23(a) and 23(b) of the Act*

1. Section 18(d) of the Act generally prohibits a registered management investment company from issuing rights to purchase the company's shares.[14] Applicants state that section 18(d) would prohibit the issuance of certain Awards to Eligible Persons because no corresponding warrants or rights would be issued to shareholders, and such Awards would not be issued in connection with a reorganization.

2. Section 23(a) of the Act generally prohibits a registered closed-end investment company from issuing securities for services. Applicants state that because Awards are a form of compensation, the issuance of stock-based Awards to Eligible Persons would constitute the issuance of securities for ''services'' and, therefore, absent an exemption, would fall within the prohibitions of section 23(a).

3. Section 23(b) of the Act prohibits a registered closed-end investment company from selling its common stock at a price below its current NAV. The applicants state that, because Adams stock and Petroleum stock have often traded at a discount to their NAV and Awards under the Plans will be valued at the current market price of the stock, section 23(b) would in most cases prohibit the issuance of the Awards.

[12] In addition, any amendment to a Plan would be subject to the approval of the applicable applicant's stockholders to the extent such approval is required by applicable laws or regulations, including exchange rules, or as the relevant Board otherwise determines. Each Applicant's Board is required to review the applicable Plan at least annually.

[13] Employees who serve both Adams and Petroleum on a combined full-time basis would be eligible to receive Awards under both Plans. Employees who primarily serve one company would only be expected to receive Awards from that company. Applicants expect that Employees who serve both Adams and Petroleum may receive Awards from both companies if such Employees make significant contributions to the success of both companies. The Compensation Committee of each company will consider separately, for each company, the work performance, value contribution, and alignment with the interests of the stockholders of the company when determining the appropriate Award amounts for Employees of the company, including Employees who serve both companies.

[14] Section 18(d) permits a fund to issue only warrants or rights, ratably to a class of stockholders, that have an exercise period of no more than 120 days or in exchange for warrants in connection with a reorganization.

4. Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes thereof, from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The applicants request an exemption under section 6(c) from section 18(d) and sections 23(a) and (b) of the Act to the extent necessary to implement the Plans.

5. Applicants state that the concerns underlying those sections include (i) the possibility that Options could be granted to persons whose interests might be contrary to the interests of stockholders; (ii) the potential dilutive impact of Awards on stockholders; (iii) the possibility that Options might facilitate a change of control; (iv) the introduction of complexity and uncertainty into the investment company's financial structure, thereby making it more difficult to appraise the value of their stock; (v) possible obfuscation of the extent of management compensation; and (vi) encouragement of speculative portfolio investments at the insistence of the option holders (to increase the possibility of a rise in market price from which they might benefit). Applicants assert that these concerns would not apply to the Awards for the reasons discussed below and (in greater detail) in the application.

6. Applicants state that, because Awards under each Plan may be issued only to Eligible Persons, Awards will not be granted to individuals with interests contrary to those of the applicants' stockholders. Applicants also assert that the Plans would not become a means for insiders to obtain control of Adams or Petroleum because the number of shares of stock issuable under the Plans would be limited to 4% of the outstanding shares of Adams or Petroleum. Moreover, as a condition to the requested order, no Eligible Person could be issued more than 35% of the shares reserved for issuance under the Plans. In addition, in no event may the total number of shares of Adams stock or Petroleum stock, with respect to which all types of Awards may be granted to a Participant under the applicable Plan, exceed 300,000 shares of stock within any thirty-six month period during which the relevant Plan is in effect.[15]

7. The applicants further state that each Plan will be submitted to stockholders for their approval. The applicants represent that a concise, ''plain English'' description of the Plans, including their potential dilutive effect, will be provided in the proxy materials that will be submitted to their respective stockholders. The applicants also state that they will comply with the proxy disclosure requirements in Item 10 of Schedule 14A under the Exchange Act. The applicants further note that the Plans will be disclosed to investors in accordance with the standards and guidelines adopted by the Financial Accounting Standards Board and the requirements of Item 402 of Regulation S–K, Item 8 of Schedule 14A under the Exchange Act, and Item 18 of Form N–2. In addition, applicants will comply with the disclosure requirements for executive compensation plans applicable to operating companies under the Exchange Act. Applicants conclude that the Plans will be adequately disclosed to investors and appropriately reflected in the market value of their stock.

8. The applicants acknowledge that Awards granted under the Plans would have a dilutive effect on the stockholders' equity in Adams and Petroleum, but argue that the effect would not be significant and would be outweighed by the anticipated benefits of the Plans to Adams, Petroleum and their stockholders.[16] The applicants believe that the flexibility to offer equity-based employee compensation is essential to their ability to compete for top quality personnel. The applicants also assert that equity-based compensation would more closely align the interests of Adams and Petroleum directors, officers and employees with those of the applicants' stockholders.

9. In addition, applicants state that stockholders will be further protected by the conditions to the requested order that assure continuing oversight of the operation of the Plans by the applicable Board. Under these conditions, each applicant's Board will review the relevant Plan at least annually. In addition, the applicable Committee periodically will review the potential impact that the grant, exercise or vesting of Awards could have on an applicant's earnings and NAV, such review to take place prior to any decisions to grant Awards, but in no event less frequently than annually. Adequate procedures and records will be maintained to permit such review. The relevant Committee will be authorized to take appropriate steps to ensure that neither the grant nor the exercise or vesting of Awards would have an effect contrary to the interests of the stockholders of the applicant. This authority will include the authority to prevent or limit the grant of additional Awards.

10. Applicants believe that the possibility that Awards would encourage speculative portfolio investments is minimized because the applicants have conservative investment philosophies and the Boards periodically monitor stock transactions for consistency with the applicants' investment objectives.

11. With regard to the standard for relief under section 6(c), applicants assert that the requested exemptions are necessary or appropriate in the public interest because of the recruiting and retention benefits noted above. Applicants further assert that the requested exemptions are consistent with the protection of investors because of the proposed limitations on the grant of Awards and the required Board and shareholder approvals. Finally, applicants argue that the Plans are consistent with the policies and purposes of the Act because the Commission and Congress have previously permitted certain companies regulated under the Act to issue stock options and to adopt incentive compensation plans similar to the Plans.

*Section 17(d) of the Act*

12. Section 17(d) of the Act and rule 17d–1 under the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from participating in a joint enterprise, joint arrangement or profit-sharing plan in which the company is a participant, unless the Commission by order approves the transaction. Rule 17d–1(c) defines a joint enterprise to include any stock option or stock purchase plan.

[15] These limitations are separate limitations under each Plan. Cash Awards that are settled in cash would not count against the limit described in the preceding sentence.

[16] Applicants represent that the maximum potential dilution to an applicant's stockholders (in terms of net asset value per share (''NAV'')) that would result from grants of Awards under a Plan would be approximately 3.85%. Applicants submit that the limitations on the requested exemptive order would provide protection to investors against dilution of their pro rata interests that are similar to those the Commission has previously found consistent with the purposes and policies of the Act and are even greater than those that Congress imposed on stock options issued by BDCs. Applicants state that less dilution could occur under the Plans than from stock options issued by business development companies, on which Congress imposed a 25% limit on the maximum increase in the amount of voting securities that could result if all outstanding warrants, options and other rights were exercised. Applicants also note that less dilution would occur under the Plans than from stock awards that could be issued under the 2012 Order, which allowed a 4.4% limit.

Rule 17d–1(b) provides that, in considering relief pursuant to the rule, the Commission will consider (i) whether the participation of the registered investment company in a joint enterprise is consistent with the Act's policies and purposes and (ii) the extent to which that participation is on a basis different from or less advantageous than that of other participants. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include any officer, director, partner, copartner or employee of such other person. Because all Eligible Persons are either directors or Employees of applicants, Eligible Persons fall within the scope of section 17(d) and rule 17d-1 and, consequently, are prohibited from participating in the Plans, absent the requested relief.

13. Applicants request an order pursuant to section 17(d) and rule 17d–1 to permit the operation of the Plans. Applicants state that the Plans, although benefiting Eligible Persons and applicants in different ways, are in the interests of stockholders of the applicants because the Plans would help them attract, motivate and retain talented professionals and help align the interests of Employees with those of their stockholders. Thus, applicants assert that applicants' participation in the Plans will be on a basis no less advantageous than that of Eligible Persons.[17]

*Section 23(c) of the Act*

14. Section 23(c) of the Act generally prohibits a registered closed-end investment company from purchasing any securities of which it is the issuer except in the open market, pursuant to tender offers or under other circumstances as the Commission may permit to insure that the purchase is made on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

15. Applicants state that the payment of a stock option exercise price with previously acquired stock of the applicants or with shares withheld by the applicants may be deemed a purchase by the applicants of their own securities within the prohibition of section 23(c).[18] Applicants therefore request an order under section 23(c) to permit these purchases. Applicants state that each applicant will purchase its shares from Eligible Persons at their Fair Market Value, as defined in the Plans, on the relevant date, which would not be significantly different from the price at which all other stockholders could sell their shares in a market transaction. Applicants therefore submit that such transactions would not unfairly discriminate against other stockholders.

**Applicants' Conditions**

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. Each Board will maintain a Committee, none of the members of which will be ''interested persons'' of the applicants as defined in the Act. Each Committee will administer the relevant Plan and will be composed of three or more directors of the relevant applicant who (i) are Non-Interested Directors of the relevant applicant, (ii) are ''non-employee directors'' within the meaning of rule 16b–3 under the Exchange Act and (iii) are ''outside directors'' as defined under section 162(m) of the Code.

2. A Plan will not be implemented unless it is approved by a majority of the votes cast by stockholders at a meeting called to consider the Plan. Any amendment to a Plan will be subject to the approval of the applicable applicant's stockholders to the extent such approval is required by applicable law or regulation or the applicable Board otherwise determines. Unless terminated or amended, during the fifth year of each Plan (and each fifth year thereafter), each Plan shall be submitted for reapproval to the relevant applicant's stockholders and all Awards made during that year shall be contingent upon stockholder reapproval.

3. Awards are not transferable or assignable, except as the Committees will specifically approve to facilitate estate planning or to a beneficiary upon an Eligible Person's death or by will or the laws of descent and distribution. Awards may also be transferred pursuant to a qualified domestic relations order.

4. The maximum number of shares of stock available for delivery in connection with Awards under a Plan (other than any shares of Adams Stock or Petroleum Stock, as applicable, issued in payment of dividend equivalents) will be 4% of the relevant applicant's stock outstanding on the effective date of the relevant Plan, subject to adjustment for corporate transactions.

5. Each applicant's Board will review the relevant Plan at least annually. In addition, the applicable Committee periodically will review the potential impact that the grant, exercise, or vesting of Awards could have on an applicant's earnings and NAV, such review to take place prior to any decisions to grant Awards, but in no event less frequently than annually. Adequate procedures and records will be maintained to permit such review, and the relevant Committee will be authorized to take appropriate steps to ensure that neither the grant nor the exercise or vesting of Awards would have an effect contrary to the interests of investors in the applicant. This will include the authority to prevent or limit the grant of additional Awards. All records maintained pursuant to this condition will be subject to examination by the Commission and its staff.

6. The 2005 Incentive Plans will expire on April 27, 2015 pursuant to their terms. No further grants would be made under the 2005 Incentive Plans following the earlier of April 27, 2015 and the approval of the Plans by each applicant's stockholders at the respective annual meetings expected to be held in April 2015 or as soon thereafter as practicable. Existing awards made under the 2005 Incentive Plans would remain outstanding and would remain subject to the terms and conditions of the 2005 Incentive Plans.

7. Awards under the Plans are issuable only to Eligible Persons. No person will be granted Awards relating to more than 35% of the shares initially reserved for issuance under the relevant Plan (as such number of shares initially reserved for issuance may be adjusted under the terms of the Plans as described in Section IV.B of the application). Subject to the immediately preceding limitation, in any thirty-six month period during which a Plan is in effect, no person may be granted under that Plan more than 300,000 shares of stock in respect of Options, 300,000 shares of stock in respect of Stock Appreciation Rights, 300,000 shares of stock in respect of Restricted Stock, 300,000 shares of stock in respect of Restricted Stock Units, 300,000 shares of stock in respect of Deferred Stock Units, or 300,000 shares of stock in respect of Bonus Stock. In addition, in no event may the total number of shares of stock with respect to which all types of Awards may be granted to an Eligible Person under the applicable Plan exceed 300,000 shares of stock within any thirty-six month period during which the applicable Plan is in effect, which

[17] As noted above, applicants also assert that the Plans are consistent with the policies and purposes of the Act because the Commission and Congress have previously permitted certain companies regulated under the Act to issue stock options and to adopt incentive compensation plans similar to the Plans.

[18] Applicants state this analysis could also apply in the case of shares withheld by applicants or delivery of shares by an Eligible Person in satisfaction of withholding taxes.

amount may be adjusted to reflect certain corporate transactions or events that affect the applicant's stock. Grants to Non-Employee Directors are limited to those described in condition 8 below.

8. In each fiscal year, a Non-Employee Director will be granted 750 Restricted Stock Units of Adams and 400 Restricted Stock Units of Petroleum, as applicable, which amounts may be adjusted to reflect certain corporate transactions. At the effective date of any Non-Employee Director's initial election to the Board of an Applicant, such Non-Employee Director will be granted 750 Restricted Stock Units of Adams and 400 Restricted Stock Units of Petroleum, as applicable, which amounts may be adjusted to reflect certain corporate transactions. Non-Employee Directors will also receive dividend equivalents in respect of such Restricted Stock Units equal to the amount or value of any cash or other dividends or distributions payable on an equivalent number of shares of common stock. The Restricted Stock Units and related dividend equivalents will vest (and become non-forfeitable) and be paid (in the form of shares of common stock) one year from the date of grant. In addition, Non-Employee Directors may elect each year, not later than December 31 of the year preceding the year as to which the annual grant of Restricted Stock Units is to be applicable, to defer to a fixed date or pursuant to a specified schedule payment of all or any portion of the annual grant of Restricted Stock Units. Any modification of the deferral election may be made only upon satisfaction of any conditions that the relevant Committee may impose. Non-Employee Directors may also elect each year, not later than December 31 of the year preceding the year as to which deferral of fees is to be applicable, to defer to a fixed date or pursuant to a specified schedule all or any portion of the cash retainer to be paid for Board or other service related to Board activities in the following calendar year through the issuance of Deferred Stock Units, valued at the Fair Market Value of the relevant Applicant's stock on the date when each payment of such retainer amount would otherwise be made in cash.

For the Commission, by the Division of Investment Management, under delegated authority.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–03026 Filed 2–12–15; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. IC–31451; File No. 812–14359]**

## Pacific Life Insurance Company, et al; Notice of Application

February 9, 2015.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice of application for an order approving the substitution of certain securities pursuant to Section 26(c) of the Investment Company Act of 1940, as amended (the ''1940 Act'').

*Applicants:* Pacific Life Insurance Company (''Pacific Life''), Pacific Life's Separate Account A (''Separate Account A''), Pacific Life's Pacific Select Variable Annuity Separate Account (''Select VA Account'' and, together with Separate Account A, the ''Pacific Life Separate Accounts''), Pacific Life & Annuity Company (''PL&A''), and PL&A's Separate Account A (''PL&A Separate Account A''). Pacific Life, PL&A, and the Separate Accounts are referred to collectively as the ''Applicants.'' The Pacific Life Separate Accounts and PL&A Separate Account A are referred to individually as a ''Separate Account'' and collectively as the ''Separate Accounts.'' Pacific Life and PL&A are referred to herein individually as an ''Insurer'' and collectively as the ''Insurers.''

**SUMMARY:** *Summary of Application:* Each Insurer, on behalf of itself and its Separate Account(s), seeks an order pursuant to Section 26(c) of the 1940 Act, approving the substitution of Service Shares of the Janus Aspen Balanced Portfolio, a series of Janus Aspen Series (the ''Replacement Portfolio''), for the Advisor Class shares of the PIMCO Global Multi-Asset Managed Allocation Portfolio, a series of the PIMCO Variable Insurance Trust (the ''Replaced Portfolio'') (the ''Proposed Substitution''), under certain variable annuity contracts issued by the Insurers (collectively, the ''Contracts'').

**DATES:** *Filing Date:* The application was filed on September 19, 2014, and amended on February 5, 2015.

*Hearing or Notification of Hearing:* An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 4, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Brandon J. Cage, CLU Assistant Vice President, Counsel, Pacific Life Insurance Company, 700 Newport Center Drive, Newport Beach, CA 92660; Richard T. Choi, Esq., Carlton Fields Jorden Burt, P.A., 1025 Thomas Jefferson St. NW., Suite 400 East, Washington, DC 20007.

**FOR FURTHER INFORMATION CONTACT:** Laura L. Solomon, Senior Counsel, at (202) 551–6915, or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6825 (Chief Counsel's Office, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

### Applicants' Representations

1. The Insurers, on their own behalf and on behalf of their respective Separate Accounts, propose to substitute Service Shares of the Replacement Portfolio for Advisor Class shares of the Replaced Portfolio held by the Separate Account to fund the Contracts. Each Separate Account is divided into subaccounts (each a ''Subaccount,'' collectively, the ''Subaccounts''). Each Subaccount invests in the securities of a single portfolio of an underlying mutual fund (''Portfolio''). Contract owners (each a ''Contract Owner'' and collectively, the ''Contract Owners'') may allocate some or all of their Contract value to one or more Subaccounts that are available as investment options under the Contracts.

2. Pacific Life is the depositor and sponsor of the Pacific Life Separate Accounts. PL&A is the depositor and sponsor of PL&A Separate Account A.

3. Each of the Separate Accounts is a ''separate account'' as defined by Section 2(a)(37) of the 1940 Act and each is registered under the 1940 Act as a unit investment trust for the purpose of funding the Contracts. Security interests under the Contracts have been

registered under the Securities Act of 1933. The application sets forth the registration statement file numbers for the Contracts and the Separate Accounts.

4. Each Insurer, on behalf of itself and its Separate Account(s), proposes to replace the Advisor Class shares of the Replaced Portfolio that are held in Subaccounts of its Separate Account(s) with Service Shares of the Replacement Portfolio.

5. The Applicants state that the Proposed Substitution involves moving assets attributable to the Contracts from the Replaced Portfolio managed by Pacific Investment Management Company, LLC (''PIMCO'') to a Replacement Portfolio managed by Janus Capital Management LLC (''Janus Capital'') (each of Janus Capital and PIMCO, an ''Investment Adviser'' and collectively, the ''Investment Advisers''). Each Investment Adviser is responsible for the day-to-day management of the assets of the Replaced or Replacement Portfolio, as the case may be. Neither the Replaced nor Replacement Portfolio employs a sub-adviser and neither Portfolio operates under a manager-of-managers arrangement that, among other things, would permit the Investment Adviser to engage a new or additional sub-adviser without the approval of the Portfolio's shareholders. The Applicants state that the Investment Advisers are not affiliates of the Insurers.

6. Applicants state that under the Contracts, the Insurers reserve the right to substitute, for the shares of a Portfolio held in any Subaccount, the shares of another Portfolio, shares of another investment company or series of another investment company, or another investment vehicle. The prospectuses for the Contracts include appropriate disclosure of this reservation of right.

7. The Applicants represent that the investment objectives of the Replaced and Replacement Portfolio are similar. The investment objective of the Replaced Portfolio is total return which exceeds that of a blend of 60% MSCI World Index/40% Barclays U.S. Aggregate Index, whereas that of the Replacement Portfolio is long-term capital growth, consistent with preservation of capital and balanced by current income. The investment objectives of both Portfolios include a growth component as well as an income component. Additionally, the Applicants state that the principal investment strategies of the Replaced and Replacement Portfolios are similar. The principal investment strategies of both Portfolios include investment in a combination of equity and debt securities. The Replaced Portfolio will typically invest 50 to 70% (20% minimum under normal circumstances) of its total assets in equity-related investment securities and may invest up to 30% of its total assets in fixed income securities denominated in foreign securities (or beyond this limit in U.S. dollar-denominated securities of foreign issuers), 15% of its total assets in fixed income securities that are economically tied to emerging market countries, and up to 10% of its total assets in fixed income securities in high yield securities (*i.e.,* ''junk'' bonds). The Replacement Portfolio normally invests 35–65% of its assets in equity securities and the remaining assets in debt securities and cash equivalents, with normally 25% of its assets invested in fixed-income senior securities. In addition, both Portfolios may invest in securities of non-U.S. issuers. Investment in ''junk'' bonds is not a principal investment strategy of the Replacement Portfolio though it may invest in such bonds. The principal investment strategies of the Replaced Portfolio include investments of up to 5% of its total assets in real estate investment trusts or REITS, whereas the same is not true for the Replacement Portfolio though it may invest in REITs. The principal investment strategies of the Replaced Portfolio include entering into forward commitments, the making of short sales of securities or maintaining a short position, none of which is a principal investment strategy of the Replacement Portfolio, though it may engage in short sales and invest in securities on a forward commitment basis. The principal investment strategies of the Replacement Portfolio include investments in mortgage-backed and mortgage-related securities. Similarly, mortgage-backed securities are included among the types of fixed-income securities that constitute a principal investment strategy of the Replaced Portfolio. A comparison of the investing strategies, risks, and performance of the Replaced and Replacement Portfolios is included in the application.

8. The following table compares the fees and expenses of the Replaced Portfolio (Advisor Class shares) and the Replacement Portfolio (Service Shares) as of the year ended December 31, 2013. As shown below, the management fee of the Replacement Portfolio is lower than that of the Replaced Portfolio. The management fees of the Replaced Portfolio and the Replacement Portfolio are not subject to breakpoints. In addition, as shown in the table below, the 12b–1 fee of the Service Shares of the Replacement Portfolio is the same as the 12b–1 fee of the Advisor Class shares of the Replaced Portfolio. In both cases, the 12b–1 fee is the current maximum permitted under the relevant plan. Furthermore, as shown in the table below, the annual operating expenses of the Replacement Portfolio are lower than those of the Replaced Portfolio.[1]

PROPOSED SUBSTITUTION

| | Replaced portfolio | Replacement portfolio |
|---|---|---|
| | PIMCO global multi-asset managed allocation portfolio | Janus Aspen balanced portfolio |
| Advisor Class/Service Shares: | | |
| Management Fee | 0.95% | 0.55% |
| 12b–1 Fee | 0.25% | 0.25% |
| Other Expenses | 0.01% | 0.04% |
| Acquired Fund Fees | 0.52% | N/A |
| Total Gross Expenses | 1.73% | 0.84% |
| Expense Waiver/Reimbursement | 0.46 | 0.00 |

[1] As of the date of filing of the amended application, Applicants are aware of no material change to the fee and expense information provided in the following table.

PROPOSED SUBSTITUTION—Continued

| | Replaced portfolio | Replacement portfolio |
|---|---|---|
| | PIMCO global multi-asset managed allocation portfolio | Janus Aspen balanced portfolio |
| Total Net Expenses | 1.27% | 0.84% |

9. The Applicants state that the performance for the Replacement Portfolio is substantially better than that of the Replaced Portfolio for all periods shown.

10. The Applicants state that the Proposed Substitution is part of an ongoing effort by the Insurers to make their Contracts more attractive to existing and prospective Contract Owners. The Applicants assert the Proposed Substitution will help to accomplish these goals for the following reasons: (1) The total annual operating expenses for the Replacement Portfolio (which does not include any expense waivers or reimbursements) are significantly lower than those of the Replaced Portfolio (even after taking into account fee waivers or expense reimbursements); (2) the historical performance of the Replacement Portfolio is generally much better than that of the Replaced Portfolio; (3) the Subaccounts that invest in the Replacement Portfolio are included among the currently allowable investment options under the optional living benefit riders offered under the Contracts; (4) Contract Owners will find the stable management of the Replacement Portfolio, whose co-portfolio managers have managed the Portfolio since 2005, attractive, relative to the Replaced Portfolio; and (5) the Proposed Substitution will simplify the Subaccount offerings under the Contracts.

11. The Applicants represent that the Proposed Substitution will be described in supplements to the applicable prospectuses for the Contracts filed with the Commission or in other supplemental disclosure documents, (collectively, ''Supplements'') and delivered to all affected Contract Owners at least 30 days before the date the Proposed Substitution is effected (the ''Substitution Date''). Each Supplement will give the relevant Contract Owners notice of the applicable Insurer's intent to take the necessary actions, including seeking the order requested by the application, to substitute shares of the Replaced Portfolio as described in the application on the Substitution Date. Each Supplement also will advise Contract Owners that from the date of the Supplement until the Substitution Date, Contract Owners are permitted to transfer all of or a portion of their Contract value out of any Subaccount investing in the Replaced Portfolio (''Replaced Portfolio Subaccount'') to any other available Subaccounts offered under their Contracts without the transfer being counted as a transfer for purposes of transfer limitations and fees that would otherwise be applicable under the terms of the Contracts. In addition, each Supplement will (a) instruct Contract Owners how to submit transfer requests in light of the Proposed Substitution; (b) advise Contract Owners that any Contract value remaining in the Replaced Portfolio Subaccount on the Substitution Date will be transferred to a Subaccount investing in the Replacement Portfolio (''Replacement Portfolio Subaccount''), and that the Proposed Substitution will take place at relative net asset value; (c) inform Contract Owners that for at least thirty (30) days following the Substitution Date, the applicable Insurer will permit Contract Owners to make transfers of Contract value out of the Replacement Portfolio Subaccount to any other available Subaccounts offered under their Contracts without the transfer being counted as a transfer for purposes of transfer limitations that would otherwise be applicable under the terms of the Contracts; and (d) inform Contract Owners that, except as described in the market timing limitations section of the relevant prospectus, the applicable Insurer will not exercise any rights reserved by it under the Contracts to impose additional restrictions on transfers out of the Replacement Portfolio Subaccount for at least thirty (30) days after the Substitution Date.

12. The Proposed Substitution will be effected at the relative net asset values of the respective shares in conformity with Section 22(c) of the 1940 Act and Rule 22c–1 thereunder without the imposition of any transfer or similar charges by Applicants. The Proposed Substitution will be effected without change in the amount or value of any Contracts held by affected Contract Owners. Accordingly, the Applicants submit that the Proposed Substitution will have no negative financial impact on any Contract Owner.

13. The Proposed Substitution will be effected by having the Replaced Portfolio Subaccount redeem its Replaced Portfolio shares in cash on the Substitution Date at net asset value per share and purchase shares of the Replacement Portfolio at net asset value per share calculated on the same date.

14. The Insurers or an affiliate thereof will pay all expenses and transaction costs reasonably related to the Proposed Substitution, including all legal, accounting, and brokerage expenses relating to the Proposed Substitution, the above described disclosure documents, and the application. No costs of the Proposed Substitution will be borne directly or indirectly by Contract Owners. Affected Contract Owners will not incur any fees or charges as a result of the Proposed Substitution, nor will their rights or the obligations of the Insurers under the Contracts be altered in any way. The Proposed Substitution will not cause the fees and charges under the Contracts currently being paid by Contract Owners to be greater after the Proposed Substitution than before the Proposed Substitution. In addition, no transfer charges will apply in connection with the Proposed Substitution.

15. The Applicants represent that they will not receive, for three years from the date of the Proposed Substitution, any direct or indirect benefits from the Replacement Portfolio, its adviser or underwriter (or their affiliates), in connection with assets attributable to contracts affected by the Proposed Substitution, at a higher rate than they had received from the Replaced Portfolio, its adviser or underwriter (or their affiliates), including without limitation 12b–1 fees, shareholder service, administrative, or other service fees, revenue sharing, or other arrangements; and the Proposed Substitution and the selection of the Replacement Portfolio were not motivated by any financial consideration paid or to be paid to the Insurer or its affiliates by the

Replacement Portfolio, its adviser or underwriter, or their affiliates.

**Legal Analysis**

1. Applicants request that the Commission issue an order pursuant to Section 26(c) of the 1940 Act approving the Proposed Substitution. Section 26(c) of the 1940 Act makes it unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission approves the substitution. Section 26(c) requires the Commission to issue such an order approving the substitution if the evidence establishes that the substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. The Applicants submit that the terms and conditions of the Proposed Substitution meet the standards set forth in Section 26(c) and assert that the substitution of the Replaced Portfolio with the Replacement Portfolio is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the l940 Act. As described in the application, the total annual operating expenses for the Replacement Portfolio are lower than those of the Replaced Portfolio. Applicants assert that the Replacement Portfolio has similar investment objectives and investment strategies as the Replaced Portfolio, and the principal risks of the Replaced Portfolio and the Replacement Portfolio are similar.

3. Applicants also maintain that the Proposed Substitution is part of an ongoing effort by the Insurers to make their contracts more attractive to existing and prospective Contract Owners. The rights of affected Contract Owners and the obligations of the Insurers under the Contracts will not be altered by the Proposed Substitution. Affected Contract Owners will not incur any additional tax liability or any additional fees and expenses as a result of the Proposed Substitution.

4. The prospectuses for the Contracts disclose that the Insurers reserve the right, subject to Commission approval and compliance with applicable law, to substitute, for the shares of a Portfolio held in any Subaccount, the shares of another Portfolio, shares of another investment company or series of another investment company, or another investment vehicle.

5. Applicants also assert that the Proposed Substitution does not entail any of the abuses that Section 26(c) was designed to prevent. Applicants note that the purpose of Section 26(c) is to protect the expectation of investors in a unit investment trust that the trust will accumulate shares of a particular issuer by preventing unscrutinized substitutions that might, in effect, force shareholders dissatisfied with the substituted security to redeem their shares, possibly incurring either a loss of the sales load deducted from initial premium payments, an additional sales load upon reinvestment of the redemption proceeds, or both. The Proposed Substitution will offer Contract Owners the opportunity to transfer amounts out of the affected subaccounts into any of the remaining subaccounts without cost or other disadvantage. The Proposed Substitution, therefore, will not result in the type of costly forced redemptions that Section 26(c) was designed to prevent.

**Applicants' Conditions**

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Proposed Substitution will not be effected unless the Insurers determine that: (a) The Contracts allow the substitution of shares of registered open-end investment companies in the manner contemplated by the application; (b) the Proposed Substitution can be consummated as described in the application under applicable insurance laws; and (c) any regulatory requirements in each jurisdiction where the Contracts are qualified for sale have been complied with to the extent necessary to complete the Proposed Substitution.

2. The Insurers or their affiliates will pay all expenses and transaction costs of the Proposed Substitution, including legal and accounting expenses, any applicable brokerage expenses and other fees and expenses. No fees or charges will be assessed to the Contract Owners to effect the Proposed Substitution.

3. The Proposed Substitution will be effected at the relative net asset values of the respective shares in conformity with Section 22(c) of the 1940 Act and Rule 22c–1 thereunder without the imposition of any transfer or similar charges by Applicants. The Proposed Substitution will be effected without change in the amount or value of any Contracts held by affected Contract Owners.

4. The Proposed Substitution will in no way alter the tax treatment of affected Contract Owners in connection with their Contracts, and no tax liability will arise for affected Contract Owners as a result of the Proposed Substitution.

5. The rights or obligations of the Insurers under the Contracts of affected Contract Owners will not be altered in any way. The Proposed Substitution will not adversely affect any riders under the Contracts since the Replacement Portfolio is an allowable investment option for use with such riders.

6. Affected Contract Owners will be permitted to make at least one transfer of Contract value from the subaccount investing in the Replaced Portfolio (before the Substitution Date) or the Replacement Portfolio (after the Substitution Date) to any other available investment option under the Contract without charge for a period beginning at least 30 days before the Substitution Date through at least 30 days following the Substitution Date. Except as described in any market timing/short-term trading provisions of the relevant prospectus, the Insurer will not exercise any right it may have under the Contract to impose restrictions on transfers between the subaccounts under the Contracts, including limitations on the future number of transfers, for a period beginning at least 30 days before the Substitution Date through at least 30 days following the Substitution Date.

7. All affected Contract Owners will be notified, at least 30 days before the Substitution Date about: (a) The intended substitution of the Replaced Portfolio with the Replacement Portfolio; (b) the intended Substitution Date; and (c) information with respect to transfers as set forth in Condition 6 above. In addition, Insurers will deliver to all affected Contract Owners, at least 30 days before the Substitution Date, a prospectus for the Replacement Portfolio.

8. Insurers will deliver to each affected Contract Owner within five (5) business days of the Substitution Date a written confirmation which will include: (a) A confirmation that the Proposed Substitution was carried out as previously notified; (b) a restatement of the information set forth in the Supplements; and (c) before and after account values.

9. Applicants will not receive, for three years from the date of the Proposed Substitution, any direct or indirect benefits from the Replacement Portfolio, its adviser or underwriter (or their affiliates), in connection with assets attributable to Contracts affected by the Proposed Substitution, at a higher rate than they had received from the Replaced Portfolio, its adviser or underwriter (or their affiliates), including without limitation 12b–1 fees, shareholder service, administrative or

other service fees, revenue sharing, or other arrangements.

For the Commission, by the Division of Investment Management, under delegated authority.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–02992 Filed 2–12–15; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–74239; File No. S7–02–15]**

## Contract Standard for Contractor Workforce Inclusion and Request for Public Comment

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of proposed contract standard; notice of proposed information collection; and request for public comment.

**SUMMARY:** To implement section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the ''Dodd-Frank Act'' or ''the Act''), the Securities and Exchange Commission (the ''Commission'') is proposing to include in its service contracts a standard concerning workforce inclusion of minorities and women.

**DATES:** Comments should be received on or before: April 14, 2015.

**ADDRESSES:** Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*);
- Send an email to *rule-comments@sec.gov.* Please include File No. S7–02–15 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow instructions for submitting comments.

*Paper Comments*

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. S7–02–15. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments will also 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. All comments 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:** Pamela A. Gibbs, Director, Office of Minority and Women Inclusion, or Audrey B. Little, Senior Counsel, Office of Minority and Women Inclusion at (202) 551–6046, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** Section 342(a)(1)(A) of the Dodd-Frank Act provides for certain agencies, including the Securities and Exchange Commission, to establish an Office of Minority and Women Inclusion (''OMWI'').[1] Section 342(c)(1) provides that the OMWI Director shall develop and implement standards and procedures to ensure the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the agency, including in procurement, insurance, and all types of contracts. Section 342(c)(2) requires that the OMWI Director include in the procedures for evaluating contract proposals and hiring service providers a component that gives consideration to the diversity of an applicant, to the extent consistent with applicable laws. In addition, section 342(c)(2) requires that such procedures include a written statement, in the form and content prescribed by the OMWI Director, that a contractor shall ensure, to the maximum extent possible, the fair inclusion of women and minorities in the workforce of the contractor and, as applicable, subcontractors.

Further, section 342(c)(3)(A) requires the OMWI Director to establish standards and procedures for determining whether an agency contractor or subcontractor ''has failed to make a good faith effort to include minorities and women'' in its workforce. Section 342(c)(3)(B)(i) provides that if the OMWI Director determines that a contractor has failed to make good faith efforts, the Director shall recommend to the agency administrator that the contract be terminated. Upon receipt of such a recommendation, section 342(c)(3)(B)(ii) provides that the agency administrator may terminate the contract, make a referral to the Office of Federal Contract Compliance Programs of the Department of Labor, or take other appropriate action.

Under section 342(c)(3)(A) of the Dodd-Frank Act, the OMWI Director is required to determine whether a contractor or subcontractor has made good faith efforts to include minorities and women in its workforce. The proposed Contract Standard would require that a Commission contractor, upon request from the OMWI Director, provide documentation of the actions undertaken (and as applicable, the actions each covered subcontractor under the contract has undertaken) that demonstrate its good faith efforts to ensure the fair inclusion of minorities and women in its workforce. The documentation requested may include, but is not limited to: (1) The total number of employees in the contractor's workforce, and the number of employees by race, ethnicity, gender, and job title or EEO–1 job category (*e.g.,* EEO–1 Report(s)); (2) a list of covered subcontract awards under the contract that includes the dollar amount of each subcontract, date of award, and the subcontractor's race, ethnicity, and/or gender ownership status; (3) the contractor's plan to ensure the fair inclusion of minorities and women in its workforce, including outreach efforts; and (4) for each covered subcontractor, the information requested in items 1 and 3 above. The OMWI Director will consider the information submitted in evaluating whether the contractor or subcontractor has complied with its contractual obligation to make good faith efforts to ensure the fair inclusion of minorities and women in its workforce.

The Commission's proposes to satisfy section 342(c)(2) through the inclusion of a contract standard concerning workforce inclusion of minorities and women (the ''Contract Standard'') in solicitations and resulting contracts for services with a dollar value of $100,000 or more. The proposed Contract Standard is similar to the contract clauses adopted by OMWIs of other federal financial regulatory agencies.[2] The Contract Standard requires the service contractor, upon entering into a contract with the Commission, to confirm that it will ensure, to the maximum extent possible and consistent with applicable law, the fair inclusion of minorities and women in its workforce. In addition, the proposed

[1] 12 U.S.C. 5452.

[2] *See* Department of the Treasury Acquisition Regulations; Contract Clause on Minority and Women Inclusion in Contractor Workforce, 79 FR 15551, at *http://www.gpo.gov/fdsys/pkg/FR-2014-03-20/pdf/2014-05846.pdf.*

Contract Standard requires the contractor to include the substance of the Contract Standard in all subcontracts for services awarded under the contract with a dollar value of $100,000 or more. Accordingly, the requirements of the proposed Contract Standard will apply to covered subcontractors, as prescribed in section 342(c)(2) of the Dodd-Frank Act.

The proposed Contract Standard requires a contractor to provide documentation, upon the request of the OMWI Director, to demonstrate that it has made good faith efforts to ensure the fair inclusion of minorities and women in its workforce and, as applicable, to demonstrate that its covered subcontractors have made such good faith efforts. ''Good faith efforts'' are interpreted to include actions by a contractor (and, as applicable, actions by each covered subcontractor) to ensure the fair inclusion of women and minorities in its workforce, while at the same time identifying, and if present, removing barriers to minority and women employment or expansion of employment opportunities for minorities and women within its workforce. Efforts to remove such barriers may include, but are not limited to, recruiting to ensure that applicant pools include minorities and women, providing job-related training, or other activity that could lead to removing such barriers.

Section 342 of the Dodd-Frank Act applies to ''all contracts of [the Commission] for services of any kind,'' but the section does not define the term ''contract.'' FAR 37.101 defines ''service contract'' as a ''contract that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply.'' Pursuant to the FAR definition, this proposed Contract Standard will be included in all Commission solicitations and resulting contracts for services with a dollar value of $100,000 or more, and in all subcontracts under the related prime contract for services with a dollar value of $100,000 or more.

**Public Comment**

The proposed Contract Standard is being published for public comment pursuant to 41 U.S.C. 1707, which applies to the publication of a covered federal procurement policy, regulation, procedure or form. Section 1707 provides that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) is to be published for public comment in the **Federal Register** if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors.

Here, the proposed Contract Standard relates to the expenditure of appropriated funds of the Commission, because it will be incorporated in certain Commission service contracts paid for with appropriated funds. The Contract Standard may have a significant effect beyond the internal operating procedures of the agency, as it implements requirements of the Dodd-Frank Act designed to address minority and women inclusion by federal contractors and implements the new contract termination authority contained in section 342(c)(3). The proposed Contract Standard may also have a cost or administrative impact on contractors or offerors, but we believe these effects would be insignificant as a result of the overlap with existing EEO laws. The consequence for non-compliance could have a cost or administrative impact on the covered service contractors, although they again overlap with existing remedies.

**Paperwork Reduction Act**

The proposed Contract Standard contains ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[3] The title for the proposed collection of information is:

- Contract Standard for Contractor Workforce Inclusion.

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. We intend to submit these requirements to the Office of Management and Budget (''OMB'') for review and approval in accordance with the PRA and its implementing regulations.[4] If approved, the responses to the new collection of information would be mandatory. For collections of information not contained in a proposed rule, the PRA requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment.[5] To comply with this requirement, we are publishing this notice.

*A. Overview of Information Collection*

1. Description of the Need for the Information and Proposed Use

Under section 342(c)(3)(A) of the Dodd-Frank Act, the OMWI Director is required to determine whether a contractor or subcontractor has made good faith efforts to include minorities and women in its workforce. The proposed Contract Standard would require that a Commission contractor, upon request from the OMWI Director, provide documentation of the actions undertaken (and as applicable, the actions each covered subcontractor under the contract has undertaken) that demonstrate its good faith efforts to ensure the fair inclusion of minorities and women in its workforce. The documentation requested may include, but is not limited to: (1) The total number of employees in the contractor's workforce, and the number of employees by race, ethnicity, gender, and job title or EEO–1 job category (*e.g.,* EEO–1 Report(s)); (2) a list of covered subcontract awards under the contract that includes the dollar amount of each subcontract, date of award, and the subcontractor's race, ethnicity, and/or gender ownership status; (3) the contractor's plan to ensure the fair inclusion of minorities and women in its workforce, including outreach efforts; and (4) for each covered subcontractor, the information requested in items 1 and 3 above. The OMWI Director will consider the information submitted in evaluating whether the contractor or subcontractor has complied with its contractual obligation to make good faith efforts to ensure the fair inclusion of minorities and women in its workforce.

2. Respondents and Estimate of Recordkeeping and Reporting Burdens

The proposed Contract Standard will be included in Commission contracts and subcontracts for services with a dollar value of $100,000 or more. Based on the data showing the dollar value of service contracts and subcontracts awarded in FY 2012 and FY 2013, we estimate that 170 contractors[6] would be subject to the proposed Contract Standard. Approximately 120 of these contractors have 50 or more employees, while about 50 contractors have fewer than 50 employees.

a. Recordkeeping Burden

The information collection under the proposed Contract Standard would

[3] 44 U.S.C. 3501 *et seq.*

[4] 44 U.S.C. 3507(c); 5 CFR 1320.10.

[5] 44 U.S.C. 3506(c)(2).

[6] Unless otherwise specified, the term ''contractors'' refers to contractors and subcontractors.

impose no new recordkeeping burdens on the estimated 120 contractors that have 50 or more employees. Such contractors are generally subject to recordkeeping and reporting requirements under the regulations implementing Title VII of the Civil Rights Act [7] and Executive Order 11246 (''E.O. 11246'').[8] Their contracts and subcontracts must include the clause implementing E.O. 11246—FAR 52.222–26, Equal Opportunity. In addition, contractors that have 50 or more employees (and a contract or subcontract of $50,000 or more) are required to maintain records on the race, ethnicity, gender, and EEO–1 job category of each employee under Department of Labor regulations implementing E.O. 11246.[9] The regulations implementing E.O. 11246 also require contractors that have 50 or more employees (and a contract or subcontract of $50,000 or more) to demonstrate that they have made good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results,[10] and to develop and maintain a written program, which describes the policies, practices, and procedures that the contractor uses to ensure that applicants and employees receive equal opportunities for employment and advancement.[11] In lieu of developing a separate workforce inclusion plan, a contractor would be permitted to submit its existing written program prescribed by the E.O. 11246 regulations as part of the documentation that demonstrates the contractor's good faith efforts to ensure the fair inclusion of minorities and women in its workforce. Thus, approximately 120 contractors are already required to maintain the information that may be requested under the proposed Contract Standard.

The estimated 50 contractors that employ fewer than 50 employees are required under the regulations implementing E.O. 11246 to maintain records showing the race, ethnicity and gender of each employee. We believe that these contractors also keep job title information during the normal course of business. However, contractors that have fewer than 50 employees may not have the written program prescribed by the E.O. 11246 regulations or similar plan that could be submitted as part of the documentation to demonstrate their good faith efforts to ensure the fair inclusion of minorities and women in their workforces. Accordingly, contractors with fewer than 50 employees may have to create a plan to ensure workforce inclusion of minorities and women.

In order to estimate the burden on contractors associated with creating a workforce inclusion plan, we considered the burden estimates for developing the written programs required under the regulations implementing E.O. 11246.[12] As there is no regulatory blueprint for a workforce inclusion plan, and contractors creating a workforce inclusion plan are not required to perform the same types of analyses required for the written programs prescribed by the E.O. 11246 regulations, we believe that to develop a workforce inclusion plan contractors with fewer than 50 employees would require approximately a third of the hours that contractors of similar size spend on developing the written programs required under the E.O. 11246 regulations. Accordingly, we estimate that contractors would spend about 24 hours of employee resources to develop a workforce inclusion plan. This would be a one-time total burden of 1,200 hours. After the initial development, we estimate that each contractor with fewer than 50 employees would spend approximately 10 hours each year updating and maintaining its workforce inclusion plan for a total annual burden of 500 hours. To account for this expected diminishing burden, we use a three-year average of the expected burden during the first year with the expected ongoing burden during the next two years to estimate the annual recordkeeping burden on contractors with fewer than 50 employees. Thus, we estimate that the total annual recordkeeping burden for such contractors to be about 740 hours [(1,200 + 500 + 500)/3 years, rounded up].

The proposed contract standard also would require contractors to maintain information about covered subcontractors' ownership status, workforce demographics, and workforce inclusion plans. Contractors would request this information from their covered subcontractors, who would have an obligation to keep workforce demographic data and maintain workforce inclusion plans because the substance of the proposed Contract Standard would be included in their subcontracts. Based on data describing recent Commission subcontractor activity, we believe that very few subcontractors will have subcontracts under Commission service contracts with a dollar value of $100,000 or more.[13] These subcontractors may already be subject to similar recordkeeping requirements as principal contractors. Consequently, we believe that any additional requirements imposed on subcontractors would not significantly add to the burden estimates discussed above.

b. Reporting Burden

With respect to the reporting burden, we estimate that it would take all contractors on average approximately one hour to retrieve and submit to the OMWI Director the documentation specified in the proposed Contract Standard. We expect to request documentation from up to 100 contractors each year and therefore we estimate the total annual reporting burden to be 100 hours.

*B. Solicitation of Public Comment*

We request comments on the proposed collection of information in order to: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) evaluate the accuracy of the Commission's estimate of the burden (including hours and cost) of the proposed collection of information; (c) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (d) evaluate whether there are 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.

Persons who desire to submit comments on the collection of information may use any of the methods shown in the **ADDRESSES** section of this notice. Comments should be received on

[7] 42 U.S.C. 2000e, *et seq.*

[8] Executive Order 11246, 30 FR 12,319 (Sept. 24, 1965).

[9] *See* 41 CFR 60–1.7.

[10] *See* 41 CFR 60–2.17(c).

[11] *See* 41 CFR part 60–2.

[12] According to the Supporting Statement for the OFCCP Recordkeeping and Requirements-Supply Service, OMB Control No. 1250–003 (''Supporting Statement''), it takes approximately 73 burden hours for contractors with 1–100 employees to develop the initial written program required under the regulations implementing E.O. 11246. We understand the quantitative analyses prescribed by the Executive Order regulations at 41 CFR part 60–2 are a time-consuming aspect of the written program development. As there is no requirement to perform these types of quantitative analyses in connection with a workforce inclusion plan under the proposed Contract Standard, we believe the workforce inclusion plan will take substantially fewer hours to develop. The Supporting Statement is available at *reginfo.gov.*

[13] A search of subcontract awards on the usaspending.gov Web site showed that four subcontractors in FY 2012 and three subcontractors in FY 2013 had subcontracts of $100K or more. *See* data on subcontract awards available at *http://usaspending.gov.*

or before: April 14, 2015. 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.

**Text of Proposed Contract Standard for Contractor Workforce Inclusion**

**Note:** The Text of this Proposed Contract Standard will not appear in the Code of Federal Regulations.

**Contractor Workforce Inclusion**

**Authority:** 12 U.S.C. 5452; Sec. 342, Pub. L. 111–203.

*Scope*

The agency will include the *Contractor Workforce Inclusion* contract standard in all Commission solicitations and resulting contracts for services with a dollar value of $100,000 or more.

*Contract Standard*

The following contract standard shall be included in all Commission solicitations and resulting contracts for services with a dollar value of $100,000 or more.

Contractor Workforce Inclusion

The Contractor confirms its commitment to equal opportunity in employment and contracting, and that it shall ensure, to the maximum extent possible and consistent with applicable law, the fair inclusion of minorities and women in its workforce.

The Contractor shall insert the substance of this contract standard in each subcontract for services awarded for performance of this contract with a dollar value of $100,000 or more.

Within ten (10) business days of a written request from the Director of the Commission's Office of Minority and Women Inclusion (OMWI Director) or designee, or such longer time as the OMWI Director or designee determines, and without any additional consideration, action or authorization required from the OMWI Director, the Contractor shall provide documentation, satisfactory to the OMWI Director, of the actions it has undertaken (and as applicable, the actions each covered subcontractor under the contract has undertaken) to demonstrate its good faith efforts to comply with the aforementioned provisions.

For purposes of this contract, ''good faith efforts'' shall include actions by the Contractor (and as applicable, actions by each covered subcontractor under the Service Contract) to identify and, if present, remove barriers to minority and women employment or expansion of employment opportunities for minorities and women within its workforce. Efforts to remove such barriers may include, but are not limited to, recruiting to ensure that applicant pools include minorities and women, providing job-related training, or other activity that could lead to removing such barriers.

The documentation requested by the OMWI Director or designee to demonstrate good faith efforts may include, but is not limited to, one or more of the following:

a. The total number of Contractor's employees, and the number of employees by race, ethnicity, gender, and job title or EEO–1 Report job category (*e.g.,* EEO–1 Report(s));

b. A list of covered subcontract awards for services under the contract, and for each covered subcontract award, the dollar amount, date of award, and the subcontractor's race, ethnicity, and/or gender ownership status;

c. The contractor's plan for ensuring the fair inclusion of minorities and women in its workforce, including outreach efforts; and

d. For each covered subcontractor, the documentation specified in paragraphs a. and c. above.

Consistent with Section 342(c)(3) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''), 12 U.S.C. 5452(c)(3), a Contractor's failure to demonstrate to the OMWI Director that it has made good faith efforts to include minorities and women in its workforce (and as applicable, failure to demonstrate that its subcontractor(s) has made such good faith efforts) may result in termination of the contract for default after the contractor is provided written notice and an opportunity to cure the failure in accordance with the procedures set forth in FAR 49.402–3(d), other contractual remedies, referral to the Office of Federal Contract Compliance Programs (OFCCP), or other appropriate action.

Compliance with this standard does not necessarily satisfy the requirements of EO 11246, as amended, nor does it preclude OFCCP compliance evaluations and/or enforcement actions undertaken pursuant to that Executive Order, or demonstrate compliance with other FAR clauses that may be included in this contract.

For purposes of this contract standard, the term ''minority'' shall have the meaning set forth in section 342(g) of the Dodd-Frank Act.

Dated: February 10, 2015.

By the Commission.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–03082 Filed 2–12–15; 8:45 am]

**BILLING CODE 8011–01–P**

## SMALL BUSINESS ADMINISTRATION

### Reporting and recordkeeping requirements under OMB review

**AGENCY:** Small Business Administration.

**ACTION:** 30-Day notice.

**SUMMARY:** The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

**DATES:** Submit comments on or before March 16, 2015.

**ADDRESSES:** Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov*

*Copies:* A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

**SUPPLEMENTARY INFORMATION:** The National Women's Business Council will examine women's participation in business incubation and acceleration programs to understand the characteristics of incubators and acceleration that affect the business outcomes of women business owners. NWBC will also gain insight into factors that affect women's participation in these programs. Respondents will be managers of incubators and accelerators, women owners who graduated from the programs and a sample of women business owners from the general population.

**Solicitation of Public Comments**

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

*Summary of Information Collections*

*Title:* Women's Participation in Incubators and Acceleration.

*Description of Respondents:* Women business owners and Women's business incubation and acceleration programs.

*Form Number:* N/A.

*Estimated Annual Respondents:* 500

*Estimated Annual Responses:* 122.5.

*Estimated Annual Hour Burden:* 122.5.

**Curtis B. Rich,**

*Management Analyst.*

[FR Doc. 2015–03022 Filed 2–12–15; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #14220 and #14221]**

### Vermont Disaster #VT–00031

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Vermont (FEMA—4207—DR), dated 02/03/2015.

*Incident:* Severe winter storm.

*Incident Period:* 12/09/2014 through 12/12/2014.

*Effective Date:* 02/03/2015.

*Physical Loan Application Deadline Date:* 04/06/2015.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/03/2015.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 02/03/2015, private non-profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Addison, Chittenden, Essex, Franklin, Lamoille, Orange, Orleans, Rutland, Washington, Windsor.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Non-Profit Organizations With Credit Available Elsewhere ... | 2.625 |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 2.625 |
| *For Economic Injury:* | |
| Non-Profit Organizations Without Credit Available Elsewhere ..... | 2.625 |

The number assigned to this disaster for physical damage is 14220B and for economic injury is 14221B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2015–03019 Filed 2–12–15; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

### Announcement of 2015 InnovateHER: Innovating for Women Business Challenge

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Notice.

**SUMMARY:** The U.S. Small Business Administration (SBA) is conducting a Challenge, called InnovateHER, pursuant to the America Competes Act for entrepreneurs to create a product or service that has a measurable impact on the lives of women and families, has the potential for commercialization, and fills a need in the marketplace.

**DATES:** The initial round of the InnovateHER Challenge will take the form of local competitions that will be run across the country beginning March 1, 2015 and ending no later than March 31, 2015. The host organizations running the local competitions must select and submit one winner from each local competition to SBA, along with a Nomination package, no later than April 1, 2015. Winners will be announced no later than May 8, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jessica Wager, Office of Entrepreneurial Development, U.S. Small Business Administration, 409 Third Street SW., 6th Floor Washington, DC 20416, (202) 205–7430, *womenbusiness@sba.gov.*

**SUPPLEMENTARY INFORMATION:**

1. *Subject of Challenge Competition:* The SBA is looking for innovative products and services that help impact and empower the lives of women and families. We know that our workforce looks very different from 50 years ago. Women now make up nearly half of the labor force and play a critical role in our nation's economic prosperity. Most children live in households where all parents work. And as our population ages, families are increasingly caring for aging parents while balancing the needs of work and home. As the demands on women and families grow, the need for products and services that address these unique challenges increases. This challenge will provide a platform to fulfill that need.

Contestants must develop a product or service that meets the following competition criteria:

- Has a measurable impact on the lives of women and families (30%);
- Has the potential for commercialization (40%); and
- Fills a need in the marketplace (30%).

2. *Eligibility Rules for Participating in the Competition:* This Challenge is open only to: (1) Citizens or permanent residents of the United States who are at least eighteen (18) years of age at the time of their submission of an entry (or teams of such individuals); and (2) private entities, such as corporations or other organizations, that are incorporated in and maintain a primary place of business in the United States. Individuals submitting on behalf of corporations, nonprofits, or groups of individuals (such as an academic class or other team) must meet the eligibility requirements for individual contestants. An individual may belong to more than one team submitting an entry in this Challenge. SBA employees are not eligible, nor are Federal entities or Federal employees acting within the scope of their employment. Individuals or organizations that are currently suspended or disbarred by the federal government are not eligible for this competition.

3. *Registration Process for Participants:* The initial round of the Challenge will take the form of local competitions that will be run across the country during the month of March 2015 by host organizations such as universities, accelerators, clusters, scale-

up communities, and SBA Resource Partners. For more information regarding these local competitions, please visit *sba.gov/InnovateHER.* While these local competitions will be identified as part of the national InnovateHER Challenge and will be conducted in a manner that is consistent with these Competition Rules, they will be administered solely by the local host organizations and will be judged by individuals selected by each host in their sole discretion. At a minimum, however, each application must contain a business plan covering the contestant's proposed product or service and must satisfy the Competition criteria identified by SBA in this notice. Following the completion of the local competitions, each host organization will identify one winner that will advance to the semi-final round of the Challenge. No later than April 1, 2015, each host organization will submit a nomination package containing a business plan and other required information from each semi-finalist to SBA, which will administer the semi-final and final rounds of the Challenge. Selection as a semi-finalist following a local competition is the only means of registering for the Challenge. All nominations will be screened by SBA for eligibility. Contestants cannot submit entries directly to SBA. No prize money will be awarded at the local competition level.

4. *Prize for Winners:* SBA anticipates that market stimulation cash prizes totaling $30,000 will be awarded to the three highest-rated contestants in the final round of the competition in the following amounts:

- 1st Place—$15,000
- 2nd Place—$10,000
- 3rd Place—$5,000

For winning entries submitted by teams of competitors, prize money will be awarded to the self-identified project leader for distribution to the rest of the team at their discretion and independently from SBA.

5. *Process for Host Organizations:* Organizations planning to host a competition under this Challenge must send an email to *womenbusiness@sba.gov* complete with the organization's name, location, address, email address, POC for the competition, and Web site (if applicable) no later than February 27th, 2015. Additionally, each host organization will determine the type of local competition, conducted in a manner that is consistent with these Competition Rules, that will best identify the most innovative and entrepreneurial business ideas, including the type of application that individuals need to prepare in order to compete, and will publicize the competition locally.

Host Organizations must submit the semi-finalist nomination package to SBA at *women.business@sba.gov* no later than April 1st, 2015. The package must contain the following:

- A single cover page detailing—

(1) The name of the winning individual or team, best contact information including home or business addresses with telephone, Web site (if applicable), and email address;

(2) The host organization's name, place of business, business address and telephone number and email address;

(3) A concise, one-paragraph description of the product or service

- A Business Plan.
- A Statement of Support that explains why the winner of the local competition best satisfied the competition criteria and presented the greatest potential for success (maximum length: 2 pages).

6. *Selection of Winners.* In the semi-final round of the Challenge, an executive committee composed of SBA personnel will review the semi-finalist nomination packages submitted by the local competition host organizations and select no more than 10 finalists whose products or services, in their sole judgment, best satisfy the competition criteria and present the greatest potential for success.

Each finalist will be offered the opportunity to come to DC during National Small Business Week, May 4–8, 2015, to make a live marketing pitch to a panel of expert judges drawn from the private sector. The panel of judges will select the three finalists whose pitches, in their sole judgment, best satisfy the competition criteria and present the greatest potential for success and rank them in descending order. Finalists will be responsible for covering their own travel costs to DC for the national competition.

6. *Applicable Law:* This Challenge is being conducted by SBA pursuant to the America Competes Act (15 U.S.C. 3719) and is subject to all applicable federal laws and regulations. By participating in this Challenge, each contestant gives its full and unconditional agreement to the Official Rules and the related administrative decisions described in this notice, which are final and binding in all matters related to the Challenge. A contestant's eligibility for a prize award is contingent upon their fulfilling all requirements identified in this notice. Publication of this notice is not an obligation of funds on the part of SBA. SBA intends to fund all of the prizes through private sector sources. The private sector source is liable to the winners for payment of the prize. SBA, however, will coordinate with the private sector source regarding instructions for award of the prize purse. SBA reserves the right to modify or cancel this Challenge, in whole or in part, at any time prior to the award of prizes.

7. *Conflicts of Interest:* No individual acting as a judge at any stage of this Challenge may have personal or financial interests in, or be an employee, officer, director, or agent of any Contestant or have a familial or financial relationship with a contestant.

8. *Intellectual Property Rights:* All entries submitted in response to this Challenge will remain the sole intellectual property of the individuals or organizations that developed them. By registering and entering a submission, each contestant represents and warrants that it is the sole author and copyright owner of the submission, and that the submission is an original work of the contestant, or if the submission is a work based on an existing application, that the contestant has acquired sufficient rights to use and to authorize others to use the submission, and that the submission does not infringe upon any copyright or upon any other third party rights of which the contestant is aware.

9. *Publicity Rights:* By registering and entering a submission, each contestant consents to SBA's and its agents' use, in perpetuity, of its name, likeness, photograph, voice, opinions, and/or hometown and state information for promotional or informational purposes through any form of media, worldwide, without further payment or consideration.

10. *Liability and Insurance Requirements:* By registering and entering a submission, each contestant agrees to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in this Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise. By registering and entering a submission, each contestant further represents and warrants that it possesses sufficient liability insurance or financial resources to cover claims by a third party for death, bodily injury, or property damage or loss resulting from any activity it carries out in connection with its participation in this Challenge, or

claims by the Federal Government for damage or loss to Government property resulting from such an activity. Contest winners should be prepared to demonstrate proof of insurance or financial responsibility in the event SBA deems it necessary.

11. *Record Retention and Disclosure:* All nomination packages and related materials provided to SBA in the semi-final and final rounds of the Challenge automatically become SBA records and cannot be returned. Contestants should identify any confidential commercial information contained in their entries at the time of their submission to the local Host Organization. SBA will notify contestants of any Freedom of Information Act requests the Agency receives related to their submissions in accordance with 13 CFR part 102.

Award Approving Official: Erin Andrew, Assistant Administrator, Office of Women's Business Ownership, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Dated: February 6, 2015.

**Erin Andrew,**

*Assistant Administrator, Office of Women's Business Ownership.*

[FR Doc. 2015–03013 Filed 2–12–15; 8:45 a.m.]

**BILLING CODE 8025–01–P**

## DEPARTMENT OF TRANSPORTATION

### Global Positioning System Adjacent Band Compatibility Assessment Workshop III

**AGENCY:** Office of the Assistant Secretary for Research and Technology (OST–R), Department of Transportation.

**ACTION:** Notice of meeting.

**SUMMARY:** The purpose of this notice is to inform the public that the U.S. Department of Transportation will host a third workshop to continue discussions of the Global Positioning System (GPS) Adjacent Band Compatibility Assessment. The workshop will focus on the following topics: (i) Identification of GPS and Global Navigation Satellite System (GNSS) receivers to be considered for testing that are representative of the current categories of user applications; and (ii) discussion of a GPS/GNSS receiver test plan. To maximize participation and discussion, the U.S. Department of Transportation is requesting that those interested in presenting on one (or all) of the above topics please contact Stephen Mackey (contact information listed below) by March 2, 2015.

This workshop is open to the general public by registration only. For those who would like to attend the workshop, we request that you register no later than March 2, 2015. Please use the following link to register: *https://volpecenterevents.webex.com/volpecenterevents/onstage/g.php?d=291900050&t=a.*

You must include:

- Name
- Organization
- Telephone number
- Mailing and email addresses
- Attendance method (WebEx or on site)
- Country of citizenship
- Intend to present (Yes/No)
  - If Yes, topic and title

The U.S. Department of Transportation is committed to providing equal access to this workshop for all participants. If you need alternative formats or services because of a disability, please contact Stephen Mackey (contact information listed below) with your request by close of business February 27, 2015.

**DATES:** *Date/Time:* March 12, 2015 8:30 a.m.–3:30 p.m. (Pacific Daylight Time).

**Location**

Aerospace Corporation, 2310 E. El Segundo Blvd., El Segundo, CA 90245.

Identification will be required at the entrance of Aerospace Corporation facility (Passport, state ID, or Federal ID). Several Days leading up to the workshop, an email containing the agenda, dial-in, and WebEx information will be provided.

**FOR FURTHER INFORMATION CONTACT:** Stephen M. Mackey, U.S. Department of Transportation, John A. Volpe National Transportation Systems Center, V–345, 55 Broadway, Cambridge, MA 02142, *Stephen.Mackey@dot.gov,* 617–494–2753.

Issued in Washington, DC, on February 6, 2015.

**Gregory D. Winfree,**

*Assistant Secretary for Research and Technology.*

[FR Doc. 2015–03020 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–9X–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Sixty-Fifth Meeting: RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment

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

**ACTION:** Meeting Notice of RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment.

**SUMMARY:** The FAA is issuing this notice to advise the public of the Sixty-Fifth meeting of the RTCA Special Committee 135, Environmental Conditions and Test Procedures for Airborne Equipment.

**DATES:** The meeting will be held April 14–16, 2015 from 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be held NIAR, 4004 N. Webb Rd., Wichita, KS 67226.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Sophie Bousquet, *sbousquet@rtca.org,* 202–330–0663.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 135. The agenda will include the following:

**April 14–16**

- Chairmen's Opening Remarks, Introductions.
- Approval of Summary from the Sixty-Fourth Meeting—(RTCA Paper No. 021–15/SC135–700).
- Review Revised Terms of Reference.
- Review DO–160H/ED–14H Schedule.
- Present New Change Proposal Forms.
- Review Change New Proposals.
- Review Working Group Activities.
- New/Unfinished Business.
- Establish date/locations for Next SC–135 Meetings.
- Closing and Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the ''**FOR FURTHER INFORMATION CONTACT**'' section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 10, 2015.

**Mohannad Dawoud,**

*Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.*

[FR Doc. 2015–03061 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Third Meeting: RTCA Special Committee 230, Airborne Weather Detection Systems Committee

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

**ACTION:** Meeting Notice of RTCA Special Committee 230, Airborne Weather Detection Systems Committee.

**SUMMARY:** The FAA is issuing this notice to advise the public of the third meeting of the Airborne Weather Detection Systems Committee.

**DATES:** The meeting will be held March 17–19 2015 from 9:00 a.m.–5:00 p.m. on March 17–18 and 9:00 a.m.–3:00 p.m. on March 19.

**ADDRESSES:** The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 230. The agenda will include the following:

**March 17**

- Welcome/Introductions/ Administrative Remarks
- Agenda Overview
- Meeting #2 Minutes approval
- Discussion of activities with EUROCAE WG–95
- Discussion of draft modification of SC–230 Terms of Reference to include modification to DO–213
- Review of General Requirements sections
- Review of PWS sections

**March 18**

- Review of Turbulence sections
- Review of Test Procedures sections
- Review of Test Procedures sections
- Review of Operational and Installed sections

**March 19**

- Review of Atmospheric Threat sections
- Discuss scope and content of DO–213 working group
- Action Item Review
- Other Actions
- FRAC Process Presentation
- Date and Place of Next Meetings
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 10, 2015.

**Mohannad Dawoud,**

*Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.*

[FR Doc. 2015–03057 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Third Meeting: RTCA Special Committee 232, Airborne Selective Calling Equipment

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

**ACTION:** Meeting Notice of RTCA Special Committee 232, Airborne Selective Calling Equipment.

**SUMMARY:** The FAA is issuing this notice to advise the public of the third meeting of RTCA Special Committee 232, Airborne Selective Calling Equipment.

**DATES:** The meeting will be held March 4–5, 2015 from 9:00 a.m.–5:00 p.m.

**ADDRESSES:** The meeting will be held at Novotel Paris Orly Rungis Hotel Rungis, France. Hosted by Rabah Bouda.

**FOR FURTHER INFORMATION CONTACT:** You may contact the RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site *http://www.rtca.org* for directions.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 232.

**March 4–5**

- Welcome/Introductions/ Administrative Remarks
- Agenda Overview
- Review/Approval of Minutes from Plenary #2
- Status of Other SELCAL Industry Activities/Committees
- Review of Selective Calling (SELCAL) Action Items
- Review SC–232 Completion Schedule
- Review of Draft MOPS
- Continue Drafting MOPS
- Other Business.
- Date and Place of Next Meetings
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 10, 2015.

**Mohannad Dawoud,**

*Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.*

[FR Doc. 2015–03055 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Monthly Notice of PFC Approvals and Disapprovals. In January 2015, there were nine applications approved. This notice also includes information on two applications, one approved in May 2012 and the other disapproved in November 2014, inadvertently left off the May 2012 and November 2014 notices, respectively. Additionally, three approved amendments to previously approved applications are listed.

**SUMMARY:** The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

**PFC Application Disapproved**

*Public Agency:* The Pennsylvania State University, State College, Pennsylvania.

*Application Number:* 15–06–C–00–UNV.

*Application type:* Impose and use a PFC.

*Reason for Disapproval:* The Centre County Airport Authority has exclusive control of the terminal complex at University Park Airport (UNV) while the Pennsylvania State University (PSU) has exclusive control of the airfield. The FAA has determined that both organizations operate independently of each other. Since the proposed PFC application, submitted by the PSU, included projects that would impact both airfield and terminal areas, the FAA concluded that the existing arrangement between the two entities contravenes the public agency's obligations under the PFC assurances, including requisite legal authority to impose a PFC to finance and carry out the proposed projects. Therefore, the FAA could not approve PSU's PFC application.

*Decision date:* November 20, 2014.

**FOR FURTHER INFORMATION CONTACT:** Lori Ledebohm, Harrisburg Airports District Office, (717) 730–2835.

**PFC Applications Approved**

*Public Agency:* Town of Islip, New York.

*Application Number:* 12–07–C–00–ISP.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC Revenue Approved in this Decision:* $6,492,764.

*Earliest Charge Effective Date:* August 1, 2015.

*Estimated Charge Expiration Date:* August 1, 2017.

*Class of Air Carriers Not Required To Collect PFC'S:* Non-scheduled/on demand air carriers filing FAA Form 1800–31.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Long Island MacArthur Airport (ISP).

*Brief Description of Projects Approved for Collection at ISP and Use at ISP:*

Signage improvements.
Install miscellaneous navigational aids.
Construct parallel taxiway D.
Runway 24 centerline/touchdown zone/runway guard lights.
Glycol treatment plant preliminary engineering.
Rehabilitate portions of runway 06/24.
Re-cable portions of runway 06/24.
Sprinkler system, main terminal.
Acquire snow broom replacement.
Acquire airfield deicing vehicle.
Construct underground glycol treatment plant—engineering design only.
Aviation demand update.
Conduct wildlife hazard assessment study.
Taxiways B, D and A design.
Perform airport master plan update and geographic information system work.
Extend taxiway B from C/B3 to runway 33L and realign taxiway E between taxiway S and runway 33L.
Construct glycol containment and treatment system.
Replace airfield electrical vault design.
Replace security system hardware.
Purchase and install jet bridge.
PFC application development.
PFC program application/administrative costs.
Purchase snow removal equipment.
Purchase four patrol vehicles.
West apron rehabilitation.
West concourse airside baggage claim access road.
Purchase two runway and apron vacuum sweepers.
Passenger seating replacement.
Design general aviation customs and border protection facility.

*Brief Description of Projects Approved for Collection at ISP and Use at Bayport Aerodrome (23N):*

Obstruction removal.
Design upgrade to airport perimeter fence.

*Brief Description of Projects Partially Approved for Collection at ISP and Use at ISP:* Construct taxiway G from runway 06 to taxiway W.

*Determination:* The application was submitted with project costs based on estimates. Before the FAA issued its PFC decision, the FAA became aware that the actual bid costs were less than the amount requested in the PFC application. Therefore, the FAA limited the PFC amount based on the actual bid costs.

Construct new aircraft rescue and firefighting building design.

*Determination:* The application was submitted with project costs based on estimates. Before the FAA issued its PFC decision, the FAA became aware that the actual bid costs were less than the amount requested in the PFC application. Therefore, the FAA limited the PFC amount based on the actual bid costs.

*Brief Description of project Partially Approved for Collection at ISP and Use at 23N:* Replace existing perimeter fence including two gates.

*Determination:* The application was submitted with project costs based on estimates. Before the FAA issued its PFC decision, the FAA became aware that the actual bid costs were less than the amount requested in the PFC application. Therefore, the FAA limited the PFC amount based on the actual bid costs.

*Brief Description of Project Partially Approved for Collection at ISP for Future Use at ISP:* Design obstruction removal.

*Brief Description of Disapproved Projects:*

Replace runway sprinkler pump station at 23N.
Design replacement sprinkler system at 23N.
Replace sprinkler system, phase I, at 23N.

*Determination:* The FAA determined that these three projects were maintenance items and, thus, did not meet the requirements of § 158.15(b). Therefore, these projects were disapproved.

*Decision Date:* May 11, 2012.

**FOR FURTHER INFORMATION CONTACT:** Andrew Brooks, New York Airports District Office, (516) 227–3816.

*Public Agency:* Fort Wayne—Allen County Airport Authority, Fort Wayne, Indiana.

*Application Number:* 15–04–C–00–FWA.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC REvenue Approved in This Decision:* $4,055,000.

*Earliest Charge Effective Date:* March 1, 2018.

*Estimated Charge Expiration Date:* July 1, 2021.

*Class of Air Carriers Not Required To Collect PFC'S:* Nonscheduled/on-demand operators filing FAA Form 1800–31 that (1) by Federal regulation are not required to report passenger statistics to the Federal government and (2) enplane 10 or fewer passengers per flight that is operated from Fort Wayne International Airport (FWA).

*Determination*: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at FWA.

*Brief Description of Projects Approved for Collection and Use:*

Replace jet bridge 5.
Upgrade public address system to digital.
Snow removal vehicle with plow and mid-mount broom attachments.
Snow removal vehicle with plow and mid-mount broom attachments.
Replace jet bridge 7.
High speed runway snow broom.
Commercial aircraft deicer.
Terminal building planning study.
Replace shared use infrastructure technology environment equipment.

*Decision Date:* January 6, 2015.

**FOR FURTHER INFORMATION CONTACT:** Michael Brown, Chicago Airports District Office, (847) 294–7195.

*Public Agency:* Bishop International Airport Authority, Flint, Michigan.

*Application Number:* 14–02–C–00–FNT.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC Revenue Approved in This Decision:* $11,859,545.

*Earliest Charge Effective Date:* January 1, 2018.

*Estimated Charge Expiration Date:* August 1, 2024.

*Class of Air Carriers Not Required To Collect PFC'S:* Non-scheduled/on demand air taxi operators filing FAA Form 1800–31.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Bishop International Airport.

*Brief Description of Projects Approved for Collection and Use:*

Sand storage building.
Removal of runway 5/23.
Taxiway B construction.
Cargo apron rehabilitation and conversion to deicing pad.
Terminal improvements.
Terminal expansion.
Acquisition and installation of passenger boarding bridges.
Terminal apron rehabilitation.

Decision Date: January 6, 2015.

**FOR FURTHER INFORMATION CONTACT:** Irene Porter, Detroit Airports District Office, (734) 229–2915.

*Public Agency:* City of Pueblo, Colorado.

*Application Number:* 15–03–C–00–PUB.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC Revenue Approved in This Decision:* $833,789.

*Earliest Charge Effective Date:* March 1, 2015.

*Estimated Charge Expiration Date:* April 1, 2036.

*Class of Air Carriers Not Required To Collect PFC'S:* None.

*Brief Description of Projects Approved for Collection and Use:*

Rehabilitate runway 8L/26R and transition of crosswind runway 17/35.
Improve runway 8R/26L runway safety area.
Construct replacement training runway.
Rehabilitate general aviation parking apron.
Conduct wildlife hazard assessments.
Acquire aircraft rescue and firefighting vehicle.
Rehabilitate taxiway (portions of taxiways A and A9).
Rehabilitate taxiway D.
PFC administration fees.

*Decision Date:* January 7, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jesse Lyman, Denver Airports District Office, (303) 342–1262.

*Public Agency:* City of New Orleans and New Orleans Aviation Board, New Orleans, Louisiana.

*Application Number:* 14–11–C–00–MSY.

*Application Type:* Impose and use a PFC.

*PFC Level:* $3.00.

*Total PFC Revenue Approved in This Decision:* $400,733,236.

*Earliest Charge Effective Date:* February 1, 2026.

*Estimated Charge Expiration Date:* September 1, 2043.

*Class of Air carriers Not Required To Collect PFC'S:* On-demand air taxi/commercial operations.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Louis Armstrong New Orleans International Airport.

*Brief Description of Projects Approved for Collection and Use at a $4.50 PFC Level:*

Airfield electrical design and construction.
Perimeter fencing replacement construction.
Airfield pavement rehabilitation design and construction.

*Brief Description of Projects Approved for Collection and Use at a $3.00 PFC Level:*

Land use and development study.
Long term development feasibility study.
Drainage pumping station design and construction.

*Brief Description of Projects Partially Approved for Collection and Use at a $3.00 PFC Level:* Airfield pavement condition study.

*Determination:* The FAA reviewed the scope of the project and found that the following work elements do not meet the requirements of § 158.15(b). Therefore, PFC revenue cannot be used on these elements: (1) Micro Paver software (or an approved equal); (2) onsite training to airport staff; and (3) preparing an airfield signage plan showing the plan location of the airfield signs, depicting sign type, style, size, model, etc.

Long term planning study.

*Determination:* The FAA reviewed the supporting documentation and found that the documentation supported only $6,801,500 in total project costs and not the $7,551,500 amount shown in the PFC application.

Long term development program—terminal design and construction.

*Determination:* The FAA partially approved this project for two reasons. (1) The FAA reviewed the scope of the project and found that the following work elements did not meet the requirements of § 158.15(b): airport administration (operations offices), baggage service offices, airline ticket offices, Transportation Security Administration offices, loading dock, storage, police station, central baggage inspection system equipment (build out and equipment), and escalation and contingency fees. (2) The public agency did not include a letter from Customs and Border Control certifying that the Federal Inspection Services (FIS) facility is sized to the staffing levels that will be provided. Therefore, the FAA was not able to verify that the space requested was the minimum necessary as required in Table N–5 (1) of FAA Order 5100.38D, Airport Improvement Program (AIP) Handbook, (September 30, 2014). Therefore, PFC revenue cannot be used on items relating to the FIS facility.

Long term development program—airside design and construction.

*Determination:* The FAA reviewed the scope of the project and found that the use of PFC revenue for contingencies does not meet the requirements of § 158.15(b). Therefore, the public agency may not use PFC revenue for contingencies.

Long term development program—landside design and construction.

*Determination:* The FAA reviewed the scope of the project and found that the following work elements do not meet the requirements of § 158.15(b). Therefore, the public agency may not use PFC revenue on the following elements: contingencies; parking structure(s); hotel infrastructure; access roads (off-airport); landscaping within site development; surface parking; and utilities.

*Brief Description of Disapproved Project:* Access road improvements, design and construction.

*Determination:* Table P–3(a)(6) of FAA Order 5100.38D, AIP Handbook, (September 30, 2014), requires that eligible access roads must exclusively serve airport traffic. This means that an access road that serves both airport traffic and non-airport traffic cannot be prorated. In mixed use situations of

airport/non-airport use, only the portion of the road that is beyond the non-airport access point is eligible. In this case, the proposed road is not beyond the non-airport access point and, therefore, the road is not PFC-eligible.

*Brief Description of Withdrawn Project:* Airfield lighting vault.

*Date of Withdrawal:* September 3, 2014.

*Decision Date:* January 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Bill Bell, Louisiana/New Mexico Airports Development Office, (817) 222–5664.

*Public Agency:* City of Albany, Georgia.

*Application Number:* 15–07–C–00–ABY.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC Revenue Approved in This Decision:* $105,777.

*Earliest Charge Effective Date:* April 1, 2015.

*Estimated Charge Expiration Date:* June 1, 2016.

*Class of Air Carriers Not Required To Collect PFC'S:* Air taxi/commercial operators filing FAA Form 1800–31 and operating at Southwest Georgia Regional Airport (ABY).

*Determination*: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at ABY.

*Brief Description of Projects Approved for Collection and Use:*

Wildlife hazard assessment.
Commercial apron expansion.

*Brief Description of Project Partially Approved for Collection and Use:*
Communications building (new equipment shelter).

*Determination:* The FAA determined that only the demolition of the old terminal building and relocation of the FAA communications equipment were PFC eligible.

*Decision Date:* January 12, 2015.

**FOR FURTHER INFORMATION CONTACT:** Parks Preston, Atlanta Airports District Office, (404) 305–7149.

*Public Agency:* Des Moines Airport Authority, Des Moines, Iowa.

*Application Number:* 15–14–C–00–DSM.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC Revenue Approved in This Decision:* $6,865,187.

*Earliest Charge Effective Date:* December 1, 2020.

*Estimated Charge Expiration Date*: April 1, 2022.

*Class of Air Carriers Not Required To Collect PFC'S:* Air taxi/commercial operators filing FAA Form 1800–31.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Des Moines International Airport.

*Brief Description of Projects Approved for Collection and Use:*

Pre-conditioned air units affixed to boarding bridges.
Terminal area concept plan.
Terminal capacity improvement project.
Aircraft rescue and firefighting vehicle.
Aircraft rescue and firefighting building communication upgrade.
Aircraft rescue and firefighting road construction.
Runway 13/31 reconstruction.

*Decision Date:* January 15, 2015.

**FOR FURTHER INFORMATION CONTACT:** Sheila Bridges, Central Region Airports Division, (816) 329–2638.

*Public Agency:* Spokane Airport Board, Spokane, Washington.

*Application Number:* 15–10–C–00–GEG.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC Revenue Approved in This Decision:* $15,036,120.

*Earliest Charge Effective Date:* July 1, 2015.

*Estimated Charge Expiration Date:* July 1, 2018.

*Class of Air Carriers Not Required To Collect PFC'S:* None.

*Brief Description of Projects Approved for Collection and Use:*

Terminal area plan (planning study).
Airfield perimeter security enhancement.
Replacement of flight information display systems and related flight announcement systems.
Terminal access control enhancements.
Glycol recovery solution design.
Elevator replacement.
PFC application and administration fees.

*Brief Description of Withdrawn Projects:*

Aircraft rescue and firefighting vehicle replacement.
Land acquisition.

*Date of Withdrawal:* December 5, 2014.

*Decision Date:* January 16, 2015.

**FOR FURTHER INFORMATION CONTACT:** Andrew Edstrom, Seattle Airports District Office, (425) 227–2641.

*Public Agency:* Hall County Airport Authority, Grand Island, Nebraska.

*Application Number*: 15–04–C–00–GRI.

*Application Type*: Impose and use a PFC.

*PFC level:* $4.50.

*Total PFC Revenue Approved in This Decision:* $3,711,558.

*Earliest Charge Effective Date:* May 1, 2016.

*Estimated Charge Expiration Date:* March 1, 2031.

*Class of Air Carriers Not Required To Collect PFC'S:* None.

*Brief Description of Projects Approved for Collection and Use:*

Terminal area master plan.
Conduct environmental assessment.
Improve terminal building—phase 1, engineering services.
Improve terminal building—phase 2, construction.

*Decision Date:* January 20, 2015.

**FOR FURTHER INFORMATION CONTACT:** Sheila Bridges, Central Region Airports Division, (816) 329–2638.

*Public Agency:* City of Eugene, Oregon.

*Application Number:* 15–12–C–00–EUG.

*Application Type:* Impose and use a PFC.

*PFC Level:* $4.50.

*Total PFC Revenue Approved in This Decision:* $5,422,230.

*Earliest Charge Effective Date:* June 1, 2015.

*Estimated Charge Expiration Date:* January 1, 2019.

*Class of Air Carriers Not Required To Collect PFC'S:* Nonscheduled/on-demand air carriers filing FAA Form 1800–31.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Eugene Airport—Mahlon Sweet Field.

*Brief Description of Projects Approved for Collection and Use:*

Access control upgrade and installation.
B–3 ramp rehabilitation.
Terminal roof replacement.
Gate A1 jet bridge.
PFC administration costs.

*Decision Date:* January 23, 2015.

**FOR FURTHER INFORMATION CONTACT:** Andrew Edstrom, Seattle Airports District Office, (425) 227–2641.

AMENDMENTS TO PFC APPROVALS

| Amendment No., city, state | Amendment approved date | Original approved net PFC revenue | Amended approved net PFC revenue | Original estimated charge exp. date | Amended estimated charge exp. date |
|---|---|---|---|---|---|
| 08–09–C–03–STL, St. Louis, MO | 01/07/15 | $758,497,059 | $747,211,611 | 10/01/26 | 04/01/26 |
| 08–04–C–01–HLN, Helena, MT | 01/07/15 | 893,513 | 893,476 | 07/01/17 | 02/01/16 |
| 12–04–C–01–TWF, Twin Falls, ID | 01/15/15 | 543,523 | 556,066 | 06/01/16 | 06/01/17 |

Issued in Washington, DC on February 9, 2015.

**Joe Hebert,**

*Manager, Financial Analysis and Passenger Facility Charge Branch.*

[FR Doc. 2015–03063 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic U–69 guard bars, manganese casting, turnout braces, and weld kits for CREATE rail projects in Chicago, Illinois.

**DATES:** The effective date of the waiver is February 17, 2015.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, (202) 366–1373, or via email at *Jomar.Maldonado@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Publishing Office's database at: *http://www.access.gpo.gov/nara.*

#### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate in procurement of non-domestic U–69 guard bars, manganese casting, turnout braces, and weld kits for CREATE rail projects in Chicago, Illinois.

In accordance with Division A, section 122 of the ''Consolidated and Further Continuing Appropriations Act, 2012'' (Pub. L. 112–55), FHWA published a notice of intent to issue a waiver on its Web site for non-domestic U–69 guard bars, manganese casting, turnout braces, and weld kits (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=103*) on December 9, 2014. The FHWA received no comments in response to the publication. During the 15-day comment period, FHWA conducted additional nationwide review to locate potential domestic manufacturers of U–69 guard bars, manganese casting, turnout braces, and weld kits. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of the U–69 guard bars, manganese casting, turnout braces, and weld kits.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the Illinois waiver page noted above.

**Authority:** 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.

Dated: February 6, 2015.

**Gregory G. Nadeau,**

*Acting Administrator, Federal Highway Administration.*

[FR Doc. 2015–03031 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic 4 in. and 12 in. trunnion mounted steel ball valves with maximum allowable operating pressure of 60 psi as part of natural gas distribution facility involved in replacement of Kosciuszko Bridge over Newton Creek in New York City, NY.

**DATES:** The effective date of the waiver is February 17, 2015.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, (202) 366–1373, or via email at *Jomar.Maldonado@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: *http://www.archives.gov* and the Government Publishing Office's database at: *http://www.access.gpo.gov/nara.*

#### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or

iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate in the procurement of non-domestic 4 in. and 12 in. trunnion mounted steel ball valves as part of natural gas distribution facility involved with the replacement of the Kosciuszko Bridge over Newton Creek in New York City.

In accordance with Division A, section 122 of the ''Consolidated and Further Continuing Appropriations Act, 2012'' (Pub. L. 112–55), the FHWA published a notice of intent to issue a waiver on its Web site for non-domestic 4 in. and 12 in. trunnion mounted steel ball valves (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=102*) on December 1, 2014. The FHWA received no comments in response to the publication. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers of 4 in. and 12 in. trunnion mounted steel ball valves for the project. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of the 4 in. and 12 in. trunnion mounted steel ball valves that meet the project specifications.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the New York waiver page noted above.

**Authority:** 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.

Dated: February 6, 2015.

**Gregory G. Nadeau,**

*Acting Administrator, Federal Highway Administration.*

[FR Doc. 2015–03029 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic brakes and bearings for rehabilitation of a ferry lift bridge on Governors Island, New York.

**DATES:** The effective date of the waiver is February 17, 2015.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, (202) 366–1373, or via email at *Jomar.Maldonado@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Publishing Office's database at: *http://www.access.gpo.gov/nara.*

#### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for use of non-domestic brakes and bearings for the rehabilitation of a ferry lift bridge on Governors Island, New York.

In accordance with Division A, section 122 of the ''Consolidated and Further Continuing Appropriations Act, 2012'' (Pub. L. 112–55), the FHWA published a notice of intent to issue a waiver on its Web site (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=104*) on December 18, 2014. The FHWA received no comments in response to the publication. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers of brakes and bearings that meet the project specifications. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers of the brakes and bearings that meet the project specifications.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the New York waiver page noted above.

**Authority:** 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.

Dated: February 6, 2015.

**Gregory G. Nadeau,**

*Acting Administrator, Federal Highway Administration.*

[FR Doc. 2015–03025 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket No. FRA–2012–0033]**

### Notice of Intent To Grant a Buy America Waiver to the Illinois Department of Transportation for the Use of Sure Close Self-Closing Force Adjustable Gate Hinges

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of intent to grant Buy America waiver.

**SUMMARY:** FRA is issuing this notice to advise the public that it intends to grant the Illinois Department of Transportation (IDOT) a waiver from FRA's Buy America requirement for the use of 350 Sure Close gate hinges, which are manufactured in Italy. Self-closing, force adjustable gate hinges are one component of the larger construction project to install pedestrian swing gates in connection with the Chicago-St. Louis High Speed Rail (HSR) corridor project. The Chicago-St. Louis HSR

project is funded by a $1.33 billion grant from FRA. The value of the 350 hinges is approximately $110,000.

**DATES:** Written comments on FRA's determination to grant IDOT's Buy America waiver request should be provided to the FRA on or before March 2, 2015.

**ADDRESSES:** Please submit your comments by one of the following means, identifying your submissions by docket number FRA–2012–0033. All electronic submissions must be made to the U.S. Government electronic site at *http://www.regulations.gov.* Commenters should follow the instructions below for mailed and hand-delivered comments.

(1) Web site: *http://www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site;

(2) Fax: (202) 493–2251;

(3) Mail: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, Room W12–140, Washington, DC, 20590–0001; or

(4) Hand Delivery: Room W12–140 on the first floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must make reference to the ''Federal Railroad Administration'' and include docket number FRA–2012–0033. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to *http://www.regulations.gov.* For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Mr. John Johnson, Attorney-Advisor, FRA Office of Chief Counsel, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590, (202) 493–0078, *John.Johnson@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

The letter granting IDOT's request is quoted below:

Joseph E. Shacter, Director of Public and Intermodal Transportation, Illinois Department of Transportation, Division of Public and Intermodal Transportation, 100 West Randolph Street, Suite 6–600, Chicago, IL 60601

Re: Request for Waiver of Buy America Requirement for Sure Close Gate Hinges

Dear Mr. Shacter: This letter is in response to your request dated September 25, 2014, that the Federal Railroad Administration (FRA) grant the Illinois Department of Transportation (IDOT), a waiver from FRA's Buy America provision, at 49 U.S.C. § 24405(a)(1), for one component of the pedestrian swing gates. Your waiver request is for 350 of 600 Sure Close gate hinges by D&D Technology needed for the project. Because the hinges are manufactured in Italy, IDOT would need a waiver from FRA's Buy America requirement. The FRA is granting IDOT's request for these initial 350 Sure Close gate hinges.

The request is based on the Buy America provision (49 U.S.C. 24405(a)) applicable to FRA's High-Speed Intercity Passenger Rail (HSIPR) Program $1.33 billion grant for the Chicago-St. Louis High Speed Rail (HSR) corridor. FRA's Buy America requirement for the manufactured goods used in rail infrastructure projects requires domestic manufacturing of the end product and that all of the components be manufactured in the United States. In this case, FRA determined the swing gate system to be an end product while the gate hinge is a component. The swing gate and all other components are manufactured in the United States. Section 24405(a)(2) also permits the Secretary (delegated to the FRA Administrator) to waive the Buy America requirements if the Secretary finds that: (A) Applying paragraph (1) would be inconsistent with the public interest; (B) the steel, iron, and goods manufactured in the United States are not produced in sufficient and reasonably available amount or are not of a satisfactory quality; (C) rolling stock or power train equipment cannot be bought or delivered to the United States within a reasonable time; or (D) including domestic material will increase the cost of the overall project by more than 25 percent.

On December 12, 2013, IDOT submitted an initial Buy America waiver request for the Sure Close hinge to install all 600 of the required hinges along the entire Chicago St Louis HSR corridor. IDOT has made, and continues to make, extensive efforts to procure a domestic gate hinge for the pedestrian crossings. IDOT initially located a U.S. manufactured hinge; however, the Illinois Commerce Commission (ICC) tested the swing gate and found that the closure force was too strong, even when adjusted, and could cause pedestrian injury. IDOT and ICC then found the Sure Close hinge, which is self-closing, force adjustable and manufactured in Italy. It meets the ICC's safety and performance requirements and is the only non-domestic component of the swing gate. The hinges and attachment brackets cost about $315 each; the total cost for the required 600 hinges is approximately $190,000.

To determine whether to grant IDOT's initial request, FRA provided notice and an opportunity for comment on its public Web site. FRA also emailed notice to over 6,000 persons who have signed up for Buy America notices. FRA received twelve comments to the Web site notice. Almost all of the commenters recommended denying the waiver; however, no commenter identified a supplier for the hinges. FRA also used the services of the National Institute of Standards and Technology's Manufacturing Extension Partnership (NIST-MEP) in order to scout for domestic sources for the hinges. NIST-MEP did not identify any exact matches. An ''exact match'' would mean a manufacturer already produces the same item immediately suitable for use in the project. NIST-MEP did identify twenty-seven manufacturers that may have the capabilities to produce the gate hinge needed for the project. However, only three of these twenty-seven manufacturers made a similar item that with some modification and testing may have been suitable for use in the project.

IDOT worked with NIST-MEP to contact these three firms. IDOT identified one U.S. manufacturer that stated it had the capability to produce the type of adjustable hinge needed for the gate. IDOT has been working with that manufacturer; however, the manufacturer's efforts on IDOT's behalf have not yet yielded a hinge having the qualities needed for this project. In addition, once functional prototypes are delivered to IDOT, they will still need to be tested in adverse climates, including winter weather. Further delays in delivery could delay testing until winter 2015–16 and useable hinges are necessary to ensure that major segments of the HSR project are completed next year.

To meet this schedule, on September 25, 2014, IDOT updated its initial Buy America request asking that 350 of the required 600 Sure Close hinges, costing approximately $110,000, be allowed for use in current and soon-to-be awarded

construction contracts. In this letter, IDOT asserts that if the manufacturer ''prototype is delivered in time to allow testing this winter, and the testing is successful, IDOT commits to using'' the domestically produced hinges for the remaining 250 pedestrian gate installations. If a functional prototype is not available for testing, IDOT may need to install the additional 250 hinges with the Sure Close hinge. IDOT continues to assert that use of a self-closing, force adjustable gate hinge such as the Sure Close Hinge is essential for maintaining safe pedestrian grade crossings and that a similar hinge remains unavailable from a U.S. source.

After receiving the September 25, 2014 updated waiver request from IDOT, FRA again provided notice and an opportunity for comment on its public Web site, as well as by emailing the Buy America listserv. FRA received two comments. One commenter supported the waiver, while the other commenter did not support the waiver. Once again, no commenter identified a domestic supplier for the hinges.

Based on NIST–MEP's scouting report, which did not identify a U.S. manufacturer that makes the same item, IDOT's inability at this time to locate a domestic gate hinge for pedestrian crossings meeting IDOT's safety and schedule needs, and the fact that the public did not identify a domestic source, FRA finds that gate hinges ''produced in the United States are not of a satisfactory quality.'' Therefore, FRA grants a waiver under 49 U.S.C. § 24405(a)(2)(B) (goods of a satisfactory quality are not produced in the United States).

Pursuant to 49 U.S.C. § 24405(a)(4), FRA is publishing notice of its decision to grant IDOT's waiver request in the Federal Register and provide notice of such finding and an opportunity for public comment after which this waiver will become effective. FRA expects IDOT to continue to use its best efforts to work with the proposed domestic manufacturer and procure domestically-produced hinges for the remaining 250 gate installations.

Question about this letter can be directed to, John Johnson, Attorney-Advisor, at *john.johnson@dot.gov* or (202) 493–0078.

Sincerely,

Sarah Feinberg
*Acting Administrator*

Issued in Washington, DC on February 6, 2015.

**Melissa L. Porter,**

*Chief Counsel.*

[FR Doc. 2015–02996 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

### U.S. Merchant Marine Academy Board of Visitors Notice of Meeting

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Meeting notice.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in Sunshine Act of 1976 (5 U.S.C. 552b, as amended) and 41 CFR 102–3.150, the U.S. Department of Transportation, Maritime Administration (MARAD) announces that a meeting of the U.S. Merchant Marine Academy (''Academy'') Board of Visitors (BOV) will take place:

1. *Date:* February 26, 2015.

2. *Time:* 2:30 to 3:30 p.m. (local) Eastern Time.

3. *Requirements for Access:* Members of the public wishing to attend the meeting will need to show photo identification in order to gain access to the meeting location. All participants are subject to security screening.

4. *Location:* To Be Determined; Washington, DC.

5. *Purpose of the Meeting:* The purpose of this meeting is to highlight the President's Fiscal Year 2016 Budget Request for the Academy, update Members on the Academy Advisory Board activities, and provide an overview of the 2013–14 Academic Year Report on Sexual Harassment and Sexual Assault. This meeting will also discuss the organization of the BOV for this Congress, including selecting a Chairperson if a quorum of members is present.

6. *Public Access to the Meeting:* Pursuant to the Federal Advisory Committee Act (5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165) and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

**FOR FURTHER INFORMATION CONTACT:** The BOV Designated Federal Officer or Point of Contact: Brian Blower and 202–266–2765 or *brian.blower@dot.gov*.

**SUPPLEMENTARY INFORMATION:** Any member of the public is permitted to file a written statement with the Academy BOV. Written statements should be sent to the Designated Federal Officer at: Brian Blower, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 or faxed to 202–366–3890. Written statements must be received no later than five working days prior to the next meeting in order to provide time for member consideration. By rule, no member of the public attending open meetings will be allowed to present questions from the floor or speak to any issue under consideration by the BOV.

**Authority:** 46 U.S.C. 51312; 5 U.S.C. app. 552b; 41 CFR parts 102–3.140 through 102–3.165.

By Order of the Maritime Administrator.

Dated: February 10, 2015.

**Christine S. Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2015–03059 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–81–PS**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2014–0136; Notice No. 15–5]**

### Hazardous Materials: Information Collection Activities

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requests (ICRs) discussed below will be forwarded to the Office of Management and Budget (OMB) for renewal and extension. These ICRs describe the nature of the information collections and their expected burdens. A **Federal Register** notice with a 60-day comment period soliciting comments on these ICRs was published in the **Federal Register** on November 24, 2014 [79 FR 69990] under Docket No. PHMSA–2014–0136 (Notice No. 14–13). PHMSA did not receive any substantive comments in response to this November 24, 2014 notice.

**DATES:** Interested persons are invited to submit comments on, or before March 16, 2015.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, by mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for DOT–PHMSA, 725 17th Street NW., Washington, DC 20503, by fax, 202–395–5806, or by email, to *OIRA_Submission@omb.eop.gov.* Comments should refer to the information collection by title and/or OMB Control Number.

We invite comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the Department's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Docket:* For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Steven Andrews or T. Glenn Foster, Standards and Rulemaking Division (PHH–12), U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., East Building, 2nd Floor, Washington, DC 20590–0001, Telephone (202) 366–8553.

**SUPPLEMENTARY INFORMATION:** Section 1320.8 (d), title 5, Code of Federal Regulations requires Federal agencies to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to OMB for renewal and extension. These information collections are contained in 49 CFR parts 172, 173, 174, 178, 179, and 180 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171 through 180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB Control Number; (3) abstract of the information collection activity; (4) description of affected persons; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a three-year term of approval for each information collection activity and, when approved by OMB, publish notice of the approvals in the **Federal Register**.

PHMSA requests comments on the following information collections:

*Title:* Testing, Inspection, and Marking Requirements for Cylinders.

*OMB Control Number:* 2137–0022.

*Abstract:* Requirements in § 173.301 for qualification, maintenance, and use of cylinders require that cylinders be periodically inspected and retested to ensure continuing compliance with packaging standards. Information collection requirements address registration of retesters and marking of cylinders by retesters with their identification number and retest date following the completion of required tests. Records showing the results of inspections and retests must be kept by the cylinder owner or designated agent until expiration of the retest period or until the cylinder is re-inspected or retested, whichever occurs first. These requirements are intended to ensure that retesters have the qualifications to perform tests and to identify to cylinder fillers and users that cylinders are qualified for continuing use. Information collection requirements in § 173.303 require that fillers of acetylene cylinders keep, for at least 30 days, a daily record of the representative pressure to which cylinders are filled.

*Affected Public:* Fillers, owners, users and retesters of reusable cylinders.

*Annual Reporting and Recordkeeping Burden:*

*Number of Respondents:* 139,352.

*Total Annual Responses:* 153,287.

*Total Annual Burden Hours:* 171,642.

*Frequency of Collection:* On occasion.

*Title:* Rail Carrier and Tank Car Tanks Requirements, Rail Tank Car Tanks—Transportation of Hazardous Materials by Rail.

*OMB Control Number:* 2137–0559.

*Abstract:* This information collection consolidates and describes the information provisions in parts 172, 173, 174, 179, and 180 of the HMR on the transportation of hazardous materials by rail and the manufacture, qualification, maintenance, and use of tank cars. The types of information collected include:

(1) Approvals of the Association of American Railroads (AAR) Tank Car committee: An approval is required from the AAR Tank Car Committee for a tank car to be used for a commodity other than those specified in part 173 and on the certificate of construction. This information is used to ascertain whether a commodity is suitable for transportation in a tank car. AAR approval is also required for an application for approval of designs, materials and construction, conversion or alteration of tank car tanks constructed to a specification in part 179, or an application for construction of tank cars to any new specification. This information is used to ensure that the design, construction, or modification of a tank car or the construction of a tank car to a new specification is performed in accordance with the applicable requirements.

(2) Progress Reports: Each owner of a tank car that is required to be modified to meet certain requirements specified in § 173.31 must submit a progress report to the Federal Railroad Administration (FRA). This information is used by FRA to ensure that all affected tank cars are modified before the regulatory compliance date.

(3) FRA Approvals: An approval is required from FRA to transport a bulk packaging (such as a portable tank, IM portable tank, intermediate bulk container, cargo tank, or multi-unit tank car tank) containing a hazardous material in container-on-flat-car or trailer-on-flat-car service other than as authorized by § 174.63. FRA uses this information to ensure that the bulk package is properly secured using an adequate restraint system during transportation. An FRA approval is also required for the movement of any tank car that does not conform to the applicable requirements in the HMR. These latter movements are currently being reported under the information collection for special permit applications.

(4) Manufacturer Reports and Certificate of Construction: These documents are prepared by tank car manufacturers and used by owners, users, and FRA personnel to verify that rail tank cars conform to the applicable specification.

(5) Quality Assurance Program: Facilities that build, repair, and ensure the structural integrity of tank cars are required to develop and implement a quality assurance program. This information is used by the facility and DOT compliance personnel to ensure that each tank car is constructed or repaired in accordance with the applicable requirements.

(6) Inspection Reports: A written report must be prepared and retained for each tank car that is inspected and tested in accordance with § 180.509 of the HMR. Rail carriers, users, and the FRA use this information to ensure that rail tank cars are properly maintained and are in safe condition for transporting hazardous materials.

*Affected Public:* Manufacturers, owners, and rail carriers of tank cars.

*Annual Reporting and Recordkeeping Burden:*

*Number of Respondents:* 266.

*Total Annual Responses:* 17,685.

*Total Annual Burden Hours:* 2,834.

*Frequency of Collection:* Annually.

*Title:* Testing Requirements for Non-bulk Packaging.

*OMB Control Number:* 2137–0572.

*Abstract:* This information collection consolidates and describes the information provisions in parts 173 and 180 of the HMR on the testing requirements for non-bulk packagings. This OMB control number covers performance-oriented packaging standards and allows packaging manufacturers and shippers more flexibility in selecting more economical packagings for their products. This information collection also allows customizing the design of packagings to better suit the transportation environment that they will encounter and encourages technological innovations, decreases packaging costs, and significantly reduces the need for special permits.

*Affected Public:* Each non-bulk packaging manufacturer that tests packagings to ensure compliance with the HMR.

*Annual Reporting and Recordkeeping Burden:*

*Number of Respondents:* 5,000.

*Total Annual Responses:* 15,500.

*Total Annual Burden Hours:* 32,500.

*Frequency of Collection:* On occasion.

**William S. Schoonover,**

*Deputy Associate Administrator, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2015–03049 Filed 2–12–15; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[Docket No. FD 35904]**

### Bogalusa Bayou Railroad, L.L.C. d/b/a Geaux Geaux Railroad—Operation Exemption—Geaux Geaux Railroad, LLC

Bogalusa Bayou Railroad, L.L.C. d/b/a Geaux Geaux Railroad (BBRR), a Class III rail carrier indirectly controlled by Watco Holdings, Inc., has filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 21.95 miles of rail line (the Lines) owned by Geaux Geaux Railroad, LLC (GGRL), located: (1) Between milepost 0.00 at or near Slaughter, and milepost 9.69 at or near Zee, and (2) between milepost 345.84 at or near Slaughter, and milepost 358.10 at or near Maryland, in East Baton Rouge Parish, La.[1]

BBRR states it has entered into an operating agreement with GGRL and that the agreement does not contain any provision that prohibits BBRR from interchanging, or limits BBRR's ability to interchange, traffic with a third party. BBRR also states that operation of the Lines will not result in significant changes in carrier operations.

BBRR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class II or Class I rail carrier and will not exceed $5 million.

The transaction may be consummated on or after February 28, 2015, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than February 20, 2015 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35904, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Karl Morell, Ball Janik LLP, 655 Fifteenth St. NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: February 9, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Brendetta S. Jones,**

*Clearance Clerk.*

[FR Doc. 2015–03011 Filed 2–12–15; 8:45 am]

**BILLING CODE 4915–01–P**

[1] GGRL was granted authority to acquire the Lines in *Geaux Geaux Railroad—Acquisition & Operation Exemption—Illinois Central Railroad,* FD 35826 (STB served May 23, 2014).

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 10, 2014.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the publication date of this notice.

**DATES:** Comments should be received on or before March 16, 2015 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave., NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

#### Internal Revenue Service

*OMB Number:* 1545–XXXX.

*Type of Review:* New Collection.

*Title:* Pilot Test of Consumer Tipping Survey.

*Abstract:* The IRS is charged with collecting revenue legally owed to the federal government. One important category of income comes in the form of tips. Previous empirical research has shown income from tips to be significantly underreported, limiting the IRS's ability to collect the proper amount of tax revenue. The IRS believes a new study of consumer tipping practices is needed in order to better understand current tip reporting behavior so tax administrators and policy makers can make the tax system fairer and more efficient. Therefore, the IRS wishes to develop updated estimates of consumer tipping revenue across numerous services where tipping is prevalent.

In support of this mission, IRS is seeking a standard clearance to conduct a one-month pilot test in preparation for a nation-wide consumer tipping survey. There exists a substantial difference in the cost per response between a probability and non-probability sample. Pilot tests are therefore necessary to determine the relative accuracy and selection bias of tipping data that are collected using these different sampling methodologies in order to determine if there is tradeoff between accuracy and cost. The results of the pilot will be used to determine the sampling method employed in a nation-wide survey.

*Affected Public:* Individuals.

*Estimated Total Annual Burden Hours:* 4,717.

**Robert Dahl,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2015–03009 Filed 2–12–15; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Information Collection; Comment Request

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8957, Foreign Account Tax Compliance Act (FATCA) Registration, Form 8966, FATCA Report, Form 8966–C, Cover Sheet for Form 8966 Paper Submissions, Form 8508–I, Request for Waiver From Filing Information Returns Electronically, and Form 8809–I, Application for Extension of Time To File Information Returns.

**DATES:** Written comments should be received on or before April 14, 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 information collection and instructions should be addressed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Form 8957, Application for Foreign Account Tax Compliance Act (FATCA) Registration, Form 8966, FATCA Report, Form 8966–C, Cover Sheet for Form 8966 Paper Submissions, Form 8508–I, Request for Waiver From Filing Information Returns Electronically, and Form 8809–I, Application for Extension of Time To File Information Returns.

*OMB Number:* 1545–2246.

*Form Numbers:* 8957, 8966, 8966–C, 8508–I, 8809–I.

*Abstract:* The IRS has developed these forms under the authority of IRC section 1471(b), which was added by Public Law 111–47, section 501(a). Section 1471 is part of the new Foreign Account Tax Compliance Act (FATCA) legislative framework to obtain reporting from foreign financial institutions on the accounts held in their institutions by U.S. persons.

*Title:* Cover Sheet for Form 8966 Paper Submissions.

*OMB Number:* 1545–2246.

*Form Number:* 8966–C.

*Abstract:* Form 8966–C is used to authenticate the Form 8966, U.S. Income Tax Return for Estates and Trusts, and to ensure the ability to identify discrepancies between the number of forms received versus those claimed to have been sent by the filer.

*Title:* Request for Waiver From Filing Returns Electronically.

*OMB Number:* 1545–2246.

*Form Number:* 8508–I.

*Abstract:* Form 8508–I is used for taxpayers to request a waiver from filing Form 8966 electronically.

*Title:* Application for Extension of Time To file Information Returns.

*OMB Number:* 1545–2246.

*Form Number:* 8909–I.

*Abstract:* Form 8809–I is used to request an initial or additional extension of time for file 8966 for the current year.

*Current Actions:* There are no changes being made to Forms 8957 and 8966, However, Forms 8966–C, 8508–I, and 8809–I are new forms.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Business and other for profit and not-for-profit institutions.

**Form 8966–C**

*Estimated Number of Respondents:* 1,000.

*Estimated Time per Response:* 7 minutes.

*Estimated Total Annual Burden Hours:* 120.

**Form 8508–I**

*Estimated Number of Respondents:* 50,000.

*Estimated Time per Response:* 4 hrs., 17 minutes.

*Estimated Total Annual Burden Hours:* 214,500.

**Form 8809–I**

*Estimated Number of Respondents:* 50,000.

*Estimated Time per Response:* 3 hrs., 22 minutes.

*Estimated Total Annual Burden Hours:* 168,000.

**Totals for This Collection (All Three Forms)**

*Estimated Number of Respondents:* 101,000.

*Estimated Total Annual Burden Hours:* 382,620.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has 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 the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 9, 2015.

**Allan Hopkins,**

*Tax Analyst.*

[FR Doc. 2015–03047 Filed 2–12–15; 8:45 am]

**BILLING CODE 4830–01–P**

## U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

### Notice of Open Public Hearing

**AGENCY:** U.S.-China Economic and Security Review Commission

**ACTION:** Notice of open public hearing—February 18, 2015, Washington, DC.

**SUMMARY:** Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

*Name:* William A. Reinsch, Chairman of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States

and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on February 18, 2015, ''China's Space and Counterspace Programs.''

*Background:* This is the second public hearing the Commission will hold during its 2015 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The hearing will examine the capabilities, scope, and objectives of China's space and counterspace programs. It will explore the research and development efforts behind these programs and the factors that have contributed to China's recent space technology advances. The hearing will also address the implications of China's dual-use and military space programs for the United States. The hearing will be co-chaired by Commissioners Jeffrey L. Fiedler and James M. Talent. Any interested party may file a written statement by February 18, 2015, by mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

*Location, Date and Time:* Room: TBA. Wednesday, February 18, 2015, 8:30a.m.–3:30 p.m. Eastern Time. A detailed agenda for the hearing will be posted to the Commission's Web site at *www.uscc.gov.* Also, please check our Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

**FOR FURTHER INFORMATION CONTACT:** Any member of the public seeking further information concerning the hearing should contact Reed Eckhold, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; phone: 202–624–1496, or via email at *reckhold@uscc.gov. Reservations are not required to attend the hearing.*

**Authority:** Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Date: February 09, 2015.

**Michael Danis,**

*Executive Director, U.S.-China Economic and Security Review Commission.*

[FR Doc. 2015–02979 Filed 2–12–15; 8:45 am]

**BILLING CODE 1137–00–P**

# FEDERAL REGISTER

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Part II

## Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5828–N–07]**

## Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:** Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2014 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies were required to notify HUD by December 31, 2014, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (*e.g.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202)–720–8873; *Air Force:* Mr. Robert E. Moriarty, P.E., AFCEC/CI, 2261 Hughes Avenue, Ste. 155, JBSA Lackland, TX 78236–9853; *Army:* Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571)-256–8145; *COE:* Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2703 Martin Luther King Jr. Ave. SE., Stop 7714, Washington, DC 20593-; (202) 475–5609; *Coast Guard:* Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2703 Martin Luther King Jr. Avenue SE., Stop 7741, Washington, DC 20593–7714; (202) 475–5609; *Energy:* Mr. David Steinau, Department of Energy, Office of Property Management, OECM MA–50, 4B122, 1000 Independence Ave, SW., Washington, DC 20585 (202) 287–1503; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040, Washington, DC 20405, (202) 501–0084; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202)685–9426; *Veterans Affairs:* Ms. Jessica L. Kaplan, Real Property Service, Department of Veterans Affairs, 810 Vermont Avenue NW. (003C1E), Washington, DC 20420; (These are not toll-free numbers).

Dated: February 5, 2015.

**Brian P. Fitzmaurice,**

*Director, Division of Community Assistance, Office of Special Needs Assistance Programs.*

### TITLE V PROPERTIES REPORTED IN YEAR 2014 WHICH ARE SUITABLE AND AVAILABLE

**Army**

*Building*

Alabama

C1301 Property Number: 21201220017
Ft. McClellan
Ft. McClellan AL 36205
Status: Excess
Comments: off-site removal only; 2,232 sf.; barracks; extensive repairs needed; secured area; need prior approval to access property.

11 Buildings Property Number: 21201340002
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 4469, 7328, 7352A, 7352B, 7353A, 7635, 7668A, 7688A, 7902, 7908
(Please Note: 7352A, 7352B, and 7688A are Suitable/Unavailable)
Status: Unutilized
Comments: off-site removal only; no future agency need; sq. ft. varies; major repairs needed; secured area; contact Army for more info. on a specific property & accessibility reqs.

4 Buildings Property Number: 21201410026
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 3535 (150 sq. ft.); 3538 (48 sq. ft.); 4637 (2,095 sq. ft.); 7330 (75 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; repairs needed; secured area; contact Army for more information.

5 Buildings Property Number: 21201420016
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 7742A; 7742B; 7740A; 7740B; 7740
Status: Unutilized
Comments: off-site removal only; must be dismantled; no future agency need; extensive repairs required; contact Army for more info. on a specific property & accessibility/removal reqs.

4811 Property Number: 21201430024
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 4811
Status: Unutilized
Comments: off-site removal only; no future agency need; 221 sq. ft.; flammable/explosive storage facility; 12+ months vacant; deteriorated; secured area; contact Army for more information.

6108 Property Number: 21201430028
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 6108
Status: Unutilized
Comments: off-site removal only; no future agency need; 321 sq.; detection fac.; 12+ mon. vacant; deteriorated; endangered species (*i.e.,* gray bat) present; secured area; contact Army for more info.

**Air Force**

Alaska

2 Buildings Property Number: 18201310030
Industrial Ave.
Eielson AFB AK 99702
Location: 6213, 6214
Status: Unutilized
Comments: off-site removal only; sf. varies; major repairs needed; contact AF for more info. on a specific property & accessibility/ removal reqs.

Building 720 Property Number: 18201320083
Fuel Lane
King Salmon Airport AK
Status: Unutilized
Comments: 285 sf.; fuel building; 24+ months vacant; deteriorated; periodic flooding (next to Naknek River).

*Land*

Parcel of Land Property Number: 18201330011
Joint Base Elmendorf Richardson
JBER AK 99506
Status: Underutilized
Comments: 20x20 (400 sf.); secured area; must obtain a visitor's pass & have a gov't sponsor escort to access installation; contact Air Force for more info.

37,515 SF of Land Property Number: 18201340003
JBER-Elmendorf
JBER AK 99506
Status: Underutilized
Comments: restricted area; transferee must obtain a government sponsor to access property; contact Air Force for more info.

**Army**

*Building*

Bldg. 00001 Property Number: 21200340075
Kiana Nat'l Guard Armory
Kiana AK 99749
Status: Excess
Comments: 1200 sq. ft., butler bldg., needs repair, off-site use only.

Bldg. 00001 Property Number: 21200710051
Holy Cross Armory
High Cross AK 99602
Status: Excess
Comments: 1200 sq. ft. armory, off-site use only.

Building 00001 Property Number: 21201320038
9679 Tuluksak Rd.
Toksook AK 99679
Status: Excess
Comments: 1,200 sf.; armory; 60 months vacant; poor conditions.

Building 00001 Property Number: 21201330030
Lot 7 Block 11 US Survey 5069
Noorvik AK 99763
Status: Excess
Comments: 1,200 sf. armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 00001 Property Number: 21201330031
P.O. Box 22
Gambell AK 99742
Status: Excess
Comments: 1,208 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 0001 Property Number: 21201330032
Kivalina Armory
Kivalina AK 99750
Status: Excess
Comments: 1,200 sf. armory; 600+ months vacant; poor conditions; contact Army for more info.

Akiachak 00001 Property Number: 21201330033
500 Philips St.
Akiachak AK 99551
Status: Excess
Comments: 1,200 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Arizona

Building 90890 Property Number: 21201440051
Fort Huachuca
Fort Huachuca AZ 85613
Status: Unutilized
Comments: off-site removal only; no future agency need; 40 sq. ft.; 80+ months vacant; repairs.

Arkansas

7 Bldgs. Property Number: 21201140055
Pine Bluff Arsenal
Pine Bluff AR 71602
Location: 57240, 57210, 57160, 57150, 57120, 5743, 5739
Status: Unutilized
Comments: off-site removal only; sq. ft. varies; current use: lab/test bldg.

Bldg. 57260 Property Number: 21201140057
Pine Bluff Arsenal
Pine Bluff AR 71602
Status: Unutilized
Comments: off-site removal only; 9,474 sq. ft.; current use: CHM EQ/MAT Bldg.

Bldg. 16440 Property Number: 21201210095
Pine Bluff Arsenal
Pine Bluff AR 71602
Status: Unutilized
Comments: off-site removal; 1,660 sf.; current use: office; extensive mold damage; needs major.

**COE**

Concrete Masonry Vault Toilet Property Number: 31201420006
Pine Bluff Project Office
Pine Bluff AR 71602
Status: Excess
Comments: off-site removal only; 480 sq. ft.; 38+ yrs.-old; structurally sound; contact COE for more information.

Shiloh Park Change Shelter Property Number: 31201420013
Greers Ferry Lake Project
Greers Ferry AR 72067
Status: Underutilized
Comments: off-site removal only; no future agency need; 420 sq. ft.; fair conditions; contact COE for more information.

South Fork Park Vault Toilet Property Number: 31201420014
Greers Ferry Lake Project
Shirley AR 72153
Location: Property ID# GFERRY–44567
Status: Unutilized
Comments: off-site removal only; no future agency need; 172.8 sq. ft.; poor conditions; contact COE for more information.

Blue Mountain House #1 Property Number: 31201430009
10152 Outlet Park Rd.
Havana AR 72842
Status: Unutilized
Comments: off-site removal only; no future agency need; difficult to relocate due to structure type; 1,850 sq. ft.; storage; poor condition; contact COE for more information.

Blue Mountain House #1 Property Number: 31201430010
10152 Outlet Park Rd.
Havana AR 72842
Status: Unutilized
Comments: off-site removal only; no future agency need; difficult to relocate due to structure type; 1,752 sq. ft.; poor condition; contact COE for more information.

**Agriculture**

California

Mad River Single Property Number: 15201420001
Wide Trailer
Six Rivers National Park
Mad River CA
Status: Excess
Comments: 600 sq. ft.; residence; very poor conditions due to water damage & age; secured area; contact Agriculture for more information.

Alder Springs Multi-Function Property Number: 15201430002
3337 County Road 307
P.O. Box 27
Elk Creek CA 95939
Location: 2212
Status: Excess
Comments: 8,172 sq. ft.; good conditions; storage; 48+ years old; under a special use permit; site gated; contact Agriculture for more information.

Alder Springs GYM; 2803 Property Number: 15201430003
3337 County Road 307
Elk Creek CA 95939
Status: Excess
Comments: 9,699 sq. ft.; 48+ years old; good conditions; under special use permit; site is gated; contact Agriculture for more information.

Hunter Point Radid Vault Property Number: 15201430005
3306 Upper Lake CA 95485
Status: Excess
Comments: 94 sq. ft.; 52+ years old; fair conditions; contact Agriculture for more information.

Mad River Single Wide Trailer Property Number: 15201440001
@Ruth Fire Station
741 State Hwy 36
Mad River CA 95552
Status: Excess
Comments: off-site removal only; 35+ yrs. old; 768 sq. ft.; very poor conditions; located in a secure area; contact Agriculture for more information.

**Air Force**

Building 1028 Property Number: 18201240009
19338 North St.
Beale CA 95903

Status: Unutilized
Comments: 178 sf.; storage; poor conditions; asbestos & lead; restricted area; contact AF for info. on accessibility requirements.

Building 2153 Property Number: 18201240010
6900 Warren Shingle
Beale AFB CA 95903
Status: Unutilized
Comments: 4,000 sf.; storage; very poor conditions; asbestos & lead possible; restricted area; contact AF for info. on accessibility requirements.

**Army**

Bldgs. 18026, 18028 Property Number: 21200130081
Camp Roberts
Monterey CA 93451–5000
Status: Excess
Comments: 2024 sq. ft. sq. ft., concrete, poor condition, off-site use only.

5 Buildings Property Number: 21201230043
JFTB
Los Alamitos CA 90720
Location: 148,149,261,280,281
Status: Excess
Comments: off-site removal only; sf. varies; use: storage; poor conditions; contamination; permission required to access property to remove of installation.

1201T Property Number: 21201310060
Tower Rd.
Dubin CA 94568
Status: Unutilized
Comments: off-site removal only; 30 sf.; control tower; poor conditions; restricted area; transferee must obtain real estate doc. to access/remove; contact Army for more info.

1201S & 1205S Property Number: 21201310062
Tower Rd.
Dublin CA 94568
Location: previously reported under 21201010006
Status: Unutilized
Comments: redetermination: off-site removal only; 396 & 252 sf. repetitively; storage; poor conditions; transferee will need to obtain real estate doc. to access/remove property; contact Army for more info.

2 Building Property Number: 21201330002
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 1108,1109
Status: Underutilized
Comments: off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army for info. on a specific property & accessibility removal reqs.

7 Building Property Number: 21201330003
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 200,00974,1080,1085,1100,1101,1176
Status: Unutilized
Comments: sf varies; no future agency need; poor/deteriorated conditions; secured area; escort required; contact Army for more info. on a specific property & accessibility reqs./removal options.

Building 4230 Property Number: 21201330007
Ord Military Community
Seaside CA 93955
Location: 4230
Status: Unutilized
Comments: 15,908 sf.; theater; vacant since 2000; 43 yrs.-old; mold; lead-based paint; asbestos; contact Army for more info.

Building 4230 Property Number: 21201330010
Ord Military Community
Seaside CA 93955
Location: 4230
Status: Unutilized
Comments: 15,908 sf.; theater; vacant since 2000; 43 yrs.-old; mold; lead-based paint; asbestos; contact Army for more info.

11 Building Property Number: 21201330018
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Location: 0100A,0178B,00306,00408,0418A, 00850,00851,00932,00945,00946,00947
Status: Unutilized
Comments: offsite removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

22 Buildings Property Number: 21201330019
Hwy. 101, Bldg. 109
Camp Roberts CA 93451
Location: 00902,00936,01019,06079,06080, 06125,06320,14212, 14308,14801,25012,25013,27108, 27110,27126,RB001, RB003,RB004,RB005,RB006,RB007,RB043
Status: Excess
Comments: correction: Bldg. 14801 incorrectly published on 08/30/2013; off-site removal only; 6+ months vacant; poor conditions; contamination; secured area; contact Army for info.

11 Building Property Number: 21201330022
Fort Hunter Liggett.
Fort Hunter Liggett CA 93928
Location: 0100A,0178B,00306,00408, 0418A,00850,00851,00932,00945, 00946,00947
Status: Unutilized
Comments: offsite removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

11 Building Property Number: 21201330023
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Location: 0100A,0178B,00306, 00408,0418A,00850,00851,00932,00945, 00946,00947
Status: Unutilized
Comments: offsite removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

23 Buildings Property Number: 21201330025
Hwy 101, Bldg. 109
Camp Robert CA 93451
Location: T0805,T0831,T0834, T0874,T0876,T0917,T0920,T0922,T0923, T0925,T0933,T0934, T0935,T0955,T0956,T0955, T0956,T0966,T0967,T0992,T6005,T6029, T6406,T7025,T7037
Status: Excess
Comments: off-site removal only; sf varies; 6t months vacant; poor conditions; contamination; secured area; contact Army for more info. on a specific property & accessibility removal reqs.

11 Building Property Number: 21201330026
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Location: 0100A,0178B,00306,00408,0418A,00850, 00851,00932,00945,00946,00947
Status: Unutilized
Comments: off-site removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

7 Buildings Property Number: 21201330067
Sierra Army Depot
Herlong CA 96113
Location: 00478,00548,00681,00682, 00683, 00684, and 00685
Status: Unutilized
Comments: sf. varies, 36–204+ months vacant; fair to deteriorated; secured area; extensive background check required; contact Army for info. on a specific property & accessibility reqs.

2 Buildings Property Number: 21201410024
Camp Roberts MTC
Camp Roberts CA 93451
Location: 14102 (864 sq. ft.); 14801 (200 sq. ft.)
Status: Excess
Comments: off-site removal only; 72+ yrs.-old; secured area; contact Army for accessibility/removal requirements.

7 Building Property Number: 21201410027
Fort Irwin
Fort Irwin CA 92310
Location: 359 (1,458 sq. ft.); 806 (5,328 sq. ft.); 807 (3,956 sq. ft.); 865 (2,928 sq. ft.); 1034 (2,160 sq. ft.); 1323 (3,664 sq. ft.); 9032 (6,038 sq. ft.)
Status: Unutilized
Comments: off-site removal only; dissemble required; no future agency need; repairs needed; contamination; secured area; contact Army for more information.

4 Buildings Property Number: 21201420004
Fort Hunter Liggett
711 ASP Road
Fort Hunter Liggett CA 93928
Location: 711;710;0408A;719
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; must obtain access documentation; contact Army for information on a specific property and accessibility/removal request.

Building 239 Property Number: 21201420005
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Location: 209 sq. ft.; 24+ yrs.-old; latrine
Status: Underutilized
Comments: off-site removal only; no future agency need; must obtain access documentation; fair to poor conditions; contact Army for info. & accessibility removal reqs.

Bldg. 53 Property Number: 21201430003
Navy Lodge on RT Jones Rd.
Mountain View CA
Status: Excess

Comments: off-site removal only; 960 sq. ft.; storage; poor conditions; contact Army for more information

00294 Property Number: 21201430018
Los Alamitos Joint Forces Training Base (JFTB)
Los Alamitos CA 90720–5002
Location: 00294
Status: Underutilized
Comments: off-site removal only; no future agency need; 980 sq. ft.; storage/general purpose; very poor condition; secured area; contact Army for more information.

Building 00054 Property Number: 21201440019
Los Alamitos Joint Forces Training Base
Los Alamitos CA 90720
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size/type; 13,680 sq. ft.; national guard readiness center; very poor conditions; contact Army for more information.

**Energy**

31 Trailers Property Number: 41201440007
700 East Ave.
Livermore CA 94550
Location: 1280; 1602; 1631; 1678; 1680; 1726; 1756; 1826; 1886; 1887; 2180; 2512; 2525; 2554; 2625; 2627; 2679; 2808; 2825; 2925; 3204; 3206; 3304; 4924; 5104; 5207; 5226; 6424; 6426; 8724; 8726
Status: Excess
Comments: off-site removal only; 80,324 GSF; fair to adequate condition; contact DOE for accessibility & any further information regarding trailers.

**Agriculture**

Colorado

Tucker Ponds Picnic Area Property Number: 15201430023
Rio Grande Nat'l Forest
2.3 miles S on NFSR 390 from Intersection W/H
South Fork CO 81154
Status: Unutilized
Comments: off-site removal; removal may cause bldg. to collapse; 52+ yrs. old; wood structure; human waste; habilitation longer than 14 days prohibited; contact Agriculture for more info.

Rio Grande National Forces Rood Property Number: 15201430024
Canyon Picnic Area/Boot Ramp Toilet 5001
5.2 Miles West On NFSR 520 From Intersection
Creede CO 81130
Status: Unutilized
Comments: off-site removal; removal may cause bldg. to collapse; 57+ yrs. old; wood structure; holds human waste; contact Agriculture for more info.

Cross Creek CG Storage—Property Number: 15201430025
CRSCKCGTI/Rio Grande Nat'l Forest
6.2 Miles SW on NFSR 20 From Intersection W/H
South Fork CO 81154
Status: Unutilized
Comments: off-site removal; removal may cause bldg. to collapse; 54+ yrs. old; wood structure; holds human waste; habitation longer than 14 days prohibited; contact Agriculture for more Info.

Lower Beaver CG Toilet 3 Property Number: 15201430026
LBEAVCGT3/Rio Grande Nat'l Forest
3 Miles SW on NFSR 20 Intersection W/Hwy 160
South Fork CO 81154
Status: Unutilized
Comments: off-site removal; 53+yrs. old; wood structure; human waste; habitation beyond 14 days prohibited; contact Agriculture for more info.

Bristol View GS Pit Toilet # Property Number: 15201430027
1103 Rio Grande Nat'l Forest
3.5 Miles W on NFSR 520
Creede CO 81130
Status: Unutilized
Comments: off-site removal; 79+ years old; wood structure; site has restricted access; contact Agriculture for more information.

Lower Beaver CG Toilet 2 Property Number: 15201430028
#LBEAVCGT2 Rio Grant Nat'l Forest
3 Miles SW on NFSR 20 W/Hwy 160
South Fork CO 81154
Status: Unutilized
Comments: off-site removal; 53+ years old; wood structure; human waste; habitation beyond 14 days prohibited; contact Agriculture for more information.

Lobo Overlook Toilet Property Number: 15201430029
#LBOVLKT1/Rio Grande Nat'l Forest
Lobo Overlook 3 Miles Northerly of NFSR 402
South Fork CO 81154
Status: Unutilized
Comments: off-site removal; 50+ years old; wood structure; human waste; habitation beyond 14 days prohibited; contact Agriculture for more information.

**Air Force**

Building 00001 Property Number: 18201430002
Hawkinsville Space Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 2,880 sq. ft.; 4+ months vacant; fair to good conditions; environmental conditions exist; contact Air Force for more information.

Building 0001 Property Number: 18201430003
Lake Kickapoo Space Surveillance Station
Peterson AFR CO
Status: Excess
Comments: 3,710 sq. ft.; 9+ months vacant; fair to good conditions; environmental condition exist; contact Air Force.

Building 00006 Property Number: 18201430004
Red River Space Surveillance Center
Peterson AFK CO
Status: Excess
Comments: 196 sq. ft.; 4+ months vacant; fair to good conditions; contact Air Force for more information.

Building 00003 Property Number: 18201430005
Tattnal Space Surveillance Station
Peterson AFR CO
Status: Excess
Comments: 800 sq. ft.; 4+ months vacant; good to fair conditions; contact Air Force for more information.

Building 00003 Property Number: 18201430006
Hawkinsville Space Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 1,650 sq. ft.; 4+ months vacant; good to fair conditions; contact Air Force for more information.

Lake Kickapoo Space Property Number: 18201430007
Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 800 sq. ft.; 4+ months vacant; repairs needed; contact Air Force for more information.

Jordan Lake Space Property Number: 18201430008
Surveillance Station
Peterson AFB CO
Location: Buildings 00001; 00003; 00006
Status: Excess
Comments: building 1: 2,565 sq. ft.; building 3: 800 sq. ft.; building 6: 156 sq. ft.; good to moderate conditions; contact Air Force for more information.

Building 00006 Property Number: 18201430009
Hawkinsville Space Surveillance Station
Peterson AFB CO
Status: Excess
Comments: 172 sq. ft.; repairs needed; contact Air Force for more information.

4 Buildings Property Number: 18201430010
San Diego Space Surveillance Station
Peterson AFB CO
Location: Buildings 00001; 00003; 00026; 00081
Status: Excess
Comments: building: 1=5,002 sq. ft.; Building: 3=900 sq. ft.; Building 26=500 sq. ft.; Building 81=800 sq. ft.; good to poor conditions.

3 Buildings Property Number: 18201430017
Lake Kickapoo Space Surveillance Station
Peterson AFB CO
Location: Buildings 00006; 00007; 00009
Status: Excess
Comments: building 6—400 Sq. ft.; building 7—1,109 sq. ft.; building 9—100 sq. ft.; repairs needed; contact Air Force for more information.

Buildings 00001 and 00003 Property Number: 18201430018
Red River Space Surveillance Center
Peterson AFB CO
Status: Excess
Comments: building 1—2,755 sq. ft.; building 3—775 sq. ft.; good conditions; contact Air Force for more information.

2 Buildings Property Number: 18201430019
Tattnall Space Surveillance Station
Peterson AFB CO
Location: Buildings 00006 and 00001
Status: Excess
Comments: building 6—80 sq. ft.; building 1—2,807 sq. ft.; good conditions; contact Air Force for more information.

*Land*

Red River Space Surveillance Property Number: 18201430011 Center

Lat. 33.19 50.77431 N Long. 093.33 00.35121 W
Peterson AFB CO
Status: Excess
Comments: 60 acres; contact Air Force for more information.

Jordan Lake Space Surveillance Property Number: 18201430012
Station
Lat. 32 39 32.4828 N Long. 086 15 48.6672 W
Peterson AFB CO
Status: Excess
Comments: 9 acres; contact Air Force for more information.

San Diego Space Surveillance Property Number: 18201430013
Station
Lat. 32 34 38.69636 N Long. 116 58 28.92446 W
Peterson AFB CO
Status: Excess
Comments: 109 acres; contact Air Force for more information.

Lake Kickapoo Space Property Number: 18201430014
Surveillance Station
Lat. 33 33 14.33880 N Long. 098 45 46.47286 W
Peterson AFB CO
Status: Excess
Comments: 1,342 acres; contact Air Force for more information.

Hawkinsville Space Surveillance Property Number: 18201430015
Station
Lat. 32 17 15.1011 N Long. 083 32 11.1625 W
Peterson AFB CO
Status: Excess
Comments: 131 acres; contact Air Force for more information.

Tattnall Space Surveillance Property Number: 18201430016
Station
Lat. 32 02 37.6891 N Long. 081 55 33.2267 W
Peterson AFB CO
Status: Excess
Comments: 102 acres; contact Air Force for more information.

**Army**

*Building*

Building 01852 Property Number: 21201320036
6359 Barkley Ave.
Ft. Carson CO 80913
Status: Excess
Comments: off-site removal only; 9,822 sf.; BDE HQ; repairs needed; asbestos; secured area; contact Army for access/removal requirements.

Building 01854 Property Number: 21201320037
6370 Porter St.
Ft. Carson CO 80913
Status: Excess
Comments: off-site removal only; 3,800 sf.; Admin.; repairs needed; asbestos; secured area; contact Army for access/removal requirements.

Building 00304 Property Number: 21201320039
5020 Tevis St.
Ft. Carson CO 80913
Status: Excess
Comments: off-site removal only; 15,484 sf.; Admin.; 4 months vacant; repairs needed; asbestos; contact Army for access/removal requirements

Building 01430 Property Number: 21201330028
6101 Wetzel Ave.
Fort Carson CO 80913
Status: Unutilized
Comments: off-site removal only; no future agency use; 4t months; 41,098 sf.; admin.; maint./repairs needed; secured area; contact Army for more info. re. accessibility/removal reqs.

3 Buildings Property Number: 21201340017
Fort Carson
Fort Carson CO 80913
Location: R043A(120sq. ft.); R043D(240 sq. ft.); R111A(120 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; sq. ft. varies; poor conditions; secured area; contact Army for more information on a specific property & accessibility requirements.

4 Buildings Property Number: 21201420007
Fort Carson
6466 Specker Ave., Building 1520
Fort Carson CO 80913–4001
Location: 01520;01909;05510;06250
Status: Unutilized
Comments: off-site removal only; no future agency need; contamination; repairs required; secured area; contact Army for information on a specific property and accessibility/removal request.

8 Buildings Property Number: 21201420008
Fort Carson
3446 Airfield Road, Building 9600
Fort Carson CO 80913–4001
Location: 09600; 09601; 09602; 9605; 9608; 09610; 9634A; 9635A
Status: Excess
Comments: off-site removal only; contamination; repairs required; secured area; contact Army for information on a specific property and accessibility/removal request.

Building 09611 Property Number: 21201420012
Fort Carson
Ft. Carson CO 80913
Status: Underutilized
Comments: off-site removal only; no future agency need; 4,255 sq. ft.; org. classroom; 49+yrs.-old; repairs required; contamination; secured area; contact Army for more info.

9417 Property Number: 21201430045
Fort Carson
Fort Carson CO 80913
Status: Unutilized
Comments: off-site removal only; no future agency need; 40 sq. ft.; access control point; repairs needed; secured area; contact Army for more information.

9745 Property Number: 21201430046
Fort Carson
Fort Carson CO 80913
Status: Unutilized
Comments: off-site removal only; no future agency need; 100 sq. ft.; access control point; repairs needed; secured area; contact Army for more information.

Building 01431 Property Number: 21201440050
6101 Wetzel Ave.
Ft. Carson CO 80913
Status: Unutilized
Comments: off-site removal only; no future agency need; 202 sq. ft.; 4+ months vacant; repair needed; contact Army for more information.

**Air Force**

Florida

Building 5002 Property Number: 18201310010
6801 Hwy 98
Tyndall AFB FL 32403
Status: Unutilized
Comments: 151 sf.; water pump station; 6 mons. vacant; major repairs; restricted area; contact AF for info. on accessibility reqs.

2 Buildings Property Number: 18201340040
Cocoa Beach Tracking Annex
Cocoa Beach FL 32931
Location: 00001 (59 sq. ft.); 00002 (1,030 sq. ft.)
Status: Unutilized
Comments: 56+ yrs.-old; 24+ months vacant; launch support; fair conditions; contact Air Force for more info.

*Land*

WBPA (9901/72441/99300) Property Number: 18201310041
9901 E. Pine Ave.
St. George Island FL 32328
Status: Excess
Comments: .34 acres; tower & fence needs to be removed; remote access; contact AF for more info.

99142 Land Property Number: 18201340041
Cocoa Beach Tracking Annex
Cocoa Beach FL 32931
Status: Unutilized
Comments: .31 acre; launch support; subject to storm tidal surges that may cause flooding; contact Air Force for more info.

**Coast Guard**

*Building*

USCG Station Property Number: 88201420005
151/153 Treasure Harbor Dr.
Islamorada FL 33036
Status: Unutilized
Comments: 5,052 sq. ft.; deterioration; moisture damage; surrounded by a fence boundary; contact Coast Guard for more information.

**Air Force**

Georgia

5 Buildings Property Number: 18201330006
Moody Air Force Base
Moody GA 31699
Location: 1703 (853 sf.); 907 & 908 (9,186 sf. each); 662 & 754 (10,240 sf. each)
Status: Underutilized
Comments: very poor conditions; 50–70 yrs.-old; contamination; secured area; transferee will need Escort each time to access property; contact Air Force for more info.

**Army**

Bldg. 1201 Property Number: 21201140013
685 Horace Emmet Wilson Blvd.
Savannah GA 31409
Status: Excess
Comments: off-site removal only; 8,736 sq. ft.; current use: Administrative office; fair conditions —bldg. need repairs; possible asbestos.

Building 904 Property Number: 21201310004
2022 Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 9,993 sf.; museum; poor conditions; asbestos & lead-based paint; w/in secured area; Gov't escort required to access/remove property.

Building 862 Property Number: 21201310010
259 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 826 sf.; Battery Shop; poor conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 853 Property Number: 21201310011
140 Barren Loop Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 4,100 sf.; Admin. 3 mons. vacant; fair conditions; w/ in secured area; contact Army for accessibility/removal reqs.

Building 866 Property Number: 21201310012
395 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 2,100 sf.; Admin.; fair conditions; w/in secured area; contact Army for info. on accessibility/ removal reqs.

Building 9597 Property Number: 21201310013
Bultman Ave.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 324 sf.; storage; 6 mons. vacant; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 8579 & 8580 Property Number: 21201310014
N. Perimeter Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 8056 Property Number: 21201310015
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 3,790 sf.; navigation bldg.; 10 mons. vacant; fair conditions; asbestos; w/in secured area; Gov't escort only to access/remove property.

Buildings 7736 & 7740 Property Number: 21201310016
Chip Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

3 Buildings Property Number: 21201310017
McFarland Ave.
Ft. Stewart GA 31314
Location: 1710, 1711, 1712
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1303 & 1304 Property Number: 21201310018
Warrior Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1155 & 1156 Property Number: 21201310019
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1139 & 1151 Property Number: 21201310020
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 919 Property Number: 21201310021
574 McFarland Ave.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 1,440 sf.; Admin. 5 mons. vacant; poor conditions; w/in secured area; Gov't escort required to access/remove property.

Building 1104 Property Number: 21201310022
Frank Cochran Dr.
Hinesville GA 31314
Status: Excess
Comments: off-site removal only; 240 sf.; storage; poor conditions; w/in secured area; Gov't escort required to access/ remove property.

Building 1105 Property Number: 21201310023
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 7,132 sf.; Maint. Facility; poor conditions; asbestos & lead; w/in secured area; Gov't escort required to access/remove property.

Building 1130 Property Number: 21201310024
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 322 sf.; storage; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1132 Property Number: 21201310025
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 182 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1133 Property Number: 21201310026
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 501 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1134 Property Number: 21201310027
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: published on 03/08/2013 incorrectly as 'land'; off-site removal only; 513sf. Admin. poor conditions; asbestos; w/in secured area; Gov't escort only to access/remove property.

Building OT022 Property Number: 21201330005
46 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: No future agency need; off-site removal only; 960 sf.; classroom; 120 months; dilapidated; contamination; closed post; contact Army for accessibility/ removal requirements.

Building OT007 Property Number: 21201330006
31 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: off-site removal only; no future agency need; 960 sf.; classroom; 120t months; dilapidated; contamination; closed post; contact Army for accessibility/ removal reqs.

8 Building Property Number: 21201330024
Hunter Army Airfield
Hunter Army Airfield GA 31409
Location: 1031, 1160, 8054, 8055, 8080, 8082, 8084, 8629
Status: Excess
Comments: off-site removal only; sf. varies; contamination; secured area; contact Army for info. on a specific property & accessibility/removal reqs.

3 Buildings Property Number: 21201330036
Veterans Pkwy.
Fort Stewart GA 31314
Location: 1101, 1108, 1129
Status: Excess
Comments: off-site removal only; poor conditions; contamination; secured area; contact Army for info. on a specific property; accessibility removal reqs.

Building 00TR4 Property Number: 21201330045
43 Pistol Range Road
Whitfield GA 30755
Status: Excess
Comments: off-site removal only; 2,560 sf.; dining facility; 78 yrs. old; poor conditions; contact Army for more info.

Building 1157 Property Number: 21201410033
Hunter Army Airfield

Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 5,809 sq. ft.; poor conditions; secured area; gov't escort required; contact Army for more info.

38 Buildings Property Number: 21201430049
Fort Benning
Ft. Benning GA 31905
Location: 02505; 02602; 02604; 02606; 02607; 02608; 02609; 026011; 02610; 02612; 02613; 02614; 02615; 02616; 02617; 02618; 02619; 02620; 02621; 02622; 02624; 02625; 02626; 02627; 02628; 02629; 02630; 02631; 02632; 02633; 02634; 02635; 02636; 02637; 02638; 09200; 09201; 09202
Status: Underutilized
Comments: off-site removal only; no future agency need; deconstruct to relocated; may be difficult to deconstruct due to type/size; poor conditions; secured area; contact Army for more info.

7 Buildings Property Number: 21201430050
Fort Benning
Ft. Benning GA 31905
Location: 2903; 2902; 2759; 1792; 1369; 229; 387
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; deconstruction needed; may be difficult to relocate due to type/size; contact Army for more info.

Building 7097 Property Number: 21201440007
Fort Stewart
Ft. Stewart GA 31314
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 9,520 sq. ft.; child development center; 6+ months vacant; poor conditions; contact Army for more information.

100 Property Number: 21201440008
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; relocation extremely difficult due to size; 13,331 sq. ft.; classroom; poor conditions; contact Army for more information.

1020 Property Number: 21201440009
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size/type; 39,653 sq.; storage; 1+ month vacant; contact Army for more information.

9002 Property Number: 21201440010
Hunter Army Airfield
Hunter Army Airfield GA 31406
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to type; 221 sq. ft.; 12+ months vacant; poor conditions; asbestos; contact Army for more information.

5 Buildings Property Number: 21201440013
Fort Benning
Ft. Benning GA 31905
Location:
8744; 8780; 8782; 8787; 9045
Status: Underutilized
Comments: off-site removal only; no future agency need; sq. ft. varies; poor conditions; contact Army for more information.

Building 8510 Property Number: 21201440014
5037 Moye Rd.
Fort Benning GA 31905
Status: Unutilized
Comments: off-site removal only; no future agency need; 10,800 sq. ft.; relocation difficult due to size/type; 8+ yrs.-old; poor conditions; contact Army for more information.

2 Buildings Property Number: 21201440016
Fort Benning
Ft. Benning GA 31905
Location: 9208; 9211
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/ type; sq. ft. varies; poor conditions; secured area; contact Army for more information.

*Hawaii*

3377Z Property Number: 21201210054
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; 196 sf.; current use: transformer bldg.; poor conditions—needs repairs.

Bldg. 00208 Property Number: 21201210078
Dillingham Military
Waialua HI
Status: Unutilized
Comments: offsite removal only; 480 sq. ft.; recent use: hutmet.

Bldg. 0300B Property Number: 21201210083
308 Paalaa Uka Pupukea
Wahiawa Co: Honolulu HI 96786
Status: Unutilized
Comments: off-site removal only; 114 sf.; current use: valve house for water tank; fair conditions.

12 Bldgs. Property Number: 21201220009
Schofield Barracks
Wahiawa HI
Location: 2509, 2510, 2511, 2512, 2513, 2514, 2516, 2517, 3030, 3031, 3032, 3035
Status: Unutilized
Comments: off-site removal only; sf. varies; usage varies; storage; good conditions.

A0300 Property Number: 21201230009
308 Paalaa Uka Pupukea Rd.
Helemano
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; 17.25 X 21ft.; water storage.

2 Buildings Property Number: 21201230049
Schofield Barracks
Wahiawa HI 96786
Location: M3010, QRAMP
Status: Unutilized
Comments: off-site removal only; sf. varies; repairs needed; secured area; contact Army re: accessibility requirements.

2 Buildings Property Number: 21201230054
553/537 Airdrome Rd.
Wahiawa HI 96786
Location: 1001, 1005
Status: Unutilized
Comments: off-site removal only; sf. varies; use: shed & shelter; poor conditions; abandoned—need repairs.

Bldg. 1536 Property Number: 21201230060
Ft. Shafter
Honolulu HI 96819
Status: Unutilized
Comments: off-site removal only; 2,117sf.; vehicle storage; need repairs.

6 Properties Property Number: 21201240027
Schofield Barracks
Wahiawa HI 96786
Location: 24,1005, 2276, B0886, M3010, QBAMP
Status: Unutilized
Comments: Off-site removal only, sf. varies; poor conditions, contact Army for information on accessibility removal and specific details on a particular property.

Buildings 1421 & 1422 Property Number: 21201310046
510 CW2 Latchum Rd.
Wahiawa HI 97686
Status: Underutilized
Comments: off-site removal only; sf. varies; office & toilet; fair conditions; military reservation.

Buildings 3363, 3366, & 3371 Property Number: 21201310047
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; sf. varies; abandoned; 230 mons. vacant; transformer bldgs.

B0088 Property Number: 21201310048
Kilauea Military Reser.
HNP HI 96718
Status: Unutilized
Comments: off-site removal only; 100 sf.; pollutant catch basin; poor conditions.

D0088 Property Number: 21201310049
Schofield Barracks
HNP HI 96718
Status: Unutilized
Comments: off-site removal only; 100 sf.; pollutant catch basin; poor conditions.

Building A0750 Property Number: 21201330038
613 Ayers Ave. (Schofield Barracks)
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; no future agency need; 512 sf.; storage; 46 yrs.-old; poor conditions; contact Army for more info.

00038 Property Number: 21201410007
Pohakuloa Training Area
Hilo HI 96720
Status: Unutilized
Comments: off-site removal only; 102 sq. ft.; storage; 49+ yrs.-old; poor conditions; contact Army for more information.

**Navy**

Building 241 Property Number: 77201410003
Marine Corps Base
Kaneohe HI 96863
Status: Excess
Comments: off-site removal only; 1,296 sq. ft.; 70+ yrs.-old; storage; metal siding & roofing is heavily corroded; contact Navy for more information.

**Army**

Idaho

Bldg. 00110 Property Number: 21200740134
Wilder
Canyon ID 83676
Location: Tooele Army Depot
Status: Underutilized
Comments: re-determination: off-site removal; 5,310 sf.; general admin./barracks; 12 mons. vacant; major repairs needed; asbestos; w/in restricted area; contact Army for info. on accessibility/removal reqs.

R1A11 Property Number: 21201320005
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf., dilapidated, repairs a must, temp. shelter, 9 months vacant, has hanta virus presence.

R1A13 Property Number: 21201320015
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repairs a must.

R1A10 Property Number: 21201320041
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; dilapidated; repairs a must; 9 months vacant; Hanta virus.

R1A12 Property Number: 21201320042
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; repairs a must; Hanta virus.

R1A15 Property Number: 21201320043
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repair a must.

**COE**

2 Buildings Property Number: 31201420010
Lucky Peak Dam & Lake
Boise ID 83716
Location: Vault toilet w/roof; vault toilet w/ out roof
Status: Unutilized
Comments: off-site removal; no future agency need; less than 250 sq. ft.; contact COE for more information.

**Army**

Illinois

6 Buildings Property Number: 21201410040
Granite City USARC
Granite City IL 62040
Location: 401 (3,194 sq. ft.); 402 (4,913 sq. ft.); 403 (1,474 sq. ft.); 413 (739 sq. ft.); 434 (249 sq. ft.); 416 (1,387 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; dissemble may be required; poor conditions; secured area; contact Army on a specific property & accessibility/removal requirements.

2 Buildings Property Number: 21201410041
Phillip H. Sheridan Reserve Center
Ft. Sheridan IL 60037
Location: 564 (4,840 sq. ft.); 5659840 sq. ft.)
Status: Underutilized
Comments: off-site removal only; no future agency need; dissemble may be required; fair conditions; asbestos; secured area; contact Army for more info. on a specific property & accessibility/removal reqs.

2 Buildings Property Number: 21201410042
Joliet USARC/JTA
Elwood IL 60421
Location: JT837 (4,000 sq. ft.); JT834 (4,000 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; dissemble may be required; poor conditions; contact Army for more info. on a specific property & accessibility/removal reqs.

JT836 Property Number: 21201410043
Joliet USARC/JTA
Elwood IL 60421
Status: Unutilized
Comments: off-site removal only; 4,000 sq. ft.; no future agency need; dissemble may be required; 47+ yrs.-old; storage; poor conditions; secured area; contact Army re: accessibility/removal reqs.

**COE**

Peria Radio Repeater Site Property Number: 31201420004
Btw. Spring Creek & Caterpillar Ln.
Peoria IL
Status: Excess
Comments: pre-1978; 8 × 12 equipment storage shed; repairs needed; contact COE for more information.

**Energy**

Trailer 159 Property Number: 41201410007
Fermi National Accelerator Lab
Batavia IL 60510
Status: Excess
Comments: off-site removal only; 980 sq. ft.; 23+ yrs.-old; repairs needed; secured area; contact Energy for accessibility/removal requirements.

25 Blackhawk-Lab 8 House Property Number: 41201410010
Fermi Nat'l Accelerator Lab
Batavia IL 60510
Status: Excess
Comments: off-site removal only; secured area; contact Energy for more information.

**GSA**

*Land*

FAA Outer Marker Property Number: 54201430004
5549 Elizabeth Place
Rolling Meadows IL
Location: Landholding Agency; FAA; Disposal Agency; GSA
Status: Excess
Comments: 9,640 sq. ft.; 12+ months vacant; outer marker to assist planes landing at O'Hare Airport; contact GSA for more information.

GSA Number: I–U–IL–807

**Energy**

Building

Indiana

Portakamp 77538—D0 Property Number: 41201410011
Fermi National Accelerator Laboratory
Batavia IN 60510
Status: Excess
Comments: off-site removal only; relocation may be difficult due to the structure type; 4,140 Sq. Ft.; office ; secured area; contact Energy for more information.

**Army**

Iowa

Y11Q0 Property Number: 21201330060
Camp Dodge
Johnston IA 50131
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+months vacant; deteriorated; secured area; escort required; contact Army for accessibility requirements.

Y10Q0 Property Number: 21201330061
Camp Dodge
Johnston IA 50131
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+months vacant; deteriorated; secured area; escort required; contact Army for info.; accessibility requirements.

2 Buildings Property Number: 21201330064
Camp Dodge
Johnston IA 50131
Location: Y1200 & TC030
Status: Unutilized
Comments: 1,686 & 1,026 sf. respectively; garage; deteriorated; secured area; escort required; contact Army for accessibility requirements.

**COE**

3 Buildings; CENWK-of-RA Property Number: 31201430006
Rathbun Lake, Rolling Cove Bldg.
Junction of 160the Ave, & 435 St.
Mystic IA 52544
Location: #70003 Property ID #29388; #7004 Property ID #29389: #70005 Property ID #29390.
Status: Underutilized
Comments: Off-site removal only no future agency need; sq. ft. varies; deteriorations conditions; contact COE for more information on a specific property.

**Army**

Kansas

Building 00322 Property Number: 21201310050
Marshall Ave.
Ft. Riley KS 66442
Status: Unutilized
Comments: off-site removal only; 6,000 sf.; Admin.; general purpose; deteriorating conditions; water damage; located on installation secured airfield; contact Army for more info.

Building 9109 Property Number: 21201310051
Mallon Rd.
Ft. Riley KS 66442
Status: Unutilized

Comments: off-site removal only; 128 sf.; latrine; deteriorating conditions; located on controlled area; contact Army for more info.

Building 00620 Property Number: 21201320014
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 12,640 sf.; lodging; deteriorating; asbestos.

Building 09098 Property Number: 21201320016
Vinton School Rd.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 120 sf.; guard shack; fair/moderate conditions.

Building 07856 Property Number: 21201320017
Drum St.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 13,493 sf.; dining facility; deteriorating; asbestos.

Building 07636 Property Number: 21201320018
Normandy Dr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 9,850 sf.; deteriorating; asbestos.

Building 05309 Property Number: 21201320019
Ewell St.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 23,784 sf.; lodging; deteriorating; asbestos.

Building 00918 Property Number: 21201320020
Caisson Hill Rd.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 3,536 sf.; admin. general purpose; deteriorating; possible contamination; secured area; however, prior approval to access is needed; contact Army for more info.

Building 00621 Property Number: 21201320021
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 12, 640 sf.; lodging; deteriorating; asbestos.

Building 7610 Property Number: 21201410049
Fort Riley
Fort Riley KS 66442
Status: Excess
Comments: off-site removal only; may not be feasible to relocate due to sq. ft./type of structure; 41,892 sq. Ft. barracks contact Army for more information.

8 Buildings Property Number: 21201420002
Fort Riley
610 Warrior Rd.
Fort Riley KS 66442
Location: 610, 7610, 7614, 7616, 7842, 7846, 7850, 8063
Status: Excess
Comments: Off-site removal only; major repairs needed, mold and asbestos; secured area; contact Army for information on a specific property and accessibility/removal request.

502 Property Number: 21201430009
Fort Riley
Fort Riley KS 66442
Location: 502
Status: Excess
Comments: off-site removal only; 316 sq. ft.; office; structure type: Police Station; 55+ years old; fair condition; contact Army for more information.

**COE**

Shower Latrine Property Number: 31201420019
Riverside Park
Sylvan Grove KS 67481
Status: Underutilized
Comments: off-site removal only; no future agency need; 612 sq. ft.; fair conditions; contact COE for more info.

**Army**

Kentucky

Fort Knox Property Number: 21201110011
Eisenhower Avenue
Fort Knox KY 40121
Location: Bldgs.: 06559, 06571, 06575, 06583, 06584, 06585, 06586
Status: Unutilized
Comments: off-site removal only; multiple bldgs. w/various sq. footage (2,578–8,440 sq. ft.), current use varies (classroom—dental clinic), lead base paint, asbestos & mold identified.

Fort Knox, 10 Bldgs. Property Number: 21201110012
Bacher Street
2nd Dragoons Rd & Abel St
Fort Knox KY 40121
Location: Bldgs.: 06547, 06548, 06549, 06550, 06551, 06552, 06553, 06554, 06557, 06558,
Status: Unutilized
Comments: off-site removal only, multiple bldgs. w/various sq. footage (8,527–41,631 sq. ft.)lead base paint, asbestos & mold identified in all bldgs. Current use varies.

Fort Knox, 10 Bldgs. Property Number: 21201110015
Eisenhower Ave
Fort Knox KY 40121
Location: Bldgs.: 06535, 06536, 06537, 06539, 06540, 06541, 06542, 06544, 06545, 06546
Status: Unutilized
Comments: off-site removal only, multiple bldgs. w/various sq. ft. (2,510–78,436 sq. ft.) lead ba010 paint, asbestos & mold has been identified in all bldgs. Current use varies.

11 Bldgs. Property Number: 21201140002
Ft. Knox
Ft. Knox KY 40121
Location: 02422, 02423, 02424, 02425, 02956, 02960, 00173, 02197, 02200, 00097, 00098
Status: Unutilized
Comments: off-site removal only; possible lead based paint, asbestos, and mold in all bldgs.; sq. ft. varies; current use: office.

5 Bldgs. Property Number: 21201140003
Ft. Knox
Ft. Knox KY 40121
Location: 02317, 02323, 02324, 02349, 02421
Status: Unutilized
Comments: off-site removal only; possible lead base paint, asbestos, and mold; sq. ft. varies; current use: office.

10 Bldgs. Property Number: 21201140016
Ft. Knox
Ft. Knox KY 40121
Location: 120, 161, 166, 171, 101, 114, 115, 116, 117, 1196
Status: Unutilized
Comments: off-site removal only; sq. ft. varies; current use: office space to storage; possible asbestos and mold.

18 Bldgs. Property Number: 21201140032
Ft. Knox
Ft. Knox KY 40121
Location: 51, 52, 70, 73, 74, 76, 2961, 2963, 2964, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2979, 2316
Status: Unutilized
Comments: off-site removal only; possible asbestos, mold, and lead base paint; sq. ft. varies; current use: office.

12 Bldgs. Property Number: 21201140033
Ft. Knox
Ft. Knox KY 40121
Location: 77, 78, 80, 81, 85, 86, 92, 94, 96, 9248, 2995, 2996
Status: Unutilized
Comments: off-site removal only; possible mold, asbestos, and lead base paint; sq. ft. varies; current use: office to storage.

Bldg. 2980 Property Number: 21201140078
Ft. Knox
Ft. Knox KY 40121
Status: Unutilized
Comments: off-site removal only; 6,900 sq. ft.; current use: office; possible asbestos and mold.

Bldg. 1197 Property Number: 21201140079
Ft. Knox
Ft. Knox KY 40121
Status: Unutilized
Comments: off-site removal only; 2,969 sq. ft.; current use: office; possible lead base paint, asbestos, and mold.

23 Bldgs. Property Number: 21201210034
Ft. Knox
Ft. Knox KY 40121
Location: 6097, 6098, 6099, 6113, 6114, 6115, 6116, 6118, 6120, 6121, 6123, 6124, 6614, 6615, 6616, 7107, 9209, 9215, 9231, 9254, 9256, 9361, 9619
Status: Unutilized
Comments: off-site removal only; sq. ft. varies, current use: varies; poor conditions-need repairs; lead, mold, and asbestos identified.

20 Bldgs. Property Number: 21201210035
Ft. Knox
Ft. Knox KY 40121
Location: 45, 46, 64, 75, 79, 107, 114, 155, 202, 205, 299, 1373, 1997, 2319, 2350, 3007, 6033, 6034, 6035, 6036
Status: Unutilized
Comments: off-site removal only; sq. ft. varies, current use: varies; poor conditions-need repairs; lead, mold, and asbestos identified.

5 Bldgs. Property Number: 21201210036
Ft. Knox
Ft. Knox KY 40121
Location: 6038, 6039, 6040, 6093, 6094
Status: Unutilized
Comments: off-site removal only; sq. ft. varies, current use: varies; poor conditions-

need repairs; lead, mold, and asbestos identified.

22 Bldgs. Property Number: 21201220020
Ft. Knox
Ft. Knox KY 40121
Location: 79, 204, 1610, 1996, 2955, 2959, 2965, 2980, 2991, 6531, 6533, 6560, 6561, 6563, 6564, 6565, 6566, 6592, 6594, 9183, 9319, 9320
Status: Unutilized
Comments: off-site removal only; sf varies; usage varies; need repairs; lead and asbestos identified; need remediation.

15 Buildings Property Number: 21201230030
Ft. Knox
Ft. Knox KY 40121
Location: 2991, 3006, 6127, 7345, 7346, 9254, 9264, 9294, 9302, 9311, 9315, 9335, 9427, 9503, 9504
Status: Unutilized
Comments: use: maintenance; extremely poor conditions; contamination identified; contact Army for further details & accessibility requirements.

10 Buildings Property Number: 21201230031
Ft. Knox
Ft. Knox KY 40121
Location:
9505, 9506, 9507, 9508, 9509, 9617, 9675, 9681, 9706, 9707
Status: Unutilized
Comments: sf. varies; extremely poor conditions; contamination identified; contact Army for further details & accessibility requirements.

5 Buildings Property Number: 21201420017
Fort Campbell
3069 Bastogne Avenue
Fort Campbell KY 42223
Location: 03069;03932;03071;06992;06990
Status: Excess
Comments: off-site removal only; fair conditions; secured area; contact Army for more information on a specific property and accessibility.

3112 Property Number: 21201430038
Fort Campbell
Fort Campbell KY 42223
Status: Unutilized
Comments: 3,500 sq. ft.; classroom. poor condition; asbestos & lead base paint; secured area; contact Army for more information.

3032 Property Number: 21201430039
Fort Campbell
Fort Campbell KY 42223
Status: Unutilized
Comments: 3,899 sq. ft., chapel; poor condition; asbestos & lead base paint; secured area; contact Army for more information.

03305 Property Number: 21201430040
Fort Campbell
Fort Campbell KY 42223
Status: Excess
Comments: 3,500 sq. ft.; office; fair condition; asbestos in floor tiles; secured area; contact Army for more information.

**Air Force**

Louisiana

Building 117 Property Number: 18201330046
Naval Air Station Joint Reserve Base
New Orleans LA 70143
Status: Excess
Comments: 3,975 sf.; storage; deteriorated; secured area; background check/pass required; contact Air Force for more info. re.; accessibility reqs.

Building 019 Property Number: 18201330050
Naval Air Station joint Reserve Base
New Orleans LA 70143
Status: Excess
Comments: 3,038 sq. ft.; storage; deteriorated; secured area; official ID required; contact Air Force for more information.

**Army**

B–8248 Property Number: 21201210069
Ft. Polk
Ft. Polk LA 71459
Status: Underutilized
Comments: 3,141 sf.; current use: Admin. Bldg.; poor conditions-need repairs.

B–8401 Property Number: 21201210070
Ft. Polk
Ft. Polk LA 71459
Status: Underutilized
Comments: 3,141 sf.; current use: Admin. Bldg.; poor conditions-need repairs.

Louisiana

21 Buildings Property Number: 21201230034
Polk
Ft. Polk LA 71459
Location: 9515, 9537, 9554, 9570, 9593, 9594, 9601, 9602, 9603, 9604, 9607, 9609, 9618, 9619, 9666, 97 03, 9741, 9744, 9751, 9753, 9755
Status: Underutilized
Comments: off-site removal only; sf. varies; use: varies; poor conditions; contact Army for further details re: a specific property.

18 Buildings Property Number: 21201230035
Polk
Ft. Polk LA 71459
Location: 9764, 9765, 9773, 9793, 9794, 9797, 9803, 9812, 9818, 9830, 9836, 9837, 9840, 9854, 9913, 9914, 9917, 9920
Status: Underutilized
Comments: off-site removal only; sq.ft. varies; use: varies; poor conditions;contact Army for further details re: a specific property.

7 Building Property Number: 21201330044
Fort Polk
Fort Polk LA 71459
Location: 00916, 03313, 03314, 03315, 3316, 3320, 3323
Status: Underutilized
Comments: off-site removal only; sf. varies; no future agency need; poor conditions; contact Army for more info. on a specific property & removal reqs.

13 Buildings Property Number: 21201330056
Fort Polk
Fort Polk LA 71459
Location: 3335, 3341, 3342, 3344, 3348, 4798, 7144, 7192, 7193, 7194, 7199, 08091, 8092
Status: Underutilized
Comments: off-site removal only; no future agency need; sf. varies; storage to picnic/rec. shelter; poor conditions; contact Army for more info. on a specific property and removal requirements.

**Agriculture**

Maryland

Building 1092 Property Number: 15201410023
1203B01092/08940 RUID#03.52514
Beltsville MD 20705
Status: Excess
Comments: 28 sq. ft.; 39+ yrs.-old; needs roof; secured area; contact Agriculture for more info.

Building 049—Seed Quality Property Number: 15201410034
1200B0049/08940 RPUID #03.52074
Beltsville MD 20705
Status: Excess
Comments: 1,564 sq. ft.; storage; 52+ yrs.-old; major renovations required; contact Agriculture for more information.

Building 085C, Property Number: 15201430006
Storage Shed #085C
1202B0085C/08940 RPUID #03.52231
Beltsville MD 20705
Status: Excess
Comments: 1,543 sq. ft. (3400); Storage; need new roof; HVAC/electrical/plumbing repairs needed; secured area; contact Agriculture for more information.

Building 053, Property Number: 15201430007
Biological Greenhouse #053
1200B00053/08940 RPUID #03.52077
Beltsville MD 20705
Status: Excess
Comments: 1,453 sq. ft. (3400); storage; HVAC/electrical/plumbing repairs needed; secured area; contact Agriculture for more information.

Building 1206, Property Number: 15201430008
Animal Building #1206
1203B01206/08940 RPUID #03.52604
Beltsville MD 20705
Status: Excess
Comments: 1,543 sq. ft. (3400); storage; HVAC/electrical/plumbing repairs needed; secured area; contact Agriculture for more information.

Building 1420, Property Number: 15201430009
Laboratory #1420
1203B01420/08940 RPUID #03.52707
Beltsville MD 20705
Status: Excess
Comments: 1,543 sq. ft. (3,400); lab; new roof need; HVAC/electrical/plumbing repairs needed; secured area; contact Agriculture for more information.

Building 1145, Property Number: 15201430010
Animal Building #1145
1203B01145/08940 RPUID #03.52549
Beltsville MD 20705
Status: Excess
Comments: 1,543 sq. ft. (3,400); HVAC/electrical/plumbing repairs needed; secured area; contact Agriculture for more information.

Building 018, Residence 018 Property Number: 15201430011
RPUID: 03.52045; 1200B00018/08940
Beltsville MD 02705
Status: Excess
Comments: 1,543 sq. ft. (3,400); residential; fair structural condition; new roof needed; HVAC/utility system needed; secured area; contact Agriculture for more information.

Building 1204, Property Number: 15201430012

Animal Pen #1204
1203B01204/08940 RPUID #03.52602
Beltsville MD 20705
Status: Excess
Comments: 1,543 (3400); storage; repairs needed; secured area; contact Agriculture for more information.

Building 465—Screen Building Property Number: 15201430013
1203B00465/08940 RPUID #03.52452
Beltsville MD 20705
Status: Excess
Comments: 4,404 sq. ft.; greenhouse/research; new roof needed; HVAC/plumbing/electrical repairs needed; secured area; contact Agriculture for more information.

**Army**

Bldg. 219 Property Number: 21200140078
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Comments: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 06186 Property Number: 21201110026
Ft. Detrick
Fredrick MD 21702
Status: Unutilized
Comments: off-site removal only, 14,033 sq. ft., current use: communications ctr., bldg. not energy efficient but fair condition.

Bldg. 01692 Property Number: 21201110028
Ft. Detrick
Fredrick MD 21702
Status: Unutilized
Comments: off-site removal only, 1,000 sq., current use; communications ctr., bldg. is not energy efficient but in fair condition.

3 Buildings Property Number: 21201310061
Ft. George G. Meade
Ft. Meade MD 20755
Location: 08475, 8487, 09830
Status: Unutilized
Comments: off-site removal only; sf. varies; poor conditions; restricted area; contact Army for accessibility/removal reqs.

5 Buildings Property Number: 21201330008
Ft. George G. Meade
Ft. George MD 20755
Location: 4, 239, 700, 2790, 8608
Status: Unutilized
Comments: off-site removal only; no future agency need; sf. varies; fair to deteriorating conditions; secured area; contact Army re. info. on a specific property & accessibility/removal reqs.

4 Buildings Property Number: 21201420026
Aberdeen Proving Ground
APG MD 21010
Location: E1375, E3244, E3306, E3615
Status: Unutilized
Comments: Off-site removal only; no future agency need; secured area; contact Army for more info. on a specific property & accessibility/removal reqs.

*Land*

2 acres Property Number: 21200640095
Fort Meade
Odenton Rd/Rt 175
Ft. Meade MD 20755
Status: Unutilized
Comments: light industrial.

16 acres Property Number: 21200640096
Fort Meade
Rt 198/Airport Road
Ft. Meade MD 20755
Status: Unutilized
Comments: light industrial.

E6000 & E6100 Property Number: 21201310063
Aberdeen Proving Ground
Aberdeen MD 21005
Status: Unutilized
Comments: water dam currently located on properties; restricted area; contact Army for more information regarding properties.

LANDE Property Number: 21201310064
Aberdeen Proving Ground
Aberdeen MD 21005
Status: Unutilized
Comments: 128 acres; fair conditions; restricted area; contact Army for more info.

**Navy**

*Building*

D70 Property Number: 77201420016
NSF Indian Head
4121 N. Jackson Rd.
Indian Head MD 20640
Status: Unutilized
Comments: off-site removal only; no future agency need; 8,319 sq. ft.; semi-permanent; office; 132+ months vacant; poor conditions; secured area; contact Navy for more info. on accessibility & removal reqs.

**Coast Guard**

Massachusetts

3 Buildings Property Number: 88201440001
USCG Base Cape Cod
Bourne MA 02542
Location: 5206; 5412; 5386
Status: Excess
Comments: off-site removal only; relocation may be difficult due to size/type; sq. ft. varies; housing; poor conditions; contact Coast Guard for more information.

**Agriculture**

Michigan

Bergland Middle Building Property Number: 15201430017
Bergland Cultural Center Site
Bergland MI 49910
Status: Unutilized
Comments: 1,025 sq. ft., storage; 120+ months vacant; deteriorating; building on National Register Site; contact Agriculture for more information.

Ontonagon Ranger House Property Number: 15201430018
1205 Rockland Road
Ontonagon MI 49953
Status: Unutilized
Comments: 1,570 sq. ft., residential; 96+ months vacant; poor conditions; contact Agriculture for more information.

**Air Force**

3 Buildings Property Number: 18201220020
Selfridge ANGB
Selfridge MI 48045
Location: 326,780,710
Status: Unutilized
Comments: off-site removal only; sf varies; office/school/barracks;fair conditions; need repairs.

Alpena Co Reg Apt Property Number: 18201430028
5884 A Street; Bulling 4012
Alpena MI 49707–8125
Status: Unutilized
Comments: off-site removal only; no future agency need; 2,000 sq. ft.; office/storage; deteriorated secured area; contact Air Force for more information.

**Army**

6 Buildings Property Number: 21201340026
Detroit Arsenal
Warren MI 48092
Location: WH001 (4,680 sq. ft.); WH002 (3,910 sq. ft.); WH003 (5,256 sq. ft.); WH004 (3,840 sq. ft.) WH005 (5,236 sq. ft.); WH006 (5,940 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property accessibility requires.

6 Buildings Property Number: 21201340027
Detroit Arsenal
Warren MI 48092
Location: WH013(4,680 sq.); WH014(5,236 sq.); WH015 (3,000 sq.); WH016(3,840 sq.); WH017(3,000 sq.); WH018 (5,940 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

6 Building Property Number: 21201340028
Detroit Arsenal
Warren MI 48092
Location: WH007(3,840 sq. ft.); WH008 (5,940 sq. ft.); WH009 (5,236 sq. ft.); WH010 (4,680 sq. ft.); WH011 (5,236 sq. ft.); WH012 (5,236 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property and accessibility requires.

6 Buildings Property Number: 21201340029
Detroit Arsenal
Warren MI 48092
Location: WH019(4,680 sq.); WH020(5,940 sq.); WH021(5,940 sq.); WH022(4,680 sq.); WH023(5,940 sq.); WH024(1,760 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

4 Buildings Property Number: 21201340031
Detroit Arsenal
Warren MI 48092
Location: WH025 (1,760 sq.); WH026 (1,760 sq. ft.); WH027 (1,760 sq.); WH028(400 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

**Agriculture**

Minnesota

South Annex Building Property Number: 15201420014
200 Ash Ave., NW
Cass Lake MN 56633
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,950 sq. ft.; 96+ months vacant; fair conditions; office; contact Agriculture for more information.

**Army**

18 Bldgs. Property Number: 21201210059
1245 Hwy 96 West
Arden Hills Army TRNG Site
Arden Hills MN 55112
Location: 12155, 12156, 12157, 01200, 01201, 01202, 01203, 01204, 01205, 01206, 04202, 11218, 11219, 11220, 11221, 11222, 11223, 04203
Status: Unutilized
Comments: off-site removal only; sf. varies; current use: storage; poor conditions-need repairs.

**Agriculture**

Mississippi

Modular #3; 640400B029 Property Number: 15201410003
RPUID: 03.806
13762 Small Fruits Research Station
Poplarville MS 39470
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,440 sq. ft., fair conditions; contact Agriculture for more info.

**Air Force**

Building 112 Property Number: 18201330041
CRTC Gulfport
Gulfport MS 39507
Status: Excess
Comments: 90 sf.; ATM bldg.; good conditions; contact Air Force for more info.

**COE**

Building No. 591—Property Number: 31201420007
Registration House
Enid Lake
Enid Lake MS
Status: Unutilized
Comments: 400 sq. ft.; registration house for Chickasaw Hill Rec. area; 228+ months vacant; extensive deterioration; major repairs needed; contact COE for more information.

**Army**

Missouri

12 Bldgs. Property Number: 21200410110
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07036, 07050, 07054, 07102, 07400, 07401, 08245, 08249 08251, 08255, 08257, 08261.
Status: Unutilized
Comments: 7152 sq. ft. 6 complex housing quarters, potential contaminants, off-site use only.

6 Bldg. Property Number: 21200410111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 07044,07106,07107,08260,08281,08300
Status: Unutilized
Comments: 9520 sq. ft., 8 complex housing quarters, potential contaminants, off-site use only.

15 Bldgs. Property Number: 21200410112
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Location: 08242, 08243, 08246–08248, 08250, 08252–08254, 08256, 08258–08259, 08262–08263, 08265
Status: Unutilized
Comments: 4784 sq. ft., 4 complex housing quarters, potential contaminants, off-site use only.

Bldgs. 08283, 08285 Property Number: 21200410113
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 2240 sq. ft., 2 complex housing quarters, potential contaminants, off-site use only.

15 Bldgs. Property Number: 21200410114
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–0827
Location: 08267, 08269, 08271, 08273, 08275, 08277, 08279, 08290 08296, 08301
Status: Unutilized
Comments: 4784 sq. ft., 4 complex housing quarters, potential contaminants, off-site use only.

Bldg. 09432 Property Number: 21200410115
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 8724 sq. ft., 6-plex housing quarters, potential contaminants, off-site use only.

Bldgs. 5006 and 5013 Property Number: 21200430064
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 192 sq. ft., needs repair, most recent use—generator bldg., off-site use only

Bldgs. 13210, 13710 Property Number: 21200430065
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Comments: 144 sq. ft. each, needs repair, most recent use—communication, off-site use only.

13 Buildings Property Number: 21201410044
Weldon Springs USARC
St. Charles MO 63304
Location: 002S9 (490 sq. ft.); G0043 (1,840 sq. ft.); RN001 (7,500 sq. ft.); RN002 (102 sq. ft.); RN003 (450 sq. ft.); RN004 (1 sq. ft.); RN005 (800 sq. ft.); RN006 (320 sq. ft.); RN007 (1,650 sq. ft.); RN008 (266 sq. ft.); RN009 (400 sq. ft.); RN0010 (500 sq. ft.); S0009 (468 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; dissemble may be required; poor conditions; secured area; contact Army for on a specific property & accessibility/removal reqs.

**COE**

Restroom Shower House Property Number: 31201420009
RR3 Box 3559–D
Piedmont MO 63957
Status: Underutilized
Comments: off-site removal only; no future agency need; 208 sq. ft.; poor conditions; no roof on shower; contact COE for more information.

Masters Campground Property Number: 31201430012
16435 E Stockton Lake Dr.
Stockton MO 65785
Status: Underutilized
Comments: 41+ yrs. old; 416 sq. ft.; shower; deteriorated; restricted access; contact COE for more info.

Crabtree Cove Park #28835 Property Number: 31201430013
16435 E Stockton Lake Dr.
Stockton MO 65785
Status: Underutilized
Comments: 41+ yrs. old; 84 sq. ft.; wood structure; toilet; deterioration; contact COE for more info.

2 Restrooms Property Number: 31201440007
Mark Twain Lake Project Office
Monroe City MO 63456
Status: Underutilized
Comments: 62 & 72 sq. ft.; seasonal use; poor conditions; contact COE for more information.

**Agriculture**

Montana

Warehouse #2 Infra #2207 Property Number: 15201430014
Cabinet Ranger District Administrative Site
Trout Creek MT
Status: Excess
Comments: off-site removal only; 224 sq. ft.; storage; 60+ years old; very poor conditions; contact Agriculture for more information.

**Army**

Bldg. 00405 Property Number: 21200130099
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 3467 sq. ft., most recent use—storage, security limitations.

Bldg. T0066 Property Number: 21200130100
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Status: Unutilized
Comments: 528 sq. ft., needs rehab, presence of asbestos, security limitations.

**Air Force**

Nevada

2 Buildings Property Number: 18201440019
Nellis AFB
Nellis NV 89191
Location: 727 (15,803 sq. ft.); 729 (19,137 sq. ft.)
Status: Unutilized

Comments: fair to moderate conditions; dorm; 38+ yrs.-old; asbestos; escort/base pass required to access; contact Air Force for more information.

7 Buildings Property Number: 18201440020
Nellis AFB
Nellis NV 89191
Location: 432; 10237; 10236; 10235; 589; 258; 415
Status: Underutilized
Comments: sq. ft. varies; fair to moderate conditions; asbestos; escort/base pass required to access; contact Air Force for more information.

New Jersey

4 Bldgs. Property Number: 21201220011
Picatinny Arsenal
Dover NJ 07806
Location: 1179,1179A,1179C,1179D
Status: Unutilized
Comments: off-site removal only; sf varies; usage varies; need repairs; contamination; remediation required; secured area; need prior approval to access property; contact Army for more details.

4 Building Property Number: 21201240026
Route 15 North
Picatinny Arsenal NJ 07806
Location: 3701,3702,3706,3709
Status: Unutilized
Comments: off-site removal only, sq. varies, moderate conditions, restricted area; contact Army for information on accessibility removal and specific details on a particular property.

Building 00063 Property Number: 21201310039
Picatinny Arsenal
Picatinny Arsenal NJ 07806
Status: Underutilized
Comments: off-site removal only; 44,000 sf.; storage; very poor conditions; w/in secured area; contact Army for accessibility/ removal requirements.

Building 01186 Property Number: 21201310040
Pictinny Arsenal
Dover NJ 07806
Status: Unutilized
Comments: off-site removal only; 192 sf.; storage; very poor conditions; w/in restricted area; contact Army for info. on accessibility/removal requirements.

Building 03223 Property Number: 21201330046
Picatinny Arsenal
Dover NJ 07806–5000
Status: Unutilized
Comments: off-site removal only; no future agency need; 312 sf.; 102 yrs.-old; poor conditions; secured area; contact Army for more info.

New York

Bldg. 2218 Property Number: 21200510067
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Status: Unutilized
Comments: 32,000 sq. ft., poor condition, requires major repairs, most recent use—storage/services.

7 Bldgs. Property Number: 21200510068
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Location: 2122, 2124, 2126, 2128, 2106, 2108, 2104
Status: Unutilized
Comments: sq. ft. varies, poor condition, needs major repairs, most recent use—storage/services.

Bldg. 4802 Property Number: 21201010019
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 3300 sq. ft., most recent use—hdgts. facility, off-site use only.

Bldgs. 4813 Property Number: 21201010020
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: 750 sq. ft., most recent use—wash rack, off-site use only.

Bldgs. 1240, 1255 Property Number: 21201010022
Fort Drum
Jefferson NY 13602
Status: Unutilized
Comments: various sq. ft., most recent use—vehicle maint. facility, off-site use only.

6 Bldgs. Property Number: 21201010023
Fort Drum
Jefferson NY 13602
Location: 1248, 1250, 1276, 2361, 4816, 4817
Status: Unutilized
Comments: various sq. ft., most recent use—storage, off-site use only.

Bldgs. 02700 and 22630 Property Number: 21201210080
Fort Drum
Fort Drum NY 13602
Status: Underutilized
Comments: off-site removal only; sf. varies; current use: varies; need repairs.

Bldg. 1345 Property Number: 21201220030
Ft. Drum
Ft. Drum NY
Status: Underutilized
Comments: off-site removal only; 7,219 sf.; vehicle maint. shop.; extensive repairs needed;secured area; need prior approval to access property.

Building 191 Property Number: 21201230005
First Street West
Ft. Drum NY 13602
Status: Unutilized
Comments: off-site removal only; 5,922 sf.; use: Admin.; extensive structural damage ; remediation required before occupying bldg.; secured area; contact Army to schedule appt. to access property.

5 Buildings Property Number: 21201230006
Ft. Drum
Ft. Drum NY 13601
Location: 1454,1456,2443,4890,4893
Status: Unutilized
Comments: off-site removal only; sf. varies; use; varies; extensive repairs needed due to age; secured area; contact Army re: details on accessing property.

Building 1560 Property Number: 21201240024
Rte. 293
West Point NY 10996
Status: Unutilized
Comments: off-site removal only, 4544 sf., storage severely damage from hurricane Irene, restricted area, contact Army on information on accessibility/removal.

2 Buildings Property Number: 21201320034
Wheeler-Sack Army
Ft. Drum NY 13602
Location: Bldgs. 2908 & 2909 are each 11,809 sf.
Status: Unutilized
Comments: no future Army use; off-site removal only; poor conditions; secured area; contact Army re: accessibility/ removal requirements.

3 Buildings Property Number: 21201330011
Ft. Drum
Ft. Drum NY 13602
Location: 2150, 2190, 2360
Status: Underutilized
Comments: off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army re a specific property & accessibility/removal reqs.

Building 2022 Property Number: 21201330020
Wheeler Sack Army Airfield
Ft. Drum NY 13602
Status: Unutilized
Comments: off-site removal only; no future agency need; 115 sf.; communication ctr.; 12t months vacant; poor conditions; secure area; contact Army for accessibility/ removal reqs.

3 Buildings Property Number: 21201340018
Fort Drum
Fort Drum NY 13602
Location: 2890 (560 sq.); 1388 (296 sq.); 4779 (296 sq.)
Status: Underutilized
Comments: off-site removal only; no future agency need; poor conditions; secured area; contact Army for more information on a specific property & accessibility requirements.

4012 Property Number: 21201340019
Railroad Street
Fort Drum NY 13602
Status: Unutilized
Comments: off-site removal only; no future agency need; 704 sq. ft.; scale house; built 1941; poor conditions; secured area; contact Army for more information.

01004 Property Number: 21201340038
Fort Drum
Watertown NY 13602
Status: Underutilized
Comments: off-site removal only; no future agency need; obstacle course; dissemble required to relocate; restricted area; contact Army for more info.

3 Buildings Property Number: 21201420010
Fort Drum
Fort Drum NY 13602
Location: 1395; 1495; 22639;
Status: Underutilized
Comments: off-site removal only; no future agency need; poor conditions; secured area; contact Army for more info. on a specific property & removal accessibility reqs.

705B Property Number: 21201430052
U.S. Army Garrison
West Point NY 10996
Status: Unutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to size/type; poor conditions; contact Army for more info.

North Carolina

Building 42843 Property Number: 21201240034
Ft. Bragg
Ft. Bragg NC 28310
Location: 42843
Status: Underutilized
Comments: located in a secured area, public access is denied and no alternative method to gain access without compromising national security.

Building D1209 Property Number: 21201330069
4285 Gruber Road
Ft. Bragg NC 28308
Status: Unutilized
Comments: 15,327 sf; 21 yrs. old; extensive repairs needed; secured area; extensive background check required; contact Army for accessibility requirements.

D3039 Property Number: 21201330070
3912 Donovan Street
Ft. Bragg NC 28308
Status: Unutilized
Comments: 13,247 sf.; 42 yrs. old; dining facility; extensive repairs; extensive background check; secured area; contact Army for accessibility requirements.

5 Building Property Number: 21201340005
FT Bragg
FT Bragg NC 28308
Location: 570, 572, A5434, C5635, P3738
Status: Unutilized
Comments: sq. ft. varies; 50+ years; extensive repairs needed; secured area; background check and vehicle search required; contact Army for more information on a specific property and accessibility requirements.

**COE**

Well House at WRC, Property ID Property Number: 31201420001
#SAW FAL–16434
Hartwell Lake and Dam
Wake NC 27587
Status: Unutilized
Comments: off-site removal only; 36 sq. ft.; vacant; 34+ yrs. old; poor conditions; no future agency need; contact COE for more information.

Field Office, WRC, Property ID Property Number: 31201420002
#SAW FAL–16433
Hartwell Lake and Dam
Wake NC 27587
Status: Unutilized
Comments: off-site removal only; 209 sq. ft.; vacant; 34+ yrs.-old; poor conditions; no future agency need; contact COE for more information.

**Army**

Ohio

125 Property Number: 21201230025
1155 Buckeye Rd.
Lima OH 45804
Location: Joint Systems Manufacturing Center
Status: Underutilized
Comments: off-site removal only; 2,284 sf.; use: storage; poor conditions; asbestos identified; secured area; contact Army re: accessibility requirements.

**Agriculture**

Oklahoma

Greenhouse 13; RPUID 03.50709 Property Number: 15201420003
07334 Plant Science & Water Res.
Conservation Lab
Stillwater OK 74075
Status: Unutilized
Comments: 3,000 sq. ft.; 37+ yrs.-old; greenhouse; deteriorated; contact Agriculture for more information.

**Air Force**

Building 267 Property Number: 18201310039
7576 Sentry Blvd.
Tinker AFB OK 73145
Status: Unutilized
Comments: off-site removal only; 6,892 sf.; vehicle parking shed; fair conditions; restricted area; contact AF for info. on accessibility/removal requirements.

Building 1100 Property Number: 18201320024
7492 Patrol Road
Tinker AFB OK 73145
Status: Underutilized
Comments: off-site removal only; no future AF need; 5,471 sf.; maint. facility; fair/poor condition; controlled AF installation, contact AF for more info.

Building 944 Property Number: 18201320026
4600 Air Depot Blvd.
Tinker AFB OK 73145
Status: Underutilized
Comments: off-site removal only; no future AF need; 2,400 sf.; warehouse; fair/poor condition; controlled AF installation; contact AF for info. re: accessibility/removal.

Building 1111 Property Number: 18201330028
Tinker AFB
Tinker OK 73145
Status: Unutilized
Comments: off-site removal only; no future agency need; 231 sf.; utility bldg.; generally good conditions; secured area; contact Air Force for more info.

2 Buildings Property Number: 18201330029
Tinker AFB
Tinker OK 73145
Location: 1072,901
Status: Unutilized
Comments: off-site removal only; no agency need; poor conditions; secured area; contact Air Force for info. on a specific property & removal requirements.

Building 183 Property Number: 18201340001
Altus AFB AGGN
Altus OK 73523
Status: Unutilized
Comments: 167 sq. ft.; no bathroom; secured area; escort required each time to access property; asbestos; contact Air Force for more info.

280 Property Number: 18201420002
7481 Sentry Boulevard
Tinker AFB OK 73145
Status: Excess
Comments: off-site removal only; 19,034 sq. ft.; wing HQs; roof is in poor condition; secured area; contact for accessibility; removal request.

268 Property Number: 18201420008
7568 Sentry Boulevard
Tinker AFB OK 73145
Status: Underutilized
Comments: off-site removal only; no future agency need; 7,311 sq. ft.; air passenger terminal; roof needs repairing; secured area; contact AF for more info.

7 Buildings Property Number: 18201420050
Tinker AFB
Tinker AFB OK 73145
Location: 1064; 7043; 7014; 7012; 7011; 7010; 7009
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions, secured area; contact AF for more information on a specific property & accessibility requirements.

Bldg. P–747 Property Number: 21200120120
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only.

Bldg. P–842 Property Number: 21200120123
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–1672 Property Number: 21200120126
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

**Army**

Bldgs. 01509, 01510 Property Number: 21200920060
Fort Sill
Lawton OK 73501
Status: Unutilized
Comments: various sq. ft., most recent use—vehicle maint. shop, off-site use only.

Building 2867 Property Number: 21201310007
Craig Rd.
Ft. Sill OK 73503
Status: Unutilized
Comments: off-site removal only; 3,658 sf.; 6 mons. vacant; moderate conditions.

Building 954 Property Number: 21201310008
Quinette Rd.
Ft. Sill OK 73503
Status: Unutilized
Comments: off-site removal only; 3,571 sf.; Admin. General Purpose; 6 mons. vacant; moderate conditions.

26 Buildings Property Number: 21201330055
Fort Sill
Fort Sill OK 93503
Location: 2596, 2597, 2774, 2838, 2839, 2840, 2841, 2843, 2844, 2847, 2850, 2851, 2853, 2854, 2855, 2856, 2858, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2868, 2869
Status: Unutilized
Comments: off-site removal only; no future agency need; 6+ months vacant; sf. varies; contact Army for more info. on a specific property and removal requirements.

7 Buildings Property Number: 21201420030

Fort Sill
Fort Sill OK 73503
Location: 1541; 1760; 2602; 2960; 5727; 6021; 6449
Status: Unutilized
Comments: off-site removal only; no future agency need; repairs required; contact Army for more info. on a specific property removal reqs.

12 Buildings Property Number: 21201430051
Fort Sill
Ft. Sill OK
Location: 853; 854; 922; 1541; 1546; 1760; 2602; 6021; 6463; 6476; M5957; M7551
Status: Unutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to type/size; moderate to poor conditions; contact Army for more information.

B1512 Property Number: 21201430059
Fort Sill
Ft. Sill OK 73503
Status: Unutilized
Comments: off-site removal only; no future agency need; 80 sq. ft.; vehicle maint. shop; 6+ months vacant; poor condition; contact Army for more information.

6256 Property Number: 21201430060
Fort Sill
Ft. Sill OK 73503
Status: Unutilized
Comments: off-site removal only; no future agency need; 6+ months vacant; poor condition; contact Army for more information.

**COE**

SWT—Keystone Lake Property Number: 31201440004
23115 West Wekiwa Road
Sand Springs OK 74063–9312
Status: Unutilized
Comments: off-site removal only; 27+ yrs. old; no future agency need; 327.96 sq. ft.; toilet; deterioration; extensive repairs required; contact COE for more information.

Keystone Lake Office Property Number: 31201440009
23115 West Wekiwa Road
Sand Springs OK 74063–9312
Location: 43430; 43431; 43498; 43499
Status: Unutilized
Comments: off-site removal only; no future agency need; 33 sq. ft.; poor conditions; contact COE for more information.

**Agriculture**

Oregon

Fiddler Mt. Telecom BLD Property Number: 15201430004
(1138.005181)
07663 ; 00; Redwood HWY
Kerby OR 97538
Status: Excess
Comments: 36 sq. ft.; 37+ years old; rodents and insect infestation; contact Agriculture for more information.

XX334 GB Grizzly Communication Property Number: 15201430020
Bldg. 1560.005181 076630 00
Agness OR 97406
Location: 25 sq.; shed; 39+ yrs.-old; poor condition
Status: Excess
Comments: off-site removal only; restrictive removal due to constraints surrounding land/vegetation.

**COE**

Dexter Reservoir Property Number: 31201410002
Fish Facility
Dexter OR
Location:
House: 100 sq. ft.; 2 sheds: each 68 sq. ft.
Status: Underutilized
Comments: poor conditions; contact COE for more information.

The Dalles Lock and Dam Property Number: 31201410013
Seaufert/Spearfish/Celilo Parks
Portland OR
Location: only 1 building is inside a secure area, others are outside, location is The Dalles, Oregon
Status: Unutilized
Comments: off-site removal only; no future agency need; secured area; sq. ft. varies; contact COE for more information on a specific property & removal/accessibility requirements.

Dexter Reservoir Property Number: 31201410014
Lakeside/Short ridge/Wilson Creek
Cottage Grove OR
Status: Underutilized
Comments: off-site removal only; no future agency need; contact COE for more information on a specific property & removal requirements.

Lost Creek Lake Property Number: 31201430001
Catfish Cove Restrooms
LCL OR
Status: Underutilized
Comments: off-site removal only; no future agency need; each 6′x6′; repairs needed; contact COE for more information.

US Moorings Property Number: 31201430008
8010 Northwest Saints Helens Road
Portland OR 97210
Location: U.S. Government-Storage Building (North of Machine Shop)
Status: Underutilized
Comments: off-site removal only; no future agency; 10x60 sq., removal may be difficult; poor conditions; storage space; contamination; secured area; contact COE for more information.

**Army**

Pennsylvania

Building 01015 Property Number: 21201320031
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Unutilized
Comments: off-site removal only; 3,120 sf.; recruiting station; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Building 01001 Property Number: 21201320035
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Excess
Comments: off-site removal only; 4,830 sf.; youth center/admin.; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Puerto Rico

5 Buildings Property Number: 21201330037
Ft. Buchanan
Guaynabo PR 00934
Location: 00141, 00551, 00558, 00570, 00579
Status: Excess
Comments: Off-site removal only; deteriorated; secured area; contact Army for info. on a specific property & accessibility removal reqs.

6 Buildings Property Number: 21201420011
Fort Buchanan
00176 Chrisman Road
Fort Buchanan PR 00934
Location: 00176; 00218; 00219; 00220; 00674; 00800
Status: Excess
Comments: off-site removal only; deteriorated; restricted access contact Army on a specific property and accessibility removal request.

00801 Property Number: 21201430001
Fort Buchanan
Fort Buchanan PR 00934
Location: 00801
Status: Excess
Comments: off-site removal only; 2.128 sq. ft.; 12+ months vacant; deteriorated; secured area; contact Army for more information.

**Air Force**

South Carolina

2 Building Property Number: 18201320054
Shaw AFB
Sumter SC 29152
Location: 1036, 1826
Status: Unutilized
Comments: off-site removal only; no AF future need; sf. varies; poor conditions; secured area, contact AF for more info.

4 Buildings Property Number: 18201320055
Shaw AFB
Sumter SC 29152
Location: 1027, 1028, 2451, 1034
Status: Underutilized
Comments: off-site removal only; no AF future need; sf. varies; poor conditions; secured area; contact AF for more info.

Building 1036 Property Number: 18201320086
311 Avocet Street, Shaw AFB
Sumter SC 29152
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,694 sf.; open storage for auto hobby shop; repairs needed; secured area; contact AF for more info.

Building 1826 Property Number: 18201320087
100 Shaw Dr., Shaw AFB
Sumter SC 29152
Status: Unutilized
Comments: off-site removal only; no future agency need; 984 sf.; wash rack; repairs needed; secured area; contact AF for more info.

South Dakota

9201 Property Number: 18201440033
Ellsworth AFB
9201 Lincoln

Ellsworth SD 57706
Status: Underutilized
Comments: 3,619 sq. ft.; security forces training facility; 1+ yr. vacant; very poor conditions; high noise levels; contact Air Force for more information.

**Army**

Tennessee

Building 2250 Property Number: 21201340001
Indiana Ave; Ft. Campbell
Ft. Campbell TN 42223
Location: originally published under 21200330094 as 'unsuitable'
Status: Unutilized
Comments: 2,500 sq. ft.; office; 36+ months vacant; poor conditions; need repairs; secured area; strict accessibility requirements; contact Army for more info.

4 Buildings Property Number: 21201410045
Fort Campbell
Ft. Campbell TN 42223
Location: 6846, 7605, 3109, 3707
Status: Unutilized
Comments: sq. ft. varies; poor conditions; asbestos/lead based paint; secured area; very strict accessibility requirements; contact Army for more info.

Building 00850 Property Number: 21201420013
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 10,591 sq. ft.; office; 72+ yrs.-old; fair conditions; repairs required; contamination; access restrictions; contact Army for more info.

00869 Property Number: 21201430036
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 3,076 sq. ft.; storage; fair conditions; asbestos in floor tiles; secured area; contact Army for more information.

00890 Property Number: 21201430037
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 4,480 sq.; storage; fair condition; secured area; contact Army for more information.

05875 Property Number: 21201430041
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 13,124 sq. ft.; chapel; fair condition; lead base paint; secured area; contact Army for more information.

06721 Property Number: 21201430042
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 8,414 sq. ft.; chapel; fair condition; lead base paint; secured area; contact Army for more information.

07514 Property Number: 21201430043
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 4,064 sq. ft.; chapel; fair condition; lead base paint; secured area; contact Army for more information.

07612 Property Number: 21201430044
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 600 sq. ft.; storage; fair condition; secured area; contact Army for more information.

9 Buildings Property Number: 21201440002
Fort Campbell
Ft. Campbell TN 42223
Location: 00039; 00846; 05123; 05638; 05640; 05641; 05646; 07540; 07811
Status: Excess
Comments: off-site removal only; relocation may be extremely difficult due to size/type; sq. ft. varies; poor conditions; contamination; contact Army for more information.

09R28 Property Number: 21201440003
Fort Campbell
Ft. Campbell TN 42223
Status: Underutilized
Comments: off-site removal only; no future agency need; 552 sq. ft.; 26+ yrs.-old; range support facility; repairs needed; secured area; contact Army for more information.

04R28 Property Number: 21201440004
Fort Campbell
Ft. Campbell TN 42223
Status: Underutilized
Comments: off-site removal only; no future agency need; 800 sq. ft.; 26+ yrs.-old; major repairs; secured area; contact Army for more information.

03R28, 02r28, & 01R28 Property Number: 21201440005
Fort Campbell
Ft. Campbell TN 42223
Status: Underutilized
Comments: off-site removal only; no future agency need; 552 sq. ft.; range support facility; major repairs; secured area; contact Army for more information.

05127 Property Number: 21201440058
Fort Campbell
Ft. Campbell TN 42223
Status: Excess
Comments: off-site removal only; 224 sq. ft.; storage; fair conditions; contact Army for more information on accessibility/removal requirements.

4 Buildings Property Number: 21201440059
Fort Campbell
Ft. Campbell TN 42223
Location: 05211 (320 sq. ft.); 05665 (800 sq. ft.); 00100 (800 sq. ft.); 01604 (126 sq. ft.)
Status: Excess
Comments: off-site removal only; fair conditions; usage varies; contact Army for more information on a specific property.

**Agriculture**

Texas

Greenhouse Asset ID # Property Number: 15201420007
620240B033/RPUID 03.54364
#13101 Southern Plains Agric. Res. Ctr.
College Station TX 77845
Status: Unutilized
Comments: 1,950 sq. ft.; 48+ yrs.-old; repairs required for mechanical equipment; contact Agriculture for more information.

**Army**

Bldg. 92043 Property Number: 21200020206
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 450 sq. ft., most recent use—storage, off-site use only.

Bldg. 92044 Property Number: 21200020207
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 1920 sq. ft., most recent use—admin., off-site use only.

Bldg. 92045 Property Number: 21200020208
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Comments: 2108 sq. ft., most recent use—maint., off-site use only.

Bldgs. P6220, P6222 Property Number: 21200330197
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only.

Bldgs. P6224, P6226 Property Number: 21200330198
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Status: Unutilized
Comments: 384 sq. ft., most recent use—carport/storage, off-site use only.

Bldg. 92039 Property Number: 21200640101
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Excess
Comments: 80 sq. ft., most recent use—storage, off-site use only.

Bldgs. 04281, 04283 Property Number: 21200720085
Fort Hood
Bell TX 76544
Status: Excess
Comments: 4000/8020 sq. ft., most recent use—storage shed, off-site use only.

Bldg. 04285 Property Number: 21200720087
Fort Hood
Bell TX 76544
Status: Excess
Comments: 8000 sq. ft., most recent use—storage shed, off-site use only.

Bldg. 04286 Property Number: 21200720088
Fort Hood
Bell TX 76544
Status: Excess
Comments: 36,000 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only.

Bldg. 04291 Property Number: 21200720089
Fort Hood
Bell TX 76544
Status: Excess
Comments: 6400 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only.

Bldg. 4410 Property Number: 21200720090
Fort Hood
Bell TX 76544
Status: Excess
Comments: 12,956 sq. ft., presence of asbestos, most recent use—simulation center, off-site use only.

Bldgs. 10031, 10032, 10033 Property Number: 21200720091
Fort Hood
Bell TX 76544
Status: Excess
Comments: 2578/3383 sq. ft., presence of asbestos, most recent use—admin., off-site use only.

Bldg. 56435 Property Number: 21200720093
Fort Hood
Bell TX 76544
Status: Excess
Comments: 3441 sq. ft., presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 05708 Property Number: 21200720094
Fort Hood
Bell TX 76544
Status: Excess
Comments: 1344 sq. ft., most recent use—community center, off-site use only.

Bldg. 93013 Property Number: 21200720099
Fort Hood
Bell TX 76544
Status: Excess
Comments: 800 sq. ft., most recent use—club, off-site use only.

4 Bldgs. Property Number: 21200810048
Fort Hood
Bell TX 76544
Location: 00229, 00230, 00231, 00232
Status: Unutilized
Comments: various sq. ft., presence of asbestos, most recent use—training aids center, off-site use only.

Bldg. 00324 Property Number: 21200810049
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 13,319 sq. ft., most recent use—roller skating rink, off-site use only.

Bldgs. 00710, 00739, 00741 Property Number: 21200810050
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: various sq. ft., presence of asbestos, most recent use—repair shop, off-site use only.

Bldg. 00713 Property Number: 21200810052
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—hdqts. bldg., off-site use only.

Bldgs. 1938, 04229 Property Number: 21200810053
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 2736/9000 sq. ft., presence of asbestos, most recent use—admin., off-site use only.

Bldgs. 02218, 02220 Property Number: 21200810054
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 7289/1456 sq. ft., presence of asbestos, most recent use—museum, off-site use only.

Bldg. 0350 Property Number: 21200810055
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 28,290 sq. ft., presence of asbestos, most recent use—veh. maint. shop, off-site use only.

Bldg. 04449 Property Number: 21200810056
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3822 sq. ft., most recent use—police station, off-site use only.

Bldg. 91077 Property Number: 21200810057
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3200 sq. ft., presence of asbestos, most recent use—educational facility, off-site use only.

Bldg. 57005 Property Number: 21200840073
Fort Hood
Bell TX 76544
Status: Excess
Comments: 500 sq. ft., presence of asbestos, most recent use—water supply/treatment, off-site use only.

B–42 Property Number: 21201210007
Fort Hood
Ft. Hood TX 76544
Status: Excess
Comments: off-site removal only; 893 sq. ft.; current use: storage; asbestos identified.

B–2319 Property Number: 21201210010
Fort Hood
Ft. Hood TX 76544
Status: Unutilized
Comments: off-site removal only; 1,339 sq. ft.; current use: exchange cafe; asbestos identified.

B–4237 Property Number: 21201210011
Fort Hood
Ft. Hood TX 76544
Status: Unutilized
Comments: off-site removal only; 7,840 sq. ft.; current use: storage; asbestos identified.

2 Bldgs. Property Number: 21201210012
Fort Hood
Ft. Hood TX 76544
Location: 4238, 4239
Status: Unutilized
Comments: off-site removal only; sq. ft. varies; current use: varies; asbestos identified.

6 Bldgs. Property Number: 21201210013
Fort Hood
Ft. Hood TX 76544
Location: 4240, 4241, 4253, 4254, 4271, 4444
Status: Unutilized
Comments: off-site removal only; sq. ft. varies; current use: varies; asbestos identified.

2 Bldgs. Property Number: 21201210014
Fort Hood
Ft. Hood TX 76544
Location: 5652, 56272
Status: Unutilized
Comments: off-site removal only; sq. ft. varies; current use: varies.

4 Bldgs. Property Number: 21201210015
Fort Hood
Ft. Hood TX 76544
Location: 4428, 4437, 4452, 56423
Status: Unutilized
Comments: off-site removal; sq. ft. varies; current use: varies; asbestos identified.

B–1301 Property Number: 21201220001
Ft. Bliss
Ft. Bliss TX 79916
Status: Underutilized
Comments: off-site removal only; 18,739 sf.; current use: thrift shop; poor conditions; need repairs.

Bldg. 7194 Property Number: 21201220002
Ft. Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; 2,125 sf.; current use: housing; poor conditions—need repairs; asbestos & lead identified; need remediation.

2 Buildings Property Number: 21201230012
West Ft. Hood
Ft. Hood TX 76544
Location: 90047 & 92080
Status: Excess
Comments: off-site removal only; 1,680 sf. (90047); 1,059 sf. (92080); restricted military installation; contact Army re: accessibility.

6 Buildings Property Number: 21201230057
Ft. Hood
Ft. Hood TX 76544
Location: 9541,4478,9511,41003,41002,70005
Status: Excess
Comments: off-site removal only; need repairs; asbestos identified in some bldgs. Restricted area; prior permission to access & relocate; contact Army for details on specific bldgs.

Building 11142 Property Number: 21201240009
SSG Sims Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 12,644 sf.; mess hall; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Building 6951 Property Number: 21201240010
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 288 sf.; utility bldg.; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Building 6942 Property Number: 21201240011
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 1,059 sf.; storage; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Bldg. 2432 Property Number: 21201240013
Carrington Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 180 sf.; dispatch bldg.; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

Building 50 Property Number: 21201240014
50 Slater Rd.
Ft. Bliss TX 79916
Status: Excess

Comments: off-site removal only; 9,900 sf.; office; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

2 Building Property Number: 21201240044
Ft. Hood
Ft. Hood TX 76544
Location: 706,4286
Status: Excess
Comments: off-site removal only, sf. varies, fair conditions, asbestos, restricted area, contact Army for accessibility/removal & specific details on a property.

6 Buildings Property Number: 21201310044
Ft. Hood
Ft. Hood TX 76544
Location: 4209, 4490, 4479, 4402, 4214, 4401
Status: Excess
Comments: off-site removal only; sf. varies; right of entry restricted; contact Army for info. on a specific property & accessibility/removal requirements.

7 Buildings Property Number: 21201330004
Fort Hood
Fort Hood TX 96544
Location: 40066, 40067, 40068, 40069, 40070, 40071, 92070
Status: Excess
Comments: off-site removal only; sf. varies; contamination; secured area; contact Army for info on a specific property & accessibility/removal requirements.

2 Building Property Number: 21201330029
Fort Bliss
Fort Bliss TX 79916
Location: 05015(22,915 sf.); 05019(23,495 sf.)
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; 6+months vacant; contact Army for info. on accessibility; removal reqs.

Building 40072 Property Number: 21201330057
Metorpool Rd.
Fort Hood TX 76544
Status: Excess
Comments: off-site removal; 1,943 sf., health clinic; asbestos; 12+ months vacant; fair/moderate conditions; restricted area; contact Army for accessibility/removal reqs.

5 Buildings Property Number: 21201340032
Fort Hood
Fort Hood TX 76544
Location: 4416 (4,243 sq. ft.); 4417 (2,400 sq. ft.); 4433 (2,306 sq. ft.); 4442 (3,307 sq. ft.); 4458 (1,519 sq. ft.)
Status: Excess
Comments: off-site removal only; 8+ months vacant; restricted access; contact Army for more information on a specific property and accessibility requires.

2 Buildings Property Number: 21201410034
Fort Hood
Ft. Hood TX 76544
Location: 90084 (13,125 sq. ft.); 90000 (217 sq. ft.)
Status: Excess
Comments: off-site removal only; removal difficult due to structure type; contamination; secured area; contact Army for more info.

Building 4917 Property Number: 21201410035
Fort Hood
Ft. Hood TX 76544
Status: Excess
Comments: off-site removal only; 404 sq. ft.; removal may be difficult due to structure type; secured area; contact Army for more info.

92065 Property Number: 21201420021
92065 Supply Rd.
Fort Hoop TX 76544
Status: Excess
Comments: off-site removal only; 3,994 sq. ft.; admin general purpose; 1+ month vacant; contact Army for more information.

4285 Property Number: 21201430019
Fort Hood
Fort Hood TX 76544
Location: 4285
Status: Unutilized
Comments: off-site removal only; no future agency need; semi-perm. Structure type; 10,552 sq. ft.; removal may be difficult due to size; poor condition; secured area; contact Army for more information.

2 Buildings Property Number: 21201430020
Fort Hood
Fort Hood TX 76544
Location: 4461 (6,515 sq. ft.); 4611 (3,311 sq. ft.)
Status: Excess
Comments: off-site removal only; removal may be difficult due to size/type; fair to poor condition; asbestos present in building 4611; secured area; contact Army for more information.

4408 Property Number: 21201430021
Fort Hood
Fort Hood TX 76544
Location: 4408
Status: Excess
Comments: off-site removal only; semi-perm. Structure type; 9,812 sq. ft.; removal difficult due to size; fair condition; secured area; contact Army for more information.

6 Buildings Property Number: 21201430022
Red River Army Depot
Texarkana TX 75507–5000
Location: 02159; 02193; 02343; 02371; 02435; 02481
Status: Excess
Comments: off-site removal only; relocation may be difficult due to structure type; deteriorating; secured area; contact Army for more information on a specific property.

9 Buildings Property Number: 21201430030
Fort Hood
Fort Hood TX 76544
Location: 4640 (1,606sq.ft.); 4641 (2,021sq.ft.); 4644 (4,080sq.ft.); 4656 (4,045sq.ft.); 4657 (4,040sq.ft.); 36019 (3,192sq.ft.); 36027 (2,425sq.ft.); 36028 (2,400sq.ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; due to site relocation may be difficult; poor condition; secured area; contact Army for more information.

715 Property Number: 21201430047
Fort Hood
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; 2,810 sq. ft.; semi-permanent structure type; 11+ months vacant; fair condition; contamination; secured area; contact Army for more information.

07133 Property Number: 21201440011
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 12,178 sq. ft.; storage; 120+ months vacant; poor conditions; contact Army for more information.

5 Buildings Property Number: 21201440012
Fort Bliss
Ft. Bliss TX 79916
Location: 07134; 07142; 07153; 07162; 07178
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; sq. ft. varies; 120+ months vacant; poor conditions; contact Army for more information.

05095 Property Number: 21201440022
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; no future agency need; 12+ months vacant; good conditions; secured area; contact Army for more information.

07113 Property Number: 21201440023
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; 8,855 sq. ft.; no future agency need; relocation difficult due to size/type; 120+ months vacant; child-care center; poor conditions; contact Army for more information.

2 Buildings Property Number: 21201440035
Yoakum USARC
Yoakum TX 77995
Location: P1005; P1006
Status: Underutilized
Comments: off-site removal only; no future agency need; 30 sq. ft.; storage for flammable materials; 53+ yrs.-old; remediation needed; contact Army for more information.

01113 Property Number: 21201440043
Red River Army Depot
Texarkana TX 75507
Status: Excess
Comments: off-site removal only; 257 sq. ft.; access control facility; 50+ yrs.-old; contact Army for more information.

00940 Property Number: 21201440044
Red River Army Depot
Texarkana TX 75507
Status: Excess
Comments: off-site removal only; 200 sq. ft.; breakroom; extensive deterioration; 19+ yrs.-old; secured area; contact Army for more information.

00930 Property Number: 21201440046
Red River Army Depot
Texarkana TX 75507
Status: Excess
Comments: off-site removal only; 200 sq. ft.; ammunition storage; 31+ yrs.-old; extensive deterioration; secured area; contact Army for more information.

*Land*

1 acre Property Number: 21200440075

Fort Sam Houston
San Antonio Co: Bexar TX 78234
Status: Excess
Comments: 1 acre, grassy area

COE

*Building*

Building Camper Service Property Number: 31201430011
Restroom
1901 Skyview Dr.
Wylie TX 75098
Status: Excess
Comments: off-site removal; 38+years old; 576 sq.; located in a controlled area; removal may be difficult; contact COE for more information.

Whitney Lake Property Number: 31201440006
285 CR 3602
Clifton TX 76634
Location: WH–2758;WH–27971; WH–27984
Status: Excess
Comments: off-site removal only; 62+ yrs. old; 257.04 sq. ft.; restroom; contact COE for more information.

**Navy**

Naval Air Station Corpus Property Number: 77201440023
Christi
Doct. Storage, Bldg. 145
Corpus Christi TX 78419–5021
Status: Excess
Comments: 30+ yrs. old; 6,000 sq. ft.; storage; poor condition; contact Navy for more information & accessibility.

**Army**

*Building*

Utah

Building 00118 Property Number: 21201310002
1 Tooele Army Depot
Tooele UT 84074
Location: previously reported under HUD property number 21200740163
Status: Underutilized
Comments: off-site removal only; 6,136 sf.; 4 mons. vacant; barracks; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00155 Property Number: 21201310003
1 Tooele Army Depot
Tooele UT 84074
Location: previously reported under HUD property number 21200740165
Status: Underutilized
Comments: off-site removal only; 8,960 sf.; bowling ctr.; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00030 Property Number: 21201310067
Tooele Army Depot
Tooele UT 84074
Status: Underutilized
Comments: off-site removal only; playground; disassembly required; minor restoration needed; restricted area; contact Army for accessibility/removal reqs.

Building 01322 Property Number: 21201330047
1 Tooele Army Depot
Tooele UT 84074
Status: Unutilized
Comments: Off-site removal only; no future agency need; 53 sf.; 26+ months vacant; access control facility; poor conditions; secured area; contact Army for more info. on accessibility removal reqs.

**Army**

*Building*

Virginia

Fort Story Property Number: 21200720065
Ft. Story VA 23459
Status: Unutilized
Comments: 525 sq. ft., most recent use—power plant, off-site use only.

8 Bldgs. Property Number: 21201220004
Ft. Belvoir
Ft. Belvoir VA 22060
Location: 808, 1150, 1197, 2303, 2903, 2905, 2907, 3137
Status: Excess
Comments: off-site removal only; sf. varies; usage varies; good to poor conditions; may require repairs; contact Army for more details on specific properties.

9 Buildings Property Number: 21201240003
Ft. Belvoir
Ft. Belvoir VA 22060
Location: 358, 361, 1140, 1141, 1142, 1143, 1498, 1499, 2302
Status: Unutilized
Comments: off-site removal only; sf. varies; Admin.; fair conditions; located in restricted area; contact Army for info. on accessibility/removal & specific info. on a property.

Building 3327 Property Number: 21201320008
1410 Byrd St.
Ft. Lee VA 23801
Status: Excess
Comments: off-site removal only; 10,800 sf.; repairs needed; contamination; secured area; contact Army for more info.

Building 3325 Property Number: 21201320009
Byrd St. btw. 13th & 16th Sts.
Ft. Lee VA 23801
Status: Excess
Comments: off-site removal only; 5,829 sf.; repairs needed; contamination; secured; contact Army for more info.

Building 3324 Property Number: 21201320010
Byrd St. btw. 13th & 16th Sts.
Ft. Lee VA 23801
Status: Excess
Comments: off-site removal only; 5,092 sf.; repairs needed; secured area; contact Army for more info.

Building 3206 Property Number: 21201320011
Corner of Adams Ave. & 13th St.
Ft. Lee VA 23801
Status: Excess
Comments: off-site removal only; 55,979 sf.; repairs needed; secured area; contamination; contact Army for more info.

Building 3108 Property Number: 21201320012
Corner of Adam & 13th St.
Ft. Lee VA 23801
Status: Excess
Comments: off-site removal only; 51,718 sf.; repairs needed; secured area; contamination; contact Army for more info.

Building 3701 Property Number: 21201320013
16th & Byrd St.
Ft. Lee VA 23801
Status: Excess
Comments: off-site removal only; 40,920 sf.; repairs needed; secured area; contact Army for more info.

4229 Property Number: 21201430004
Fort Lee
Fort Lee VA 23081
Location: 4229
Status: Underutilized
Comments: 97,696 sq. ft.; Army lodging; 41+ months vacant; elevator inoperable; contamination; secured area; contact Army for more information.

510 Property Number: 21201430007
Defense Supply Center
Richmond VA 23237
Location: 510
Status: Excess
Comments: off-site removal only; removal may be difficult due to structure type; Barbeque Pit; 20 sq. ft.; 22+ years old; secured area; contact Army for more information.

**COE**

Buffalo Park Bldg. Property Number: 31201410001
John H. Kerr Lake & Dam
Mecklenburg VA 23917
Status: Unutilized
Comments: 897 sq. ft.; vacant; deteriorated; repairs needed; contact COE for more information.

Comfort Stations, Property ID# Property Number: 31201440010
PHL–17771
1058 Philpot Dam Rd
Bassett VA 24055
Status: Unutilized
Comments: off-site removal only; 189 sq. ft.; difficult to remove due to structure type; no future agency need; contact COE for more information.

**Navy**

Blades Circle Sheds Property Number: 77201420019
JER Little Creek
Wallop Island VA
Status: Unutilized
Comments: off-site removal only; no future agency need; age: 1987–1990; 2,496 total sq. ft.; 24+ months vacant; poor conditions; contact Navy for more information.

Blades Circle Duplex Units Property Number: 77201420020
JER Little Creek
Wallop Island VA
Status: Unutilized
Comments: off-site removal only; no future agency need; age: 1987–1990; 36,202 total sq. ft.; 24+ months vacant; poor conditions; contact Navy for more information.

Blades Circle Housing Units Property Number: 77201420021
JER Little Creek
Wallop Island VA

Status: Unutilized
Comments: off-site removal only; no future agency need age: 1987–1990; 43,591 total sq. ft.; 24+ months vacant; poor conditions; contact Navy for more information.

**Agriculture**

*Building*

Washington

Liberty Airbase Trailer Property Number: 15201410007
(2131.005511) 07672 00
Liberty WA 98922
Status: Unutilized
Comments: 320 sq. ft.; storage; 38+ yrs.-old; damaged due to break-ins; contact Agriculture for more information.

Glacier garage Near Res. #1096 Property Number: 15201410010
(1057.004841) 07661 00
Glacier WA 98244
Status: Unutilized
Comments: 306 sq. ft.; open bldg. w/no roof; deteriorated; contact Agriculture for more information.

Baker River WC 3 Br. Res. Property Number: 15201410013
(1046.004841) 07661 02
Concrete WA 98237
Status: Unutilized
Comments: 1,488 sq. ft.; residence; repairs needed; impacted due to environmental conditions; contact Agriculture for more information.

Fruit Handling Bldg. 1 Property Number: 15201440006
1104 N. Western Ave. Asset ID 535000B001/

RPUID 03.54625
Wenatchee WA 98801
Status: Underutilized
Comments: 47+ yrs. old; 3,200 sq. ft.; storage; fair condition; steel; located on WSU campus; contact Agriculture of more information & accessibility.

Chinook Pass WC 3 Br Res Property Number: 15201440008
1107.00551 0767200
171137 Washington 410
Naches WA 98937
Status: Excess
Comments: 54+ yrs.-old; 1,300 sq. ft.; stick built; residential; 128+ months vacant; roof need repairs; contact Agriculture for more information.

**Army**

7903 Property Number: 21201230023
Plant Rd.
JBLM WA 98433
Status: Unutilized
Comments: 169 sf.; use: access control facility; extensive repairs needed; secured area; contact Army re: accessibility requirements.

E1302 & R7610 Property Number: 21201230028
JBLM
JBLM WA 98433
Status: Unutilized
Comments: 80 sf. (E1302); 503 sf. (R7610); use: varies; major repairs needed; secured area; contact Army re: accessibility requirements.

Bldg. 06239 Property Number: 21201430053
Joint Base Lewis McChord
JBLM WA 90433
Status: Unutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to size/type; poor conditions; contact Army for more info.

23 Buildings Property Number: 21201430054
Joint Base Lewis McChord
JBLM WA 98433
Location: 03223; 03225; 03627; 03628; 03629; 03632; 03638; 03640; 03641; 03643; 03644; 03645; 06991; 09663; 09998; 11680; A0303; C1342; F0017; F0018; J0831; J0833; W3641
Status: Underutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to type/size; poor conditions; secured area; contact for more info.

Building 02080 Property Number: 21201440048
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation may be difficult due to type/size; 2,031 sq. ft.; storage; 1+ month vacant; major repairs needed; contact Army for more information.

2 Buildings Property Number: 21201440057
Joint Base Lewis McChord
JBLM WA 98433
Location: 01036; 01037
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size.

**COE**

Washington

Bonneville Lock and Dam Property Number: 31201420003
Fish View Building
Town of N. Bonneville WA
Location: 3 planters; 2 out of the 3 planters have seating
Status: Underutilized
Comments: off-site removal only; fiber glass planters; no future agency need; contact COE for more information

**Agriculture**

Wisconsin

Deer Farm Main Cabin Property Number: 15201420004
Canthood Lake
Iron River WI
Status: Excess
Comments: off-site removal only; 1,368 sq. ft.; residence; 96+ months vacant; repairs needed; secured area; contact Agriculture for more information.

Deer Farm Guest Cabin Property Number: 15201420005
Canthood Lake
Iron River WI
Status: Unutilized
Comments: off-site removal only; 1,260 sq. ft.; no future agency need; roof leaks extensively; mold; lead-based paint likely; contact Agriculture for more information.

Deer Farm Guest Cabin Property Number: 15201420018
Canthood Lake
Iron River WI
Status: Excess
Comments: off-site removal; removal maybe extremely difficult due to dilapidating conditions; high presence of mold; severe water damage; contact Agriculture for more information.

Luepke Way Garage Property Number: 15201440005
207 Luepke Way
Medford WI 54451
Status: Unutilized
Comments: off-site removal only; no future agency need; 96+ months vacant; 576 sq. ft.; roof & siding in poor conditions; wood structure; contact Agriculture for more information.

**Army**

7 Buildings Property Number: 21201440053
Fort McCoy
Ft. McCoy WI 54656
Location: 00822; 01146; 01350; 02559; 02866; 09020; 09030
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation may be difficult due to size/type; contamination; poor conditions; sq. varies; secured area; contact Army for more info.

**VA**

Building 2 Property Number: 97201420001
Tomah VA Medical
Center
Tomah WI
Status: Unutilized
Comments: 26,756 sq. ft.; two-story plus raised basement; age:81+ years-old; major renovations are needed; new sanitary plumbing system is needed; lead-based paint & asbestos; contact VA for more info.

**Agriculture**

Wyoming

#13545 Property Number: 15201420016
Bow River Work Center Shop/Storage
Elk Mtn. WY
Location: NFSR 261/NFSR 101 JUNCTION
Status: Excess
Comments: 813 sq. ft.; storage; 108+ months vacant; floor stringer rotten; roof covering has been removed; no power; contact Agriculture for more information.

**TITLE V PROPERTIES REPORTED IN YEAR 2014 WHICH ARE SUITABLE AND UNAVAILABLE**

**GSA**

*Land*

Alabama

1.74 acres Property Number: 54201430011
1707 Capshaw Road
Madison AL 35757
Status: Excess
GSA Number: 4–U–AL–0813AA
Reason: Advertised for sale

*Building*

Alaska

FAA Housing Property Number: 54201440002
111 Henrichs Loop Road

Cordova AK 99754
Status: Excess
GSA Number: 9–U–AK–0854
Reason: Expression of Interest Received

**Army**

Arizona

Bldg. 22541 Property Number: 21200520078
Fort Huachuca
Cochise AZ 85613–7010
Status: Excess
Reason: Occupied

Bldg. 22040 Property Number: 21200540076
Fort Huachuca
Cochise AZ 85613
Status: Excess
Reason: Occupied

**GSA**

San Carlos Irrigation Project Property Number: 54201440008
BIA Old Main Office Bldg.
255 W. Roosevelt
Coolidge AZ 85128
Status: Surplus
GSA Number: 9–I–AZ–1706–AA
Reason: holding period expires 02/17/2015

**Army**

California

00806 Property Number: 21201410017
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Status: Unutilized
Reason: Existing Federal Need

Building 573 Property Number: 21201410037
Fort Irwin
Ft. Irwin CA 92310
Status: Unutilized
Reason: Existing Federal need; occupied

**GSA**

*Land*

San Lorenzo Lot Property Number: 54201430014
Between 15770 and 15794 Connolly Avenue
San Lorenzo CA 94580
Status: Excess
GSA Number: 9–W–CA–1703–AA
Reason: Advertised for sale

**Army**

*Building*

Georgia

1096 Property Number: 21201410001
Fort Stewart
Ft. Stewart GA 31314
Status: Excess
Reason: Existing Federal Need; Occupied

3 Buildings Property Number: 21201410002
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Reason: Existing Federal Need; Occupied

1124 Property Number: 21201410010
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Reason: Existing Federal need; occupied

**GSA**

Idaho

Ditchrider House Property Number: 54201420011
3970 1st Lane East
Parma ID 83660
Status: Excess
GSA Number: 9–I–ID–0585
Reason: Advertised for sale

BOR Upper Snake River Property Number: 54201420012
Field Office
1359 Hansen Ave.
Burley ID 83318
Status: Excess
GSA Number: 9–I–ID–0586
Reason: Expression of Interest Received

Illinois

Peoria Radio Repeater Site Property Number: 54201420008
Between Spring Creek and Caterpillar Lane
Peoria IL
Status: Excess
GSA Number: I–D–IL–806
Reason: Expression of interest received

Kansas

Former SS Admin. Building Property Number: 54201420007
801 S. Broadway
Pittsburg KS 66762
Status: Surplus
GSA Number: 7–G–KS–0529
Reason: Expression of interest received

Kentucky

Quicksand Plant Materials Property Number: 54201440005
Center
176 Robinson Road
Quicksand KY 41339
Status: Surplus
GSA Number: 4–A–KY–0630–AA
Reason: conveyance pending 159

**Army**

Louisiana

Bldgs. T406, T407, T411 Property Number: 21200540085
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Reason: Occupied

8 Buildings Property Number: 21201340023
Fort Polk
Fort Polk LA 71459
Status: Underutilized
Reason: Existing Federal need

**Army**

Maryland

Bldg. 294 Property Number: 21200140081
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Reason: Occupied

Bldg. 1007 Property Number: 21200140085
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755
Status: Unutilized
Reason: Occupied

Bldg. 2214 Property Number: 21200230054
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755
Status: Unutilized
Reason: Occupied

Bldg. 8608 Property Number: 21200410099
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied

Bldg. 8612 Property Number: 21200410101
Fort George G. Meade
Ft. Meade MD 20755–5115
Status: Unutilized
Reason: Occupied

Bldg. 0001A Property Number: 21200520114
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldg. 0001C Property Number: 21200520115
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00032, 00H14, 00H24 Property Number: 21200520116
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00034, 00H016 Property Number: 21200520117
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

Bldgs. 00H10, 00H12 Property Number: 21200520118
Federal Support Center
Olney Co: Montgomery MD 20882
Status: Unutilized
Reason: Occupied

**GSA**

Carroll County Memorial USARC Property Number: 54201430003
404 Malcolm Drive
Westminster MD 21157
Status: Excess
GSA Number: 4–DMD–1130AA
Reason: Expression of interest received

Metro West Property Number: 54201440004
300 N. Green St.
Baltimore MD 21201
Status: Excess
GSA Number: 4–G–MD–0624AA
Reason: Expression of interest received

Michigan

Sleeping Bear Dunes National Property Number: 54201430013
Lakeshore-Carmichael House
6234 S. Dune Highway
Empire MI 49630
Status: Excess
GSA Number: 1–I–MI–0702–AB
Reason: Advertised for sale

**Army**

Missouri

Bldg. 1230 Property Number: 21200340087
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 1621 Property Number: 21200340088
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760 Property Number: 21200410102
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5762 Property Number: 21200410103
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5763 Property Number: 21200410104
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5765 Property Number: 21200410105
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: Occupied

Bldg. 5760 Property Number: 21200420059
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5762 Property Number: 21200420060
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5763 Property Number: 21200420061
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 5765 Property Number: 21200420062
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–8944
Status: Unutilized
Reason: In use

Bldg. 00467 Property Number: 21200530085
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743
Status: Unutilized
Reason: Occupied

**GSA**

*Land*

Former Nike Battery Site Property Number: 54201430002
Kansas City 30
15616 S KK Highway
Pleasant Hill MO 64080
Status: Surplus
GSA Number: 7–D–MO–0522
Reason: Advertised for Sale

*Building*

Montana

Huntley Townsite Tract 127 Property Number: 54201410006
Near Hwy 522
Huntley MT 59037
Status: Surplus
GSA Number: 7–I–MT–0633–AB
Reason: Expression of Interest Received 168

**Army**

Nevada

4 Buildings Property Number: 21201340020
Hawthorne Army Depot
Hawthorne NV 89415
Status: Underutilized
Reason: Existing Federal need

6 Buildings Property Number: 21201340021
Hawthorne Army Depot
Hawthorne NV 89415
Status: Unutilized
Reason: Existing Federal need

**GSA**

*Land*

Ditchrider Sorensen Road Property Number: 54201440006
2105 Sorensen Road
Fallon NV 89406
Status: Surplus
GSA Number: 9–I–NV–0572–AB
Reason: Holding period expires 02/17/2015

Ditchrider South East Street Property Number: 54201440007
207 South East St.
Fallon NV 89406
Status: Surplus
GSA Number: 9–I–NV–0572–AA
Reason: Holding period expires 02/17/2015

**GSA**

*Building*

New Mexico

Former Lordsburg Border Patrol Property Number: 54201430008
Station
441 Duncan Highway
Lordsburg NM 88045
Status: Surplus
GSA Number: 7–X–NM–0608
Reason: Advertised for sale

New York

A Scotia Depot Property Number: 54201420003
One Amsterdam Road
Scotia NY 12302
Status: Surplus
GSA Number: 54201420003
Reason: Expression of Interest Received

North Carolina

Greenville Site A Transmitting Property Number: 54201410008
Station
1000 Cherry run Rd.
Greenville NC 27834
Status: Excess
GSA Number: 4–Z–NC–0753
Reason: Conveyance pending

**Navy**

*Land*

Marine Corps Base, Camp Property Number: 77201440009
Lejeune, NC
Intersection of NC HWY 24 & Montford Point Rd
Camp Lejeune NC
Status: Underutilized
Reason: Existing Federal need

Marine Corps Installations E.—Property Number: 77201440022
Marine Corps Base Camp Lejeune
Hwy 24, Montford Point Landing Rd. & Hwy 17
Jacksonville NC
Status: Underutilized
Reason: Existing Federal need

**GSA**

*Building*

Ohio

N. Appalachian Experimental Property Number: 54201420006
Watershed Research Ctr.
28850 State Rte. 621
Coshocton OH 43824
Status: Excess
GSA Number: 1–A–OH–849
Reason: Expression of Interest

Glenn Research Center- Property Number: 54201440014
Plumbrook Station: Big Island Plumbing Station; 6100 Columbus Ave.
Sandusky OH 44870
Status: Excess
GSA Number: 1–Z–OH–0598–3–AC
Reason: Holding period expires 02/22/2015

*Land*

Glenn Research Center- Property Number: 54201440012
Plumbrook Station: Parcel #63
6100 Columbus Ave.
Sandusky OH 44870
Status: Excess
GSA Number: 1–Z–OH–0598–5–AE
Reason: Holding period expires 02/22/2015

**Air Force**

*Building*

Oklahoma

24 Buildings Property Number: 18201310040
Tinker AFB
Tinker AFB OK 73145
Status: Excess
Reason: Federal need

Building 4008 Property Number: 18201320085
6285 Hilltop Rd.
Tinker AFB OK 73145
Status: Excess
Reason: Existing Federal need

**GSA**

Clarmore Federal Office Property Number: 54201440001
Building
118 South Missouri Avenue
Claremore OK 74017
Status: Surplus
GSA Number: 7–I–OK–0568–AB

Reason: Expression of Interest Received

*Land*

South Carolina

Marine Corps Reserve Training Property Number: 54201410009
Center
2517 Vector Ave.
Goose Creek SC 29406
Status: Excess
GSA Number: 4–N–SC–0630–AA
Reason: Conveyance pending

Former FAA Outer Marker Property Number: 54201410011
Facility—Greer
Brookfield Parkway
Greer SC 29651
Status: Excess
GSA Number: 1–U–SC–0631
Reason: Listed elsewhere in canvass on 11/21/14 listing

Tennessee

Former FAA Outer Marker Property Number: 54201410012
Facility—Nashville
W End of Kinhawk Drive
Nashville TN 37211
Status: Excess
GSA Number: 1–U–TN–0672

**Army**

*Building*

Texas

Bldgs. 4219, 4227 Property Number: 21200220139
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldgs. 4229, 4230, 4231 Property Number: 21200220140
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldgs. 4244, 4246 Property Number: 21200220141
Fort Hood
Ft. Hood Co: Bell TX 76544
Status: Unutilized
Reason: Admin use

Bldg. 04335 Property Number: 21200440090
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04468 Property Number: 21200440096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 07002 Property Number: 21200440100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 57001 Property Number: 21200440105
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldgs. 125, 126 Property Number: 21200620075
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 02240 Property Number: 21200620078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04164 Property Number: 21200620079
Fort Hood
Bell TX 76544
Status: Excess

Bldgs. 04218, 04228 Property Number: 21200620080
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04272 Property Number: 21200620081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Not occupied

Bldg. 04415 Property Number: 21200620083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04493 Property Number: 21200620091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04494 Property Number: 21200620092
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04632 Property Number: 21200620093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04640 Property Number: 21200620094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 04645 Property Number: 21200620095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 20121 Property Number: 21200620097
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 91052 Property Number: 21200620101
Fort Hood
Bell TX 76544
Status: Excess
Reason: Occupied

Bldg. 1345 Property Number: 21200740070
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 1348, 1941 Property Number: 21200740071
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1943 Property Number: 21200740073
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 1946 Property Number: 21200740074
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4207 Property Number: 21200740076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4208 Property Number: 21200740077
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 4210, 4211, 4216 Property Number: 21200740078
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4219A Property Number: 21200740079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04252 Property Number: 21200740081
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04480 Property Number: 21200740083
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04485 Property Number: 21200740084
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04489 Property Number: 21200740086
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Utilized

Bldgs. 4491, 4492 Property Number: 21200740087
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04914, 04915, 04916 Property Number: 21200740089
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20102 Property Number: 21200740091
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 20118 Property Number: 21200740092
Fort Hood
Bell TX 76544

Status: Excess
Reason: Utilized

Bldg. 29027 Property Number: 21200740093
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56017 Property Number: 21200740094
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56202 Property Number: 21200740095
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56224 Property Number: 21200740096
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56329 Property Number: 21200740100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92043 Property Number: 21200740102
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92072 Property Number: 21200740103
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92083 Property Number: 21200740104
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldgs. 04213, 04227 Property Number: 21200740189
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg.4404 Property Number: 21200740190
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 56607 Property Number: 21200740191
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 91041 Property Number: 21200740192
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

5 Bldgs. Property Number: 21200740193
Fort Hood
93010, 93011, 93012, 93014
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 94031 Property Number: 21200740194
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Building 6924 Property Number: 21201240012
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Reason: Occupied

8 Buildings Property Number: 21201410020
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Existing Federal Need; Occupied

9 Buildings Property Number: 21201410021
Fort Hood
Fort Hood TX 96544
Status: Excess
Reason: Existing Federal need; occupied

8 Buildings Property Number: 21201410023
Fort Hood
Fort Hood TX 76544
Status: Excess
Reason: Existing Federal need; occupied

8 Buildings Property Number: 21201410028
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Existing federal need; occupied

2 Buildings; Natural Resource Property Number: 54201430007
Conservation Service Waco Facility
200 South Price Street
Waco TX 76501
Status: Surplus
GSA Number: 7–A–TX–0556
Reason: Advertised for sale

FT Hancock Border Patrol Stati Property Number: 54201430010
235 Knox Avenue
Ft. Hancock TX 79839
Status: Surplus
GSA Number: 7–X–TX–1157–AA
Reason: Expression of Interest

Ft Hancock Border Patrol Property Number: 54201430012
Station
250 Kbix Avenue
Ft Hancock TX 79839
Status: Surplus
GSA Number: 7–X–TX–1157–AB
Reason: Expression of Interest

**Army**

Virginia

Bldg. T2827 Property Number: 21200320172
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied

Bldg. T2841 Property Number: 21200320173
Fort Pickett
Blackstone Co: Nottoway VA 23824
Status: Unutilized
Reason: Occupied

Bldg. 01014 Property Number: 21200720067
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01063 Property Number: 21200720072
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 00215 Property Number: 21200720073
Fort Eustis
Ft. Eustis VA 23604
Status: Unutilized
Reason: Occupied

**GSA**

Johnson House and Shed Property Number: 54201430005
12503 Cavalry Court
Spotsylvania VA 22553
Status: Excess
GSA Number: 4–I–VA–1145AA
Reason: Expression of interest received

**Army**

Washington

03215 Property Number: 21201410008
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Reason: Existing federal Need; Occupied

7 Buildings Property Number: 21201410016
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Reason: Existing Federal Need; occupied

03221 Property Number: 21201410039
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Reason: Existing Federal Need

**GSA**

Old Colville Border Patrol Property Number: 54201420009
209 E. Juniper Ave.
Colville WA 99114
Status: Excess
GSA Number: 9–Z–WA–1272
Reason: Expression of interested received

Old Oroville Border Patrol Property Number: 54201420010
Station
1105 Main St.
Oroville WA 98844
Status: Excess
GSA Number: 9–Z–WA–1272–AB
Reason: Expression of Interest

West Virginia

Naval Information Operations Property Number: 54201430015
Center
133 Hedrick Drive
Sugar Grove WV 26815
Status: Excess
GSA Number: 4–N–WV–0560
Reason: Expression of Interest

Wisconsin

St. Croix National Scenic Property Number: 54201430001
River way Residential Structures
401 N. Hamilton St.
St. Croix Falls WI 54204
Status: Excess
GSA Number: 1–I–WI–541B
Reason: Conveyance Pending

[FR Doc. 2015–02688 Filed 2–12–15; 8:45 am]

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# FEDERAL REGISTER

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Part III

## Department of Commerce

National Oceanic and Atmospheric Administration
50 CFR Part 219
Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research; Proposed Rule

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 219**

**[Docket No. 121102600–5093–01]**

**RIN 0648–BB87**

## Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research

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

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

**SUMMARY:** NMFS' Office of Protected Resources has received a request from NMFS' Southwest Fisheries Science Center (SWFSC) for authorization to take marine mammals incidental to fisheries research conducted in multiple specified geographical regions, over the course of five years from the date of issuance. As required by the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take, specific to each geographical region, and requests comments on the proposed regulations.

**DATES:** Comments and information must be received no later than March 16, 2015.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2015–0026, by any of the following methods:

- *Electronic submission:* Submit all electronic public comments via the federal e-Rulemaking Portal. Go to *www.regulations.gov,* enter 0648–BB87 in the ''Search'' box, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910.

*Instructions:* NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. To help NMFS process and review comments more efficiently, please use only one method to submit comments. All comments received are a part of the public record and will generally be posted on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:**

### Availability

A copy of SWFSC's application and any supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the Internet at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.* In case of problems accessing these documents, please call the contact listed above (see **FOR FURTHER INFORMATION CONTACT**).

### Executive Summary

These proposed regulations, under the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), establish frameworks for authorizing the take of marine mammals incidental to the SWFSC's fisheries research activities in three separate specified geographical regions (*i.e.,* the California Current Ecosystem, the Eastern Tropical Pacific, and the Antarctic Marine Living Resources Ecosystem).

The SWFSC collects a wide array of information necessary to evaluate the status of exploited fishery resources and the marine environment. SWFSC scientists conduct fishery-independent research onboard NOAA-owned and operated vessels or on chartered vessels. A few surveys are conducted onboard commercial fishing vessels, but the SWFSC designs and executes the studies and funds vessel time.

*Purpose and Need for This Regulatory Action*

We received an application from the SWFSC requesting five-year regulations and authorization to take multiple species of marine mammals. Take would occur by Level B harassment incidental to the use of active acoustic devices in each of the three specified geographical regions, as well as by visual disturbance of pinnipeds in the Antarctic only, and by Level A harassment, serious injury, or mortality incidental to the use of fisheries research gear in the California Current and Eastern Tropical Pacific only. For each specified geographical region, the regulations would be valid from 2015 to 2019. Please see ''Background'' below for definitions of harassment.

Section 101(a)(5)(A) of the MMPA directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after notice and public comment, the agency makes certain findings and issues regulations. These proposed regulations would contain mitigation, monitoring, and reporting requirements.

*Legal Authority for the Regulatory Action*

Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I provide the legal basis for issuing the five-year regulations and any subsequent Letters of Authorization.

*Summary of Major Provisions Within the Proposed Regulations*

The following provides a summary of some of the major provisions within these proposed rulemakings for the SWFSC fisheries research activities in the three specified geographical regions. We have preliminarily determined that the SWFSC's adherence to the proposed mitigation, monitoring, and reporting measures listed below would achieve the least practicable adverse impact on the affected marine mammals. They include:

- Required monitoring of the sampling areas to detect the presence of marine mammals before deployment of pelagic trawl nets or pelagic longline gear.
- Required use of marine mammal excluder devices on one type of pelagic trawl net and required use of acoustic deterrent devices on all pelagic trawl nets.
- Required implementation of the mitigation strategy known as the ''move-on rule,'' which incorporates best professional judgment, when necessary during pelagic trawl and pelagic longline operations.

### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings

are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

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

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

**Summary of Request**

On April 25, 2013, we received an adequate and complete request from SWFSC for authorization to take marine mammals incidental to fisheries research activities. We received an initial draft of the request on February 11, 2012, followed by revised drafts on June 29 and December 21, 2012. On May 2, 2013 (78 FR 25703), we published a notice of receipt of SWFSC's application in the **Federal Register**, requesting comments and information related to the SWFSC request for thirty days. We received comments from the Marine Mammal Commission, which we considered in development of this proposed rule and which are available on the Internet at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.*

SWFSC proposes to conduct fisheries research using pelagic trawl gear used at various levels in the water column, pelagic longlines with multiple hooks, bottom-contact trawls, and other gear. If a marine mammal interacts with gear deployed by SWFSC, the outcome could potentially be Level A harassment, serious injury (*i.e.,* any injury that will likely result in mortality), or mortality. However, there is not sufficient information upon which to base a prediction of what the outcome may be for any particular interaction. Therefore, SWFSC has pooled the estimated number of incidents of take resulting from gear interactions, and we have assessed the potential impacts accordingly. SWFSC also uses various active acoustic devices in the conduct of fisheries research, and use of these devices has the potential to result in Level B harassment of marine mammals. Level B harassment of pinnipeds hauled out on ice may also occur, in the Antarctic only, as a result of visual disturbance from vessels conducting SWFSC research. The proposed regulations would be valid for five years from the date of issuance.

The SWFSC conducts fisheries research surveys in the California Current Ecosystem (CCE), the Eastern Tropical Pacific (ETP), and the Antarctic Marine Living Resources Ecosystem (AMLR). As required by the MMPA, SWFSC's request is considered separately for each specified geographical region. In the CCE, SWFSC requests authorization to take individuals of seventeen species by Level A harassment, serious injury, or mortality (hereafter referred to as M/SI + Level A) and of 34 species by Level B harassment. In the ETP, SWFSC requests authorization to take individuals of eleven species by M/SI + Level A and of 31 species by Level B harassment. In the AMLR, SWFSC requests authorization to take individuals of seventeen species by Level B harassment. No takes by M/SI + Level A are anticipated in the AMLR.

**Contents**

(1) Description of the Specified Activity
(a) Overview
(b) Dates and Duration
(c) Specified Geographical Regions
(i) California Current Ecosystem
(ii) Eastern Tropical Pacific
(iii) Antarctic Marine Living Resources Ecosystem
(d) Detailed Description of Activities
(i) Trawl Nets
(ii) Conductivity, Temperature, and Depth Profilers (CTD)
(iii) Expendable Bathythermographs (XBT)
(iv) Other Nets
(v) Longline
(vi) Continuous, Underway Fish Egg Sampler (CUFES)
(vii) Remotely Operated Vehicles (ROV)
(viii) California Current Ecosystem
(ix) Eastern Tropical Pacific
(x) Antarctic Marine Living Resources Ecosystem
(xi) Description of Active Acoustic Sound Sources
(2) Proposed Mitigation
(a) Development of Mitigation Measures
(b) General Measures
(i) Coordination and Communication
(ii) Vessel Speed
(iii) Other Gears
(iv) Handling Procedures
(c) Trawl Survey Visual Monitoring and Operational Protocols
(i) Marine Mammal Excluder Devices
(ii) Acoustic Deterrent Devices
(iii) AMLR Bottom Trawl Surveys
(d) Longline Survey Visual Monitoring and Operational Protocols
(3) Description of Marine Mammals in the Area of the Specified Activity
(a) California Current Ecosystem
(i) Take Reduction Planning
(ii) Unusual Mortality Events (UME)
(b) Eastern Tropical Pacific
(c) Antarctic Marine Living Resources Ecosystem
(4) Potential Effects of the Specified Activity on Marine Mammals and Their Habitat
(a) Ship Strike
(b) Research Gear
(i) Trawl Nets
(ii) Longlines
(iii) Other Research Gear
(c) Acoustic Effects
(i) Marine Mammal Hearing
(ii) Potential Effects of Underwater Sound
1. Temporary Threshold Shift
2. Behavioral Effects
3. Stress Responses
4. Auditory Masking
(iii) Potential Effects of SWFSC Activity
(d) Potential Effects of Visual Disturbance
(e) Anticipated Effects on Marine Mammal Habitat
(i) Effects to Prey
(ii) Acoustic Habitat
(5) Estimated Take by Incidental Harassment, Serious Injury, or Mortality
(a) Estimated Take Due to Gear Interaction
(b) Historical Interactions
(c) California Current Ecosystem
(i) Midwater Trawl
(ii) Pelagic Longline
(d) Eastern Tropical Pacific
(e) Antarctic Marine Living Resources Ecosystem
(f) Estimated Take Due to Acoustic Harassment
(i) Sound Source Characteristics
(ii) Calculating Effective Line-Kilometers
(iii) Calculating Volume of Water Ensonified
(iv) Marine Mammal Densities
(v) Using Area of Ensonification and Volumetric Density To Estimate Exposures
(vi) California Current Ecosystem
(vii) Eastern Tropical Pacific
(viii) Antarctic Marine Living Resources Ecosystem
(g) Estimated Take Due to Physical Disturbance, Antarctic
(h) Summary of Estimated Incidental Take
(6) Analyses and Preliminary Determinations
(a) Negligible Impact Analyses
(i) California Current Ecosystem
(ii) Eastern Tropical Pacific
(iii) Antarctic Marine Living Resources Ecosystem
(b) Small Numbers Analyses
(i) California Current Ecosystem
(ii) Eastern Tropical Pacific

(iii) Antarctic Marine Living Resources Ecosystem
(7) Proposed Monitoring and Reporting
(a) Visual Monitoring
(b) Acoustic Monitoring
(c) Marine Mammal Excluder Device
(d) Analysis of Bycatch Patterns
(e) Training
(f) Handling Procedures and Data Collection
(g) Reporting
(8) Adaptive Management
(9) Impact on Availability of Affected Species for Taking for Subsistence Uses
(10) Endangered Species Act (ESA)
(11) National Environmental Policy Act (NEPA)
(12) Classification

**Description of the Specified Activity**

*Overview*

The SWFSC collects a wide array of information necessary to evaluate the status of exploited fishery resources and the marine environment. SWFSC scientists conduct fishery-independent research onboard NOAA-owned and operated vessels or on chartered vessels. A few surveys are conducted onboard commercial fishing vessels, but the SWFSC designs and executes the studies and funds vessel time. The SWFSC proposes to administer and conduct approximately fourteen survey programs over the five-year period. The gear types used fall into several categories: Pelagic trawl gear used at various levels in the water column, pelagic longlines, bottom-contact trawls, and other gear. Only use of pelagic trawl and pelagic longline gears are likely to result in interaction with marine mammals. The majority of these surveys also use active acoustic devices.

The federal government has a responsibility to conserve and protect living marine resources in U.S. waters and has also entered into a number of international agreements and treaties related to the management of living marine resources in international waters outside the United States. NOAA has the primary responsibility for managing marine fin and shellfish species and their habitats, with that responsibility delegated within NOAA to NMFS.

In order to direct and coordinate the collection of scientific information needed to make informed fishery management decisions, Congress created six Regional Fisheries Science Centers, each a distinct organizational entity and the scientific focal point within NMFS for region-based federal fisheries-related research. This research is aimed at monitoring fish stock recruitment, abundance, survival and biological rates, geographic distribution of species and stocks, ecosystem process changes, and marine ecological research. The SWFSC is the research arm of NMFS in the southwest region of the U.S. The SWFSC conducts research and provides scientific advice to manage fisheries and conserve protected species in the three geographic research areas described below and provides scientific information to support the Pacific Fishery Management Council and numerous other domestic and international fisheries management organizations.

*Dates and Duration*

The specified activity may occur at any time during the five-year period of validity of the proposed regulations. Dates and duration of individual surveys are inherently uncertain, based on congressional funding levels for the SWFSC, weather conditions, or ship contingencies. In addition, the cooperative research program is designed to provide flexibility on a yearly basis in order to address issues as they arise. Some cooperative research projects last multiple years or may continue with modifications. Other projects only last one year and are not continued. Most cooperative research projects go through an annual competitive selection process to determine which projects should be funded based on proposals developed by many independent researchers and fishing industry participants. SWFSC survey activity does occur during most months of the year; however, trawl surveys occur during May through June and September and longline surveys are completed during June-July and September.

*Specified Geographical Regions*

Please see Figure 1 for a map of the three research areas described below. In addition to general knowledge and other citations contained herein, this section relies upon the descriptions found in Sherman and Hempel (2009) and Wilkinson *et al.* (2009). As referred to here, productivity refers to fixated carbon (*i.e.,* g C/$m^2$/yr) and can be related to the carrying capacity of an ecosystem.

*California Current Ecosystem*—The SWFSC conducts research surveys off the Pacific coast within the California Current Research Area (CCRA). This area extends outside of both the California Current Large Marine Ecosystem (LME) and the U.S. Exclusive Economic Zone (EEZ), from the Mexican Baja Peninsula north to waters off of Washington (see Figure 2.1 of SWFSC's application). This region is considered to be of moderately high productivity. Sea surface temperature (SST) is fairly consistent, ranging from 9–14 °C in winter and 13–15 °C in summer. Major biogeographic breaks are found at Point Conception and Cape Mendocino, and the region includes major estuaries such as San Francisco Bay, the Columbia River, and Puget Sound. The shelf is generally narrow in this region, and shelf-break topography (*e.g.,* underwater canyons) creates localized upwelling conditions that concentrate nutrients into areas of high topographic relief.

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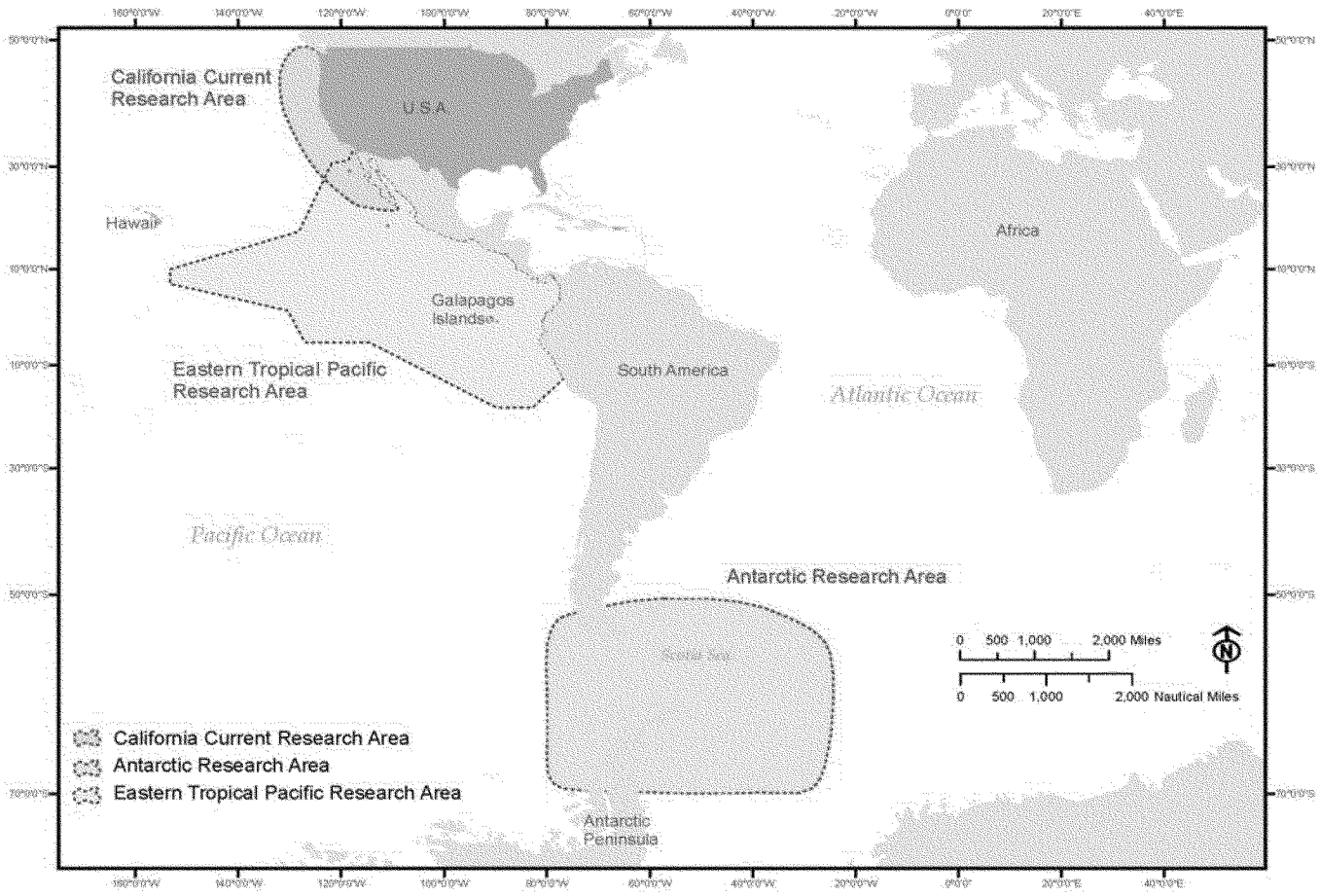
Figure 1. Southwest Fisheries Science Center research areas




The California Current determines the general hydrography off the coast of California. The current is part of the North Pacific Gyre, related to the anticyclonic circulation of the central North Pacific, and brings cool waters southward. In general, an area of divergence parallels the coast of California, with a zone of convergence 200–300 km from the coastline. The current moves south along the western coast of North America, beginning off southern British Columbia and flowing southward past Washington, Oregon and California, before ending off southern Baja California (Bograd *et al.,* 2010). Extensive seasonal upwelling of colder, nutrient-rich subsurface waters is predominant in the area south of Cape Mendocino, and supports large populations of whales, seabirds and important fisheries. Significant interannual variation in productivity results from the effects of this coastal upwelling as well as from the El Niño-Southern Oscillation and the Pacific Decadal Oscillation. Both oscillations involve transitions from cooler, more productive conditions to warmer, less productive conditions, but over different timescales.

On the shoreward side of the California Current, the California Current Front separates cold, low-salinity upwelled waters from the warmer, saltier waters close to shore. Offshore frontal filaments transport the frontal water across the entire ecosystem. In winter, the wind-driven Davidson Current is the dominant nearshore system, and its associated front forms along the boundary between inshore subtropical waters and colder offshore temperate and subarctic waters. Surface flow of the California Current appears to be diverted offshore at Point Conception and again at Punta Eugenia, while semi-permanent eddies exist south of these headlands.

*Eastern Tropical Pacific*—The SWFSC conducts a separate suite of research surveys within the Eastern Tropical Pacific Research Area (ETPRA), a portion of the Pacific Ocean extending from San Diego west to Hawaii and south to Peru (see Figure 2.2 of SWFSC's application). There is some overlap between the ETPRA and CCRA in nearshore and offshore waters of Baja California. The SWFSC's ETPRA spans the boundaries of several LMEs, from the California Current LME in the north to the Humboldt Current LME in the south, and also includes a large amount of offshore waters outside of coastal LME boundaries. The eastern, coastal boundaries of the ETP to the north and south are regions of mixing, characterized by relatively high species diversity and biogeographic transition zones for fish and invertebrates. These areas transition through the furthest extent of influence of south- and north-flowing cool currents into year-round tropical seas.

Located generally within the Pacific Trade Wind Biome, between the subtropical gyres of the North and South Pacific, the ETP contains some of the most productive tropical ocean waters in the world. Cool, low-salinity eastern

boundary current waters flow into the ETP from the north and south via the California Current and Peru Current, respectively, while warm, high-salinity subtropical surface waters flow into the ETP after being subducted into the thermocline primarily in the southern Subtropical Convergence. As a result of upwelling, the surface layer has relatively cool temperatures, high salinity, and high nutrient concentrations along the equator, coastal Peru and Baja California, and at the Costa Rica Dome. Nutrient-rich thermocline waters lie close to the surface along the countercurrent thermocline ridge between the North Equatorial Countercurrent and the North Equatorial Current. Deep and bottom waters formed in the Antarctic and North Atlantic are relatively homogeneous in the ETP (Fiedler and Lavin, 2006).

This region is considered to be of moderate to high productivity in coastal regions, as a result of equatorial upwelling, open ocean and coastal upwellings, and nutrient inputs from river runoff in more tropical areas, while the open ocean portions of the ETP are considered to be of low productivity (Longhurst *et al.,* 1995). SST varies considerably, reflecting the region's range across subtropical to tropical waters. Mean SST ranges around 15–18 °C during winter and 19–22 °C during summer at higher latitudes to 26–28 °C and 29.5 °C, respectively, at lower latitudes.

*Antarctic Marine Living Resources Ecosystem*—The AMLR region includes the waters encircling Antarctica and coincides with the Antarctic LME, which is defined by the Antarctic Convergence (or Polar Front). The convergence, which separates colder Antarctic surface waters from the warmer sub-Antarctic waters to the north, fluctuates seasonally between 48–60 °C. The SWFSC's Antarctic Research Area in particular is located generally within the Scotia Sea between South America and the Antarctic Peninsula and encompassing survey areas in the South Shetland Islands and South Orkney Islands (see Figure 2.3 of SWFSC's application). Research is generally conducted in the extended area around the South Shetland and South Orkney archipelagos in the Scotia Sea, the eastern section of the Bellingshausen Sea (on the western side of the Antarctic Peninsula), and the northwestern section of the Weddell Sea.

Cold waters flowing north from Antarctica mix with warm sub-Antarctic waters in the Antarctic Ocean. The Antarctic Circumpolar Current moves eastward around Antarctica, providing a partial return of water to northern ocean basins. There are only limited areas of shallow waters in the Southern Ocean, where the average depth is between 4,000 and 5,000 m over most of its extent, although the southern Weddell Sea is one of the largest shelf areas around the Antarctic continent.

Antarctic waters are considered of moderate productivity. Seasonal production is linked with extreme weather conditions and limited light penetration of winter ice and is strongly influenced by ice formation in the fall and melting in the spring and summer. Antarctic krill is the keystone species of the Antarctic ecosystem, providing an important food source for marine mammals, seabirds, and fishes. Mean SST is approximately −1 °C (Locarnini *et al.,* 2006).

*Detailed Description of Activities*

The federal government has a trust responsibility to protect living marine resources in waters of the United States. These waters extend to 200 nm from the shoreline and include the EEZ. The U.S. government has also entered into a number of international agreements and treaties related to the management of living marine resources in international waters outside of the U.S. EEZ (*i.e.,* the high seas). To carry out its responsibilities over U.S. and international waters, Congress has enacted several statutes authorizing certain federal agencies to administer programs to manage and protect living marine resources. Among these federal agencies, NOAA has the primary responsibility for protecting marine finfish and shellfish species and their habitats. Within NOAA, NMFS has been delegated primary responsibility for the science-based management, conservation, and protection of living marine resources under statutes including the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Tuna Conventions Act, the Endangered Species Act, the International Dolphin Conservation Program Act, and the Antarctic Marine Living Resources Convention Act.

Within NMFS, six Regional Fisheries Science Centers direct and coordinate the collection of scientific information needed to inform fisheries management decisions. Each Fisheries Science Center is a distinct entity and is the scientific focal point for a particular region. SWFSC conducts research and provides scientific advice to manage fisheries and conserve protected species along the U.S. west coast, throughout the eastern tropical Pacific Ocean, and in the Southern Ocean off Antarctica. SWFSC provides scientific information to support the Pacific Fishery Management Council and other domestic and international fisheries management organizations.

The SWFSC collects a wide array of information necessary to evaluate the status of exploited fishery resources and the marine environment. SWFSC scientists conduct fishery-independent research onboard NOAA-owned and operated vessels or on chartered vessels. A few surveys are conducted onboard commercial fishing vessels, but the SWFSC designs and executes the studies and funds vessel time. The SWFSC proposes to administer and conduct approximately fourteen survey programs over the five-year period.

The gear types used fall into several categories: Pelagic trawl gear used at various levels in the water column, pelagic longlines with multiple hooks, bottom-contact trawls, and other gear. Only pelagic trawl and pelagic longline gears are likely to interact with marine mammals. The majority of these surveys also use active acoustic devices. These surveys may be conducted aboard NOAA-operated research vessels (R/V), including the *McArthur II, Bell M. Shimada, Miller Freeman,* and *Reuben Lasker,* aboard vessels owned and operated by cooperating agencies and institutions, or aboard charter vessels.

In the following discussion, we first summarily describe various gear types used by SWFSC and then describe specific fisheries and ecosystem research activities conducted by the SWFSC, separated by specified geographical region. This is not an exhaustive list of gear and/or devices that may be utilized by SWFSC but is representative of gear categories and is complete with regard to all gears with potential for interaction with marine mammals. Additionally, relevant active acoustic devices, which are commonly used in SWFSC survey activities, are described separately in a subsequent section.

*Trawl nets*—A trawl is a funnel-shaped net towed behind a boat to capture fish. The codend (or bag) is the fine-meshed portion of the net most distant from the towing vessel where fish and other organisms larger than the mesh size are retained. In contrast to commercial fishery operations, which generally use larger mesh to capture marketable fish, research trawls often use smaller mesh to enable estimates of the size and age distributions of fish in a particular area. The body of a trawl net is generally constructed of relatively coarse mesh that functions to gather schooling fish so that they can be collected in the codend. The opening of

the net, called the mouth, is extended horizontally by large panels of wide mesh called wings. The mouth of the net is held open by hydrodynamic force exerted on the trawl doors attached to the wings of the net. As the net is towed through the water, the force of the water spreads the trawl doors horizontally apart. The top of a net is called the headrope, and the bottom is called the footrope.

The trawl net is usually deployed over the stern of the vessel and attached with two cables (or warps) to winches on the deck of the vessel. The cables are played out until the net reaches the fishing depth. Commercial trawl vessels travel at speeds of 2–5 kn while towing the net for time periods up to several hours. The duration of the tow depends on the purpose of the trawl, the catch rate, and the target species. At the end of the tow the net is retrieved and the contents of the codend are emptied onto the deck. For research purposes, the speed and duration of the tow and the characteristics of the net must be standardized to allow meaningful comparisons of data collected at different times and locations. Active acoustic devices (described later) incorporated into the research vessel and the trawl gear monitor the position and status of the net, speed of the tow, and other variables important to the research design. Most SWFSC research trawling activities utilize pelagic (or midwater) trawls, which are designed to operate at various depths within the water column but not to contact the seafloor.

1. NETS Nordic 264—Several SWFSC research programs utilize a Nordic 264 two-warp rope trawl, manufactured by Net Systems, Inc. (Bainbridge Island, WA). The forward portion of this large two-warp rope trawl is constructed of a series of ropes that function to gather fish into the body of the net. The effective mouth opening of the Nordic 264 is approximately 380 $m^2$, spread by a pair of 3-m Lite trawl doors (Churnside *et al.,* 2009). For surface trawls, used to capture fish at or near the surface of the water, clusters of polyfoam buoys are attached to each wing tip of the headrope and additional polyfoam floats are clipped onto the center of the headrope. Mesh sizes range from approximately 163 cm in the throat of the trawl to 9 cm in the codend (Churnside *et al.* 2009). For certain research activities, a liner may be sewn into the codend to minimize the loss of small fish.

2. Modified-Cobb—A modified-Cobb midwater trawl net has a headrope length of approximately 26 m, a mouth of 80 $m^2$ and uses a 0.95-cm codend liner to catch juvenile fish. The net is towed for periods of approximately fifteen minutes at depth at a speed of approximately 2–2.5 kn. The target headrope depth is 30 m for the vast majority of stations but is 10 m for some of the more nearshore (shallow) stations. There are historical and infrequently occupied depth-stratified stations that are also sampled to 100 m depth. The fishing depth is monitored using an electronic net monitoring system and is adjusted by varying the length of trawl line connecting the net to the boat.

3. NETS Hard-Bottom Snapper Trawl—The lower edge of this bottom trawl net is normally protected by a thick footrope ballasted with heavy rubber discs or bobbins, often called roller gear or tire gear. Flotation devices attached to the headrope hold the net open vertically as it is towed through the water. Bottom trawl nets used for commercial purposes can be up to 100 m wide. This net has a headrope length of 28 m and a footrope length of approximately 39 m (Stauffer, 2004). Please see Figure A–2 of SWFSC's EA for a schematic diagram of the net.

*Conductivity, temperature, and depth profilers (CTD)*—A CTD profiler is the primary research tool for determining chemical and physical properties of seawater (see Figure A–12 of SWFSC's EA for a photograph). A shipboard CTD is made up of a set of small probes attached to a large (1–2 m diameter) metal rosette wheel. The rosette is lowered through the water column on a cable, and CTD data are observed in real time via a conducting cable connecting the CTD to a computer on the ship. The rosette also holds a series of sampling bottles that can be triggered to close at different depths in order to collect a suite of water samples that can be used to determine additional properties of the water over the depth of the CTD cast. A standard CTD cast, depending on water depth, requires two to five hours to complete. The data from a suite of samples collected at different depths are often called a depth profile and are plotted with the value of the variable of interest on the x-axis and the water depth on the y-axis. Depth profiles for different variables can be compared in order to glean information about physical, chemical, and biological processes occurring in the water column.

Conductivity is measured as a proxy for salinity, which is expressed in practical salinity units representing the sum of the concentrations of several different ions. Temperature is generally measured using a high-sensitivity thermistor protected inside a thin-walled stainless steel tube. The resistance across the thermistor is measured as the CTD profiler is lowered through the water column to give a continuous profile of the water temperature at all water depths. The depth of the CTD sensor array is continuously monitored using an electronic pressure sensor. Salinity, temperature, and depth data measured by the CTD instrument are essential for characterization of seawater properties.

*Expendable bathythermographs (XBT)*—SWFSC also uses Lockheed Martin Sippican's XBT to provide ocean temperature versus depth profiles. A standard XBT system consists of an expendable probe, a data processing/recording system, and a launcher. An electrical connection between the probe and the processor/recorder is made when the canister containing the probe is placed within the launcher and the launcher breech door is closed. Following launch, wire de-reels from the probe as it descends vertically through the water. Simultaneously, wire de-reels from a spool within the probe canister, compensating for any movement of the ship and allowing the probe to freefall from the sea surface unaffected by ship motion or sea state.

The XBT probes consist of a metal weight surrounding a temperature probe, attached to a copper wire that conducts the signal to the vessel. The copper wire is protected within a plastic housing (see Figure A–13 of SWFSC's EA for a photograph). Probes are generally launched from the leeward side of the vessel and as far aft as possible. Launching from these locations helps obtain high reliability and minimizes the chances that the fine copper probe wire will come in contact with the ship's hull which may cause spikes in the data or a catastrophic wire break. A portable shipboard data acquisition system records, processes, and interprets the data the probes collect.

XBT drops occur at predetermined times along with surface chlorophyll sampling. Opportunistic drops may also occur. Typically, three XBT drops are made per survey day. XBT drops may be repeated if the displayed profile does not show a well-defined mixed layer and thermocline. Deep Blue probes are preferred, as they survey to a depth of 760 m and take approximately two minutes per drop. Probes are launched using a hand-held launcher. As the XBT probes are expendable, they are not retrieved and are left on the seafloor after data collection.

*Other nets*—SWFSC surveys in all of the research areas utilize various small, fine-mesh, towed nets designed to sample small fish and pelagic

invertebrates. These nets can be broadly categorized as small trawls (which are separated from large trawl nets due to discountable potential for interaction with marine mammals; see ''Potential Effects of the Specified Activity on Marine Mammals and Their Habitat'') and plankton nets.

1. The Oozeki net is a frame trawl with a 5 $m^2$ mouth area used for quantitative sampling of larval and juvenile pelagic fishes (see Figure A–3 of SWFSC's EA for a photograph). Towing depth of the net is easily controlled by adjusting the warp length, and the net samples a large size range of juvenile fishes and micronekton (Oozeki *et al.,* 2004).

2. The Isaacs-Kidd midwater trawl (IKMT) is used to collect deepwater biological specimens larger than those taken by standard plankton nets. The mouth of the net is approximately 1.5 × 1.8 m, and is attached to a wide, V-shaped, rigid diving vane that keeps the mouth of the net open and maintains the net at depth for extended periods. The IKMT is a long, round net approximately 6.5 m long, with a series of hoops decreasing in size from the mouth of the net to the codend, which maintain the shape of the net during towing (Yasook *et al.,* 2007). While most trawls must be towed at speeds of 1–2 kn because of the high level of drag exerted by the net in the water, an IKMT can be towed at speeds as high as 5 kn.

3. The Multiple Opening/Closing Net and Environmental Sensing System (MOCNESS) uses a stepping motor to sequentially control the opening and closing of the net. The MOCNESS uses underwater and shipboard electronics to control the device. The electronics system continuously monitors the functioning of the nets, frame angle, horizontal velocity, vertical velocity, volume filtered, and selected environmental parameters, such as salinity and temperature. The MOCNESS is used for specialized zooplankton surveys.

4. The Tucker trawl is a medium-sized single-warp net used to study pelagic fish and zooplankton. The Tucker trawl, similar to the MOCNESS, consists of a series of nets that can be opened and closed sequentially via stepping motor without retrieving the net from the fishing depth. It is designed for deep oblique tows where up to three replicate nets can be sequentially operated by a double release mechanism and is typically equipped with a full suite of instruments, including inside and outside flow meters, CTD, and pitch sensor.

The remainder of nets described here are plankton nets, which usually consist of fine mesh attached to a weighted frame which spreads the mouth of the net to cover a known surface area in order to sample plankton and fish eggs from various parts of the water column.

5. Bongo nets are towed through the water at an oblique angle to sample plankton over a range of depths. The Bongo nets used by SWFSC have openings 71 cm in diameter and employ a 505-µm mesh. The nets are 3 m in length with a 1.5 m cylindrical section coupled to a 1.5 m conical portion that tapers to a detachable codend constructed of 333-µm or 505-µm nylon mesh (see Figure A–6 of SWFSC's EA for a schematic diagram). During each plankton tow, the bongo nets are deployed to a depth of approximately 210 m and are then retrieved at a controlled rate so that the volume of water sampled is uniform across the range of depths. In shallow areas, sampling protocol is adjusted to prevent contact between the bongo nets and the seafloor. A collecting bucket, attached to the codend of the net, is used to contain the plankton sample. When the net is retrieved, the collecting bucket can be detached and easily transported to a laboratory. Some bongo nets can be opened and closed using remote control to enable the collection of samples from particular depth ranges. A group of depth-specific bongo net samples can be used to establish the vertical distribution of zooplankton species in the water column at a site. Bongo nets are generally used to collect zooplankton for research purposes, and are not used for commercial harvest.

6. The Pairovet is a bongo-type device consisting of two nets. The Pairovet frame was designed to facilitate comparison of nets constructed of various materials and to provide replicate observations when using similar nets. The frame is constructed of aluminum with stainless steel fittings. The nets are nylon mesh attached to the frame with adjustable stainless steel strapping.

7. Manta nets are towed horizontally at the surface of the water to sample neuston (organisms living at or near the water surface). The frame of the Manta net is supported at the ocean surface by aquaplanes (wings) that provide lift as the net is towed horizontally through the water (see Figure A–7 of SWFSC's EA for a schematic diagram). To ensure repeatability between samples, the towing speed, angle of the wire, and tow duration must be carefully controlled. The Manta nets used by SWFSC employ 505-µm nylon mesh in the body of the net and 303-µm mesh in the codend. The frame has a mouth area of 0.13 $m^2$.

*Longline*—Longline vessels fish with baited hooks attached to a mainline (or groundline). The length of the longline and the number of hooks depend on the species targeted, the size of the vessel, and the purpose of the fishing activity. Hooks are attached to the mainline by another thinner line called a gangion. The length of the gangion and the distance between gangions depends on the purpose of the fishing activity. Depending on the fishery, longline gear can be deployed on the seafloor (bottom longline), in which case weights are attached to the mainline, or near the surface of the water (pelagic longline), in which case buoys are attached to the mainline to provide flotation and keep the baited hooks suspended in the water. Radar reflectors, radio transmitters, and light sources are often used to help fishers determine the location of the longline gear prior to retrieval.

A commercial pelagic longline can be over 100 km long and have thousands of hooks attached, although longlines used for research surveys are shorter. The pelagic longline gear used for SWFSC research surveys typically use 200–400 hooks attached to a steel or monofilament mainline from 3–19 km long. For SWFSC research the gangions are 3–11 m long and are attached to the mainline at intervals of 15–30 m. There are no internationally recognized standard measurements for hook size, and a given size may be inconsistent between manufacturers. Larger hooks, as are used in longlining, are referenced by increasing whole numbers followed by a slash and a zero as size increases (*e.g.,* 1/0 up to 20/0). The numbers represent relative sizes, normally associated with the gap (the distance from the point tip to the shank). Because pelagic longline gear is not anchored to the seafloor, it floats freely in the water and may drift considerable distances between the time of deployment and the time of retrieval. Please see Figure A–4 of SWFSC's EA for a schematic diagram. Bottom longlines used for commercial fishing can be up to several miles long, but those used for SWFSC research use shorter lines with approximately 75 hooks per line.

The time period between deployment and retrieval of the longline gear is the soak time. Soak time is an important parameter for calculating fishing effort. For commercial fisheries the goal is to optimize the soak time in order to maximize catch of the target species while minimizing the bycatch rate and minimizing damage to target species that may result from predation by sharks or other predators.

1. Deep-set buoy gear is a particular type of pelagic longline, targeting swordfish (*Xiphias gladius*), that includes a buoy flotation system (*i.e.,* a strike-indicator float/flag, a large, non-compressible buoy and a float affixed with a radar reflector). A set of gear consists of 500-lb (227-kg) test mainline monofilament rigged with a 1–2 kg drop sinker to orient the mainline and terminal fishing gear vertically in the water column. Other pelagic longline gear typically uses a long monofilament mainline suspended horizontally near the surface of the water. However, deep-set buoy gear uses a vertically-oriented mainline with two monofilament gangions that branch from the mainline at a target depth below the thermocline (250–400 m for SWFSC) and are constructed of 400-lb (181-kg) test monofilament leader containing a crimped 14/0 circle hook (see Figure A–5 of SWFSC's EA for a schematic diagram).

*Continuous, Underway Fish Egg Sampler (CUFES)*—The CUFES is used to collect pelagic fish eggs from the water column while the vessel is underway. The CUFES device consists of a water intake approximately 3 m below the surface of the water connected to a high capacity pump capable of pumping approximately 640 L/min through the device. Particles in the bulk water stream are concentrated by an oscillating mesh. Samples are transferred to a collecting device at a rate of approximately 20 L/min, while the bulk water is discharged overboard (see Figure A–8 of SWFSC's EA for a schematic diagram). Samples are collected and preserved on mesh net over sequential sampling intervals. Ancillary data including temperature, salinity, chlorophyll-*a* fluorescence, time, and location are also collected automatically. The fish eggs within each sequential sample are identified and counted, and the preserved sample is cataloged for future reference.

*Remotely operated vehicles (ROV)*—The SWFSC maintains and deploys two ROVs (see Figures A–9 and A–10 of the SWFSC's EA for a photograph and schematic diagram, respectively). The ROVs are used to count fish and shellfish, photograph fish for identification, and provide views of the bottom for habitat-type classification studies via still and video camera images. Precise georeferenced data from ROV platforms also enables SCUBA divers to utilize bottom time more effectively for collection of brood stock and other specimens.

SWFSC operates a Phantom DS4 ROV to collect video and still camera images. The Phantom DS4 platform is driven horizontally by four ½-hp thrusters and vertically by two ¼-hp thrusters, and can operate at a maximum depth of 600 m. Standard instrumentation on the ROV includes a directional hydrophone, a CTD, a differential GPS, pitch and roll sensors, still cameras, and video cameras; additional instrumentation can be added to the platform as needed. The ROV platform also includes a reference laser system to facilitate in situ specimen measurements and to determine the distance of the ROV platform from underwater objects.

The SWFSC has also designed and constructed a custom high-definition high-voltage (HDHV) ROV for surveying deepwater environments. The HDHV ROV is powered by six 300–V brushless DC thrusters, which are efficient and quiet to maximize bottom time while minimizing behavioral disturbance to target species. The HDHV ROV platform is equipped with video and still cameras, an illumination system, scanning sonar, CTD, a dissolved oxygen sensor, laser rangefinding and laser caliper systems, and has the capability to process data while underway to facilitate real-time georeferenced collection of oceanographic data.

*California Current Ecosystem*—Here we describe all surveys planned by SWFSC in the CCE. Please see Table 1.1 of SWFSC's application for a detailed summary of these surveys.

1. *California Cooperative Oceanic Fisheries Investigations (CalCOFI) Surveys*—CalCOFI is a partnership founded in 1949 between NMFS, the California Department of Fish and Game, and Scripps Institution of Oceanography (SIO) to study the ecological aspects of the sardine population collapse off California. CalCOFI's focus today is more generally the study of the marine environment off the coast of California, the management of its living resources, and monitoring the indicators of El Niño and climate change. CalCOFI conducts quarterly cruises off southern and central California, collecting a suite of hydrographic and biological data on station and underway. The four annual CalCOFI surveys are designed to describe the physical and biological characteristics of the southern portion of the California Current epipelagic habitat and require a total of approximately ninety survey days per year. More detail may be found in SWFSC documents or at *www.calcofi.org.*

*Winter*—This survey is conducted annually during January and February, extending from San Diego to San Francisco, and is designed to capture early spawning hake (*Merluccius productus*) and some rockfish (Family Scorpaenidae). It is usually conducted on a NOAA ship and protocols include use of multi-frequency active acoustic devices, CUFES, various plankton nets, CTD with an array of vertically profiling instruments and bottles to collect water samples at discrete depths, marine mammal and bird observations, meteorological observations using a wide-range of passive sensors, and small, fine-mesh trawls for sampling mesopelagic organisms at selected stations.

*Spring*—This survey is conducted annually in April. It also extends from San Diego to San Francisco but is designed to capture spring spawning fishes (*e.g.,* anchovy [*Engraulis mordax*], sardine [*Sardinops sagax*], jack mackerel [*Trachurus symmetricus*]). It is usually conducted on a NOAA ship and the survey protocols are the same as described for the winter survey.

*Summer*—This survey is conducted annually in July in the Southern California Bight solely on a SIO University-National Oceanographic Laboratory System (UNOLS) vessel. Protocols are the same as for the winter and spring surveys.

*Fall*—This survey is conducted annually in October in the Southern California Bight, usually on a UNOLS vessel. Protocols are the same as for the other surveys.

2. *Coastal Pelagic Species Surveys*—These surveys, also known as sardine surveys, are conducted annually or biennially in the spring (April–May) or the summer (July–August) and extend from San Diego, CA, to Cape Flattery, WA. The survey is broken into southern and northern portions on two survey vessels (either two NOAA ships or a NOAA ship and a charter vessel), with the southern portion done in conjunction with the spring or summer CalCOFI survey. Midwater trawling for sardines informs the annual assessment of sardine and the corresponding harvest guidelines. The survey requires about seventy survey days per year.

The protocol for the sardine survey includes deployment of the NETS Nordic 264 two-warp rope trawl in the upper 10 m of the water column at night in order to sample adult sardines. The trawl is deployed for thirty-minute tows at the target depth at 3 kn during dark hours when sardines are dispersed and near the surface. Estimates of daily fecundity are derived from the samples and combined with estimates of daily egg production to produce an estimate of spawning stock biomass. Additional protocols for this survey are similar to the CalCOFI surveys described previously.

3. *Juvenile Salmon Survey*—This survey is conducted annually in June and September, extending from central California to southern Oregon, and is designed to complement similar surveys conducted by NMFS' Northwest Fisheries Science Center. The survey measures ocean survival of juvenile salmon (coho [*Oncorhynchus kisutch*] and chinook [*O. tshawytscha*]) and produces early estimates of adult salmon returns. The juvenile salmon survey is usually conducted on a charter vessel and requires about thirty survey days. The protocols for this survey include deployment of the NETS Nordic 264 midwater trawl for thirty-minute tows at the target depth during daylight hours at 15–30 m depth. Depending on vessel capabilities, additional operations may include multi-frequency active acoustic devices, CTD profiles, plankton tows, and single-warp Tucker midwater trawls.

4. *Juvenile Rockfish Survey*—This survey, conducted annually from May to mid-June from southern California to Washington, targets the pelagic phase of juvenile rockfish. Results of the survey inform assessments of several rockfish populations and may be used in assessments of central California salmon productivity. It is either conducted on a NOAA ship or a charter vessel and requires about 45 survey days. The protocols for this survey include underway multi-frequency active acoustic devices, modified-Cobb midwater trawls, various plankton tows, and CTD profiles at fixed stations. The modified-Cobb trawl is deployed for fifteen-minute tows at 2 kn during dark hours at 15–30 m depth.

5. *Pacific Coast Ocean Observing System (PaCOOS) Central California*—This survey is conducted annually in July and October and involves the extension of CalCOFI observation protocols to established CalCOFI transect lines off Monterey Bay and San Francisco during summer and fall surveys when the CalCOFI sampling grid is confined to the Southern California Bight. Surveys are conducted in conjunction with the Monterey Bay Aquarium Research Institute (MBARI); the University of California, Santa Cruz; and the Naval Postgraduate School, and are usually conducted on the Moss Landing Marine Laboratories R/V *Point Sur,* lasting about six survey days. Protocols include the use of various plankton nets, CTD profiles, marine mammal and bird observations, and meteorological observations using a wide-range of passive sensors.

6. *PaCOOS Northern California*—These are monthly plankton and oceanographic surveys of a single line of stations off of Eureka, CA conducted in conjunction with Humboldt State University (HSU) and usually conducted on the HSU R/V *Coral Sea.* The surveys require about twelve survey days per year. Protocols are generally the same as those described for PaCOOS Central California.

7. *Highly Migratory Species (HMS) Survey*—This survey is conducted annually from June through July and extends from southern to central California, targeting blue sharks (*Prionace glauca*), shortfin mako sharks (*Isurus oxyrinchus*) and swordfish as well as other HMS as a basis for stock assessments and support for HMS Fishery Management Plans. Sharks are caught, measured, tagged, and released. The survey, which requires about thirty survey days, has historically been conducted on a NOAA ship but in recent years has been conducted on a charter vessel. Primary research methodology involves a pelagic longline deployed at fixed stations with two to four hour soak times. Length of the mainline is 3.2–6.4 km with 200–400 hooks spaced 15–30 m apart, 5.5-m gangions, and 9/0 J-type hooks. When targeting swordfish, the mainline may be up to 19 km in length with 11-m gangions and 16/0 circle-type hooks and soak times may last up to eight hours. Typical bait used is whole mackerel or market squid. Depending on vessel capabilities, additional protocols may include multi-frequency active acoustic devices, CTD profiles, and plankton tows.

8. *Thresher Shark Survey*—This survey is conducted annually in September, targeting common thresher shark (*Alopias vulpinus*) pupping areas from the Southern California Bight up to central California. Results of this survey are used to support stock assessment and management of thresher sharks, which are subject to commercial and recreational fisheries. Sharks are caught, measured, sampled, tagged, and released. The survey is usually conducted on a charter vessel and requires about twenty survey days. Primary research methodology involves deployment of an anchored pelagic longline at fixed stations with two to four hour soak times. Length of the mainline is 3.2–6.4 km with 200–400 hooks spaced 15–30 m apart, 5.5-m gangions and 16/0 circle-type hooks. Typical bait used is whole mackerel or market squid. Depending on vessel capabilities, additional protocols may include the use of multi-frequency active acoustic devices, CTD profiles, and plankton tows.

9. *Survey to Research Reproductive Life History Analysis of Sablefish*—This survey to research reproductive life history analysis of sablefish (*Anoplopoma fimbria*) is conducted monthly each year near Bodega Bay off the central California coast. The primary objective of the survey is to collect adult sablefish for reproductive studies using small-scale bottom longline gear. The gear uses 75 hooks per line that are baited with squid and set at or near the bottom, usually at depths between 360–450 m. Two to three sets are made per trip over the course of thirty days per year.

10. *Swordfish Tagging Deep-Set Buoy Survey*—The swordfish tagging deep-set buoy survey is conducted annually from June through November in the Southern California Bight. The survey's main objective is to investigate the use of this gear to capture swordfish while minimizing bycatch of non-target species. Approximately 300–600 sets are made annually.

11. *Marine Mammal Ecosystem Surveys*—These large-scale surveys are conducted annually from August to December, and require substantial blocks of continuous time on two NOAA ships (about 60–120 survey days). Results inform status assessments of marine mammal populations. Surveys rotate among geographic areas and do not occur in all specified geographical regions in every year. In the CCE and other offshore waters of the northern Pacific, these projects include the Oregon, California and Washington Line-transect and Ecosystem survey (ORCAWALE) and the Structure of Populations, Levels of Abundance, and Status of Humpbacks survey (SPLASH; located outside the CCE in the northern Pacific).

Primary effort of these surveys includes line transect surveys of marine mammals and seabirds. Observations are made of schools or aggregations of marine mammals and, for a subset of observations, survey effort is suspended and aggregations are approached for estimation of aggregation size and species composition. This work constitutes research directed at marine mammals, meaning that any take of marine mammals resulting from the survey effort would not be considered incidental. Separate scientific research permits are obtained from NMFS under the MMPA for this component of these surveys; this directed research is therefore not considered further in this document.

However, additional scientific effort during marine mammal ecosystem surveys (*e.g.,* environmental observation) is not directed at marine mammals and take of marine mammals resulting from that effort would be

considered incidental take. Therefore, these additional components of marine mammal ecosystem surveys are considered in this document. Additional research protocols include use of multi-frequency active acoustic devices, single-warp IKMT with 1-mm mesh net for sampling macro-zooplankton, 3-$m^2$ dip net with 2-mm mesh for sampling flying fish (Family Exocoetidae), CTD profiles, XBTs, and meteorological observations using a wide-range of passive sensors.

12. *White Abalone Survey*—This survey utilizes still and video camera observations via ROV to monitor population recovery in deep-water habitat for the endangered white abalone (*Haliotis sorenseni*). It is usually conducted on a charter vessel for about 25 survey days. The surveys are confined to offshore banks and island margins, 30–150 m depth, in the Southern California Bight. Since 2002, over 1,000 ROV transects have been conducted along the entire U.S. west coast. The average and maximum speed of the ROV was 0.5 and 2.4 kn, respectively. The tether that connects the ROV to the ship is 19-mm diameter and is securely attached to a stainless steel cable and down-weight to minimize slack in the tether and to prevent any loops.

13. *Collaborative Optical Acoustical Survey Technology (COAST) Survey*—These are surveys of offshore banks conducted in collaboration with the charter boat fishing industry to monitor the recovery of rockfish. The COAST surveys are usually conducted on a NOAA ship augmented by a charter vessel and require about forty survey days. Protocols include the use of multi-frequency active acoustic devices and still and video camera observations using an ROV.

14. *Habitat Surveys*—The focus of these surveys includes adult rockfish Essential Fish Habitat (MSA; see 16 U.S.C. 1802 sec. 3(10)) and habitat use of a variety of other species. They are usually conducted on a NOAA ship for about fifty survey days. The protocols may include use of the Nordic 264 midwater trawl, pelagic longlines, plankton and other small mesoplankton trawls, CTD profiles, and visual observations from ships and submersibles.

15. *Small Boats*—Numerous field operations use small boats (*e.g.,* for attaching tags to fish). These operations require a total of about 75 survey days per year.

*Eastern Tropical Pacific*—Here we describe all surveys planned by SWFSC in the ETP. Please see Table 1.1 of SWFSC's application for a detailed summary of these surveys.

1. *Marine Mammal Ecosystem Surveys*—These surveys, conducted annually during August to December and requiring 60–120 annual survey days, follow the description provided under CCE. Surveys rotate among geographic areas and do not occur in all specified geographical regions in every year. In the ETP and other tropical Pacific waters, these projects include the *Stenella* Abundance Research survey (STAR) and the Hawaiian Islands Cetacean and Ecosystem Assessment Survey (HICEAS). The STAR surveys are designed to monitor the recovery of several dolphin stocks (*i.e., Stenella* spp.) that were depleted by the yellowfin tuna (*Thunnus albacares*) purse-seine fishery in the ETP.

2. *HMS Surveys*—To date, these surveys have not been conducted in the ETP; however, the SWFSC believes they will likely occur during the five-year period of validity of this proposed rule. They may be conducted up to thirty days annually during June–July. Protocols follow those described for HMS surveys in CCE.

*Antarctic Marine Living Resources Ecosystem*—Here we describe all surveys planned by SWFSC in the AMLR. Please see Table 1.1 of SWFSC's application for a detailed summary of these surveys. Surveys occurring in AMLR during austral winter (*i.e.,* June–August) may encounter pinnipeds hauled out on ice. We anticipate that the presence of vessels engaged in SWFSC survey activities may result in behavioral disturbance of these animals. These reactions could result from airborne sound or from visual disturbance alone. It should be noted that these activities do not entail intentional approaches to pinnipeds on ice (*i.e.,* any incidents of behavioral disturbance would constitute incidental take). Behavioral disturbance of this nature is expected only in the AMLR.

1. *Antarctic Survey*—These surveys are conducted annually during January through March or in August, are usually conducted on a charter vessel, and require about seventy survey days annually. Shipboard surveys are designed to map the distribution of Antarctic krill relative to the distributions of krill predators (*e.g.,* penguins, pinnipeds, and flying birds) as well as to estimate krill biomass within the survey area. The physical and biological environment is also characterized. Every two to three years a bottom trawl is used to assess benthic invertebrates and fish on the continental shelf. Gear used is a towed camera array and the two-warp NET Systems Hard Bottom Snapper Trawl. Additional protocols include the use of a single-warp IKMT, multi-frequency active acoustic devices, CTD profiles, marine mammal and bird observations, and meteorological observations using a wide-range of passive sensors. SWFSC is also currently investigating use of a single-warp Tucker trawl on these surveys.

*Description of Active Acoustic Sound Sources*—This section contains a brief technical background on sound, the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to SWFSC's specified activity and to a discussion of the potential effects of the specified activity on marine mammals found later in this document. We also describe the active acoustic devices used by SWFSC.

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz (Hz) or cycles per second. Wavelength is the distance between two peaks or corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly, except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the ''loudness'' of a sound and is typically described using the relative unit of the decibel (dB). A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 microPascal [µPa]), and is a logarithmic unit that accounts for large variations in amplitude; therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL) represents the SPL referenced at a distance of 1 m from the source (referenced to 1 µPa), while the received level is the SPL at the listener's position (referenced to 1 µPa).

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Rms is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Rms accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects,

in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1 $\mu Pa^2$-s) represents the total energy contained within a pulse, and considers both intensity and duration of exposure. For a single pulse, the numerical value of the SEL measurement is usually 5–15 dB lower than the rms sound pressure in dB re 1 µPa, with the comparative difference between measurements of rms and SEL measurements often tending to decrease with increasing range (Greene, 1997; McCauley *et al.,* 1998). Peak sound pressure is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source, and is represented in the same units as the rms sound pressure. Another common metric is peak-to-peak sound pressure (p-p), which is the algebraic difference between the peak positive and peak negative sound pressures. Peak-to-peak pressure is typically approximately 6 dB higher than peak pressure (Southall *et al.,* 2007).

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams (as for the sources considered here) or may radiate in all directions (omnidirectional sources). The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic (*e.g.,* vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including the following (Richardson *et al.,* 1995):

- Wind and waves: The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf sound becomes important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions.
- Precipitation: Sound from rain and hail impacting the water surface can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times.
- Biological: Marine mammals can contribute significantly to ambient sound levels, as can some fish and shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz.
- Anthropogenic: Sources of ambient sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly. Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.,* a passing vessel) is sometimes termed background sound, as opposed to ambient sound.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed (defined in the following). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts.

Pulsed sound sources (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986, 2005; Harris, 1998; NIOSH, 1998; ISO, 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.,* rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems (such as those used by the U.S. Navy). The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

We use generic sound exposure thresholds (see Table 1) to determine when an activity that produces sound might result in impacts to a marine mammal such that a take by harassment might occur. These thresholds should be considered guidelines for estimating when harassment may occur (*i.e.,* when an animal is exposed to levels equal to or exceeding the relevant criterion) in specific contexts; however, useful contextual information that may inform our assessment of effects is typically lacking and we consider these thresholds as step functions. NMFS is currently revising these acoustic guidelines; for more information on that process, please visit *www.nmfs.noaa.gov/pr/acoustics/*

*guidelines.htm.* NMFS has determined that the 160-dB threshold for impulsive sources is most appropriate for use in considering the potential effects of the SWFSC's activities.

TABLE 1—CURRENT ACOUSTIC EXPOSURE CRITERIA

| Criterion | Definition | Threshold |
|---|---|---|
| Level A harassment (underwater). | Injury (PTS—any level above that which is known to cause TTS). | 180 dB (cetaceans)/190 dB (pinnipeds) (rms) |
| Level B harassment (underwater). | Behavioral disruption | 160 dB (impulsive source)/120 dB (continuous source) (rms) |

A wide range of active acoustic devices are used in SWFSC fisheries surveys for remotely sensing bathymetric, oceanographic, and biological features of the environment. Most of these sources involve relatively high frequency, directional, and brief repeated signals tuned to provide sufficient focus and resolution on specific objects. SWFSC also uses passive listening sensors (*i.e.,* remotely and passively detecting sound rather than producing it), which do not have the potential to impact marine mammals. SWFSC active acoustic sources include various echosounders (*e.g.,* multibeam systems), scientific sonar systems, positional sonars (*e.g.,* net sounders for determining trawl position), and environmental sensors (*e.g.,* current profilers).

Mid- and high-frequency underwater acoustic sources typically used for scientific purposes operate by creating an oscillatory overpressure through rapid vibration of a surface, using either electromagnetic forces or the piezoelectric effect of some materials. A vibratory source based on the piezoelectric effect is commonly referred to as a transducer. Transducers are usually designed to excite an acoustic wave of a specific frequency, often in a highly directive beam, with the directional capability increasing with operating frequency. The main parameter characterizing directivity is the beam width, defined as the angle subtended by diametrically opposite ''half power'' (−3 dB) points of the main lobe. For different transducers at a single operating frequency the beam width can vary from 180° (almost omnidirectional) to only a few degrees. Transducers are usually produced with either circular or rectangular active surfaces. For circular transducers, the beam width in the horizontal plane (assuming a downward pointing main beam) is equal in all directions, whereas rectangular transducers produce more complex beam patterns with variable beam width in the horizontal plane. Please see Zykov and Carr (2014) for further discussion of electromechanical sound sources.

The types of active sources employed in fisheries acoustic research and monitoring may be considered in two broad categories here, based largely on their respective operating frequency (*e.g.,* within or outside the known audible range of marine species) and other output characteristics (*e.g.,* signal duration, directivity). As described below, these operating characteristics result in differing potential for acoustic impacts on marine mammals.

Category 1 active fisheries acoustic sources include those with high output frequencies (>180 kHz) that are outside the known functional hearing capability of any marine mammal. Sounds that are above the functional hearing range of marine animals may be audible if sufficiently loud (*e.g.,* Møhl, 1968). However, the relative output levels of these sources mean that they would potentially be detectable to marine mammals at maximum distances of only a few meters, and are highly unlikely to be of sufficient intensity to result in behavioral harassment. These sources also generally have short duration signals and highly directional beam patterns, meaning that any individual marine mammal would be unlikely to even receive a signal that would almost certainly be inaudible. Therefore, Category 1 sources are not expected to have any effect on marine mammals and are not considered further in this document.

Category 2 acoustic sources, which are present on most SWFSC fishery research vessels, include a variety of single, dual, and multi-beam echosounders (many with a variety of modes), sources used to determine the orientation of trawl nets, and several current profilers with lower output frequencies than Category 1 sources. Category 2 active acoustic sources have moderate to high output frequencies (10 to 180 kHz) that are generally within the functional hearing range of marine mammals and therefore have the potential to cause behavioral harassment. However, while likely potentially audible to certain species, these sources have generally short ping durations and are typically focused (highly directional) to serve their intended purpose of mapping specific objects, depths, or environmental features. These characteristics reduce the likelihood of an animal receiving or perceiving the signal. A number of these sources, particularly those with relatively lower output frequencies coupled with higher output levels can be operated in different output modes (*e.g.,* energy can be distributed among multiple output beams) that may lessen the likelihood of perception by and potential impact on marine mammals.

We now describe specific acoustic sources used by SWFSC. The acoustic system used during a particular survey is optimized for surveying under specific environmental conditions (*e.g.,* depth and bottom type). Lower frequencies of sound travel further in the water (*i.e.,* good range) but provide lower resolution (*i.e.,* are less precise). Pulse width and power may also be adjusted in the field to accommodate a variety of environmental conditions. Signals with a relatively long pulse width travel further and are received more clearly by the transducer (*i.e.,* good signal-to-noise ratio) but have a lower range resolution. Shorter pulses provide higher range resolution and can detect smaller and more closely spaced objects in the water. Similarly, higher power settings may decrease the utility of collected data. Power level is also adjusted according to bottom type, as some bottom types have a stronger return and require less power to produce data of sufficient quality. Power is typically set to the lowest level possible in order to receive a clear return with the best data. Survey vessels may be equipped with multiple acoustic systems; each system has different advantages that may be utilized depending on the specific survey area or purpose. In addition, many systems may be operated at one of two frequencies or at a range of frequencies. Characteristics of these sources are summarized in Table 2.

(1) *Multi-Frequency Narrow Beam Scientific Echosounders*—Echosounders and sonars work by transmitting acoustic pulses into the water that travel through the water column, reflect off the seafloor, and return to the receiver. Water depth is measured by multiplying the time elapsed by the speed of sound in water (assuming accurate sound speed measurement for the entire signal path), while the returning signal itself carries information allowing ''visualization'' of the seafloor. Multi-frequency split-beam sensors are deployed from SWFSC survey vessels to acoustically map the distributions and estimate the abundances and biomasses of many types of fish; characterize their biotic and abiotic environments; investigate ecological linkages; and gather information about their schooling behavior, migration patterns, and avoidance reactions to the survey vessel. The use of multiple frequencies allows coverage of a broad range of marine acoustic survey activity, ranging from studies of small plankton to large fish schools in a variety of environments from shallow coastal waters to deep ocean basins. Simultaneous use of several discrete echosounder frequencies facilitates accurate estimates of the size of individual fish, and can also be used for species identification based on differences in frequency-dependent acoustic backscattering between species. The SWFSC operates Simrad EK500 and EK60 systems, which transmit and receive at six frequencies ranging from 18–333 kHz.

(2) *Multibeam Echosounder and Sonar*—Multibeam echosounders and sonars operate similarly to the devices described above. However, the use of multiple acoustic ''beams'' allows coverage of a greater area compared to single beam sonar. The sensor arrays for multibeam echosounders and sonars are usually mounted on the keel of the vessel and have the ability to look horizontally in the water column as well as straight down. Multibeam echosounders and sonars are used for mapping seafloor bathymetry, estimating fish biomass, characterizing fish schools, and studying fish behavior. The SWFSC operates the Simrad ME70 and MS70 systems, which are mounted to the hull of the research vessels and emit frequencies in the 70–120 kHz range.

(3) *Single-Frequency Omnidirectional Sonar*—Low-frequency, high-resolution, long range fishery sonars operate with user selectable frequencies between 20–30 kHz, which provide longer range and prevent interference from other vessels. These sources provide omnidirectional imaging around the source with three different vertical beamwidths available (single or dual vertical view and 180° tiltable). At the 30-kHz operating frequency, the vertical beamwidth is less than 7° and can be electronically tilted from +10 to −80°, which results in differential transmitting beam patterns. The cylindrical multi-element transducer allows the omnidirectional sonar beam to be electronically tilted down to −60°, allowing automatic tracking of schools of fish within the entire water volume around the vessel. SWFSC operates the Simrad SX90 system.

(4) *Acoustic Doppler Current Profiler (ADCP)*—An ADCP is a type of sonar used for measuring water current velocities simultaneously at a range of depths. Whereas current depth profile measurements in the past required the use of long strings of current meters, the ADCP enables measurements of current velocities across an entire water column. The ADCP measures water currents with sound, using the Doppler effect. A sound wave has a higher frequency when it moves towards the sensor (blue shift) than when it moves away (red shift). The ADCP works by transmitting ''pings'' of sound at a constant frequency into the water. As the sound waves travel, they ricochet off particles suspended in the moving water, and reflect back to the instrument. Due to the Doppler effect, sound waves bounced back from a particle moving away from the profiler have a slightly lowered frequency when they return. Particles moving toward the instrument send back higher frequency waves. The difference in frequency between the waves the profiler sends out and the waves it receives is called the Doppler shift. The instrument uses this shift to calculate how fast the particle and the water around it are moving. Sound waves that hit particles far from the profiler take longer to come back than waves that strike close by. By measuring the time it takes for the waves to return to the sensor, and the Doppler shift, the profiler can measure current speed at many different depths with each series of pings.

An ADCP anchored to the seafloor can measure current speed not just at the bottom, but at equal intervals to the surface. An ADCP instrument may be anchored to the seafloor or can be mounted to a mooring or to the bottom of a boat. ADCPs that are moored need an anchor to keep them on the bottom, batteries, and a data logger. Vessel-mounted instruments need a vessel with power, a shipboard computer to receive the data, and a GPS navigation system so the ship's movements can be subtracted from the current velocity data. ADCPs operate at frequencies between 75 and 300 kHz.

(5) *Net Monitoring Systems*—During trawling operations, a range of sensors may be used to assist with controlling and monitoring gear. Net sounders give information about the concentration of fish around the opening to the trawl, as well as the clearances around the opening and the bottom of the trawl; catch sensors give information about the rate at which the codend is filling; symmetry sensors give information about the optimal geometry of the trawls; and tension sensors give information about how much tension is in the warps and sweeps. SWFSC uses the Simrad ITI Catch Monitoring System, which allows monitoring of the exact position of the gear and of what is happening in and around the trawl, and the Simrad FS70 Third Wire Net Sonde, which allows monitoring of the trawl opening.

TABLE 2—OPERATING CHARACTERISTICS OF SWFSC ACTIVE ACOUSTIC SOURCES

| Active acoustic system | Operating frequencies | Maximum source level | Single ping duration (ms) and repetition rate (Hz) | Orientation/ directionality | Nominal beamwidth |
|---|---|---|---|---|---|
| Simrad EK500 and EK60 narrow beam echosounders. | 18, *38, 70, 120, 200,* 333 kHz; primary frequencies italicized. | 224 dB | Variable; most common settings are 1 ms and 0.5 Hz. | Downward looking | 7°. |
| Simrad ME70 multibeam echosounder. | 70–120 kHz | 205 dB | 0.06–5 ms; 1–4 Hz | Primarily downward looking. | 130°. |
| Simrad MS70 multibeam sonar. | 75–112 kHz | 206 dB | 2–10 ms; 1–2 Hz | Primarily side-looking | 60°. |

TABLE 2—OPERATING CHARACTERISTICS OF SWFSC ACTIVE ACOUSTIC SOURCES—Continued

| Active acoustic system | Operating frequencies | Maximum source level | Single ping duration (ms) and repetition rate (Hz) | Orientation/ directionality | Nominal beamwidth |
|---|---|---|---|---|---|
| Simrad SX90 narrow beam sonar. | 20–30 kHz | 219 dB | Variable | Omnidirectional | 4–5° (variable for tilt angles from 0–45° from horizontal). |
| Teledyne RD Instruments ADCP, Ocean Surveyor. | 75 kHz | 224 dB | 0.2 Hz | Downward looking | 30°. |
| Simrad ITI Catch Monitoring System. | 27–33 kHz | 214 dB | 0.05–0.5 Hz | Downward looking | 40°. |
| Simrad FS70 Third Wire Net Sonde. | 120 kHz | Unknown, maximum transmit power is 1 kW. | Variable | Downward looking | 40°. |

**Proposed Mitigation**

In order to issue an incidental take authorization under section 101(a)(5)(A) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, ''and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for subsistence uses.'' Note that taxonomic information for certain species mentioned in this section is provided in the following section (''Description of Marine Mammals in the Area of the Specified Activity'').

Since 2008, the SWFSC has invested significant time and effort in identifying technologies, practices, and equipment to minimize the impact of the proposed activities on marine mammal species and stocks and their habitat. These efforts have resulted in the consideration of many potential mitigation measures, including those the SWFSC has determined to be feasible and has implemented since 2009 as a standard part of sampling protocols. These measures include the ''move-on rule,'' protected species visual watches and use of acoustic pingers on trawl gear, as well as use of a marine mammal excluder device (MMED) in Nordic 264 midwater trawls.

*Development of Mitigation Measures*

In survey year 2008 in the CCE, there were dramatically more incidental takes of marine mammals in research gear, in terms of both interactions and animals captured, than in any other year (historical incidents are detailed below in ''Estimated Take by Incidental Harassment, Serious Injury, or Mortality''). The SWFSC had previously conducted over a thousand midwater trawl survey tows over more than 25 years, with very few incidents of marine mammal interactions (Hewitt, 2009), but the number of incidental takes in 2008 exceeded the aggregate total over all preceding years. Following the first SWFSC survey cruise in April 2008, during which a number of marine mammals were captured in trawl gear, the SWFSC convened a workshop involving SWFSC staff with expertise in survey design and operations and marine mammal bycatch mitigation (Hewitt, 2009). Participants worked to determine appropriate mitigation measures and to consider changes to sampling protocols in an effort to reduce marine mammal interactions, and the SWFSC subsequently implemented an expanded mitigation protocol. The SWFSC also allocated resources towards the design, construction, and testing of a MMED that could be incorporated into the Nordic 264 trawl net.

During the 2008 meeting, survey results were reviewed, including all known circumstances associated with instances of marine mammal bycatch (*e.g.,* time of day, distance offshore, forage fish catch, sea conditions), but no obvious association with any factor was noted. Consensus recommendations from this expert working group included altering the survey protocol to approach the sample station at full speed and conduct trawl operations as soon as possible, in order to avoid attracting marine mammals to the survey activity, and to deploy acoustic deterrent devices (pingers) on the trawl nets. In 2009, the MMED was tested and use of the device added to standard survey protocol for the Nordic 264 net (Dotson *et al.,* 2010). It is unclear to what extent mitigation measures have played a role, but incidental marine mammal interactions have not approached 2008 levels in the years since implementation of expanded mitigation protocols (see Tables 10 and 11).

*General Measures*

*Coordination and communication*—When SWFSC survey effort is conducted aboard NOAA-owned vessels, there are both vessel officers and crew and a scientific party. Vessel officers and crew are not composed of SWFSC staff, but are employees of NOAA's Office of Marine and Aviation Operations (OMAO), which is responsible for the management and operation of NOAA fleet ships and aircraft and is composed of uniformed officers of the NOAA Commissioned Corps as well as civilians. The ship's officers and crew provide mission support and assistance to embarked scientists, and the vessel's Commanding Officer (CO) has ultimate responsibility for vessel and passenger safety and, therefore, decision authority. When SWFSC survey effort is conducted aboard cooperative platforms (*i.e.,* non-NOAA vessels), ultimate responsibility and decision authority again rests with non-SWFSC personnel (*i.e.,* vessel's master or captain). Decision authority includes the implementation of mitigation measures (*e.g.,* whether to stop deployment of trawl gear upon observation of marine mammals). The scientific party involved in any SWFSC survey effort is composed, in part or whole, of SWFSC staff and is led by a Chief Scientist (CS). Therefore, because the SWFSC—not OMAO or any other entity that may have authority over survey platforms used by SWFSC—is the applicant to whom any incidental take authorization issued under the authority of these proposed regulations would be issued, we require that the SWFSC take all necessary measures to coordinate and communicate in advance of each specific survey with OMAO, or other relevant parties, to ensure that all mitigation measures and monitoring requirements described herein, as well as the specific manner of implementation and relevant event-

contingent decision-making processes, are clearly understood and agreed-upon. This may involve description of all required measures when submitting cruise instructions to OMAO or when completing contracts with external entities. SWFSC will coordinate and conduct briefings at the outset of each survey and as necessary between ship's crew (CO/master or designee(s), as appropriate) and scientific party in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures. The CS will be responsible for coordination with the Officer on Deck (OOD; or equivalent on non-NOAA platforms) to ensure that requirements, procedures, and decision-making processes are understood and properly implemented.

*Vessel speed*—Vessel speed during active sampling rarely exceeds 5 kn, with typical speeds being 2–4 kn. Transit speeds vary from 6–14 kn but average 10 kn. These low vessel speeds minimize the potential for ship strike (see ''Potential Effects of the Specified Activity on Marine Mammals and Their Habitat'' for an in-depth discussion of ship strike). At any time during a survey or in transit, if a crew member standing watch or dedicated marine mammal observer sights marine mammals that may intersect with the vessel course that individual will immediately communicate the presence of marine mammals to the bridge for appropriate course alteration or speed reduction, as possible, to avoid incidental collisions.

*Other gears*—The SWFSC deploys a wide variety of gear to sample the marine environment during all of their research cruises. Many of these types of gear (*e.g.,* plankton nets, video camera and ROV deployments) are not considered to pose any risk to marine mammals and are therefore not subject to specific mitigation measures. In addition, specific aspects of gear design, survey protocols (*e.g.,* number of hooks), and frequency of use indicate that certain types of gears that may otherwise be expected to have the potential to result in take of marine mammals (*e.g.,* bottom longline used in sablefish life history surveys) do not pose significant risk to marine mammals and are not subject to specific mitigation measures. However, at all times when the SWFSC is conducting survey operations at sea, the OOD and/or CS and crew will monitor for any unusual circumstances that may arise at a sampling site and use best professional judgment to avoid any potential risks to marine mammals during use of all research equipment.

*Handling procedures*—The SWFSC will implement a number of handling protocols to minimize potential harm to marine mammals that are incidentally taken during the course of fisheries research activities. In general, protocols have already been prepared for use on commercial fishing vessels. Because incidental take of marine mammals in fishing gear is similar for commercial fisheries and research surveys, SWFSC proposes to adopt these protocols, which are expected to increase post-release survival. In general, following a ''common sense'' approach to handling captured or entangled marine mammals will present the best chance of minimizing injury to the animal and of decreasing risks to scientists and vessel crew. Handling or disentangling marine mammals carries inherent safety risks, and using best professional judgment and ensuring human safety is paramount.

SWFSC staff will be provided with a guide to ''Identification, Handling and Release of Protected Species'' (see Appendix B.1 of the SWFSC's application) for more specific guidance on protected species handling and will be required to follow the protocols described therein. SWFSC staff will be instructed on how to identify different species; handle and bring marine mammals aboard a vessel; assess the level of consciousness; remove fishing gear; and return marine mammals to water.

*Trawl Survey Visual Monitoring and Operational Protocols*

The mitigation requirements described here are applicable to all midwater trawl operations conducted by the SWFSC (currently conducted using the Nordic 264 and modified-Cobb nets). Marine mammal watches (visual observation) will be initiated no less than thirty minutes prior to arrival on station to determine if marine mammals are in the vicinity of the planned sample location. Marine mammal watches will be conducted by scanning the surrounding waters with the naked eye and rangefinding binoculars (or monocular). During nighttime operations, visual observation will be conducted using the naked eye and available vessel lighting. The visual observation period typically occurs during transit leading up to arrival at the sampling station, rather than upon arrival on station. However, in some cases it may be necessary to conduct a bongo plankton tow or other small net cast prior to deploying trawl gear. In these cases, the visual watch will continue until trawl gear is ready to be deployed. Aside from this required thirty-minute minimum pre-trawl monitoring period, the OOD/CS and crew standing watch will visually scan for marine mammals during all daytime operations.

The primary purpose of conducting the pre-trawl visual monitoring period is to implement the ''move-on rule.'' If marine mammals are sighted within 1 nm of the planned set location in the thirty minutes before setting the trawl gear, the vessel will transit to a different section of the sampling area to maintain a minimum set distance of 1 nm from the observed marine mammals. If, after moving on, marine mammals remain within the 1 nm exclusion zone, the CS or watch leader may decide to move again or to skip the station. However, the effectiveness of visual monitoring may be limited depending on weather and lighting conditions, and it may not always be possible to conduct visual observations out to 1 nm radial distance. The OOD, CS or watch leader will determine the best strategy to avoid potential takes of marine mammals based on the species encountered and their numbers and behavior, position, and vector relative to the vessel, as well as any other factors. For example, a whale transiting through the sampling area in the distance may only require a short move from the designated station, whereas a pod of dolphins in close proximity to the vessel may require a longer move from the station or possibly cancellation of the planned tow if the group follows the vessel. In any case, no trawl gear will be deployed if marine mammals have been sighted within 1 nm of the planned set location during the thirty-minute watch period.

In general, trawl operations will be conducted immediately upon arrival on station (and on conclusion of the thirty-minute pre-watch period) in order to minimize the time during which marine mammals (particularly pinnipeds) may become attracted to the vessel. However, in some cases it will be necessary to conduct small net tows (*e.g.,* bongo net) prior to deploying trawl gear in order to avoid trawling through extremely high densities of gelatinous zooplankton that can damage trawl gear.

Once the trawl net is in the water, the OOD, CS, and/or crew standing watch will continue to visually monitor the surrounding waters and will maintain a lookout for marine mammal presence as far away as environmental conditions allow. If marine mammals are sighted before the gear is fully retrieved, the most appropriate response to avoid marine mammal interaction will be determined by the professional judgment of the CS, watch leader, OOD and other experienced crew as

necessary. This judgment will be based on past experience operating trawl gears around marine mammals (*i.e.,* best professional judgment) and on SWFSC training sessions that will facilitate dissemination of expertise operating in these situations (*e.g.,* factors that contribute to marine mammal gear interactions and those that aid in successfully avoiding such events). Best professional judgment takes into consideration the species, numbers, and behavior of the animals, the status of the trawl net operation (*e.g.,* net opening, depth, and distance from the stern), the time it would take to retrieve the net, and safety considerations for changing speed or course. We recognize that it is not possible to dictate in advance the exact course of action that the OOD or CS should take in any given event involving the presence of marine mammals in proximity to an ongoing trawl tow, given the sheer number of potential variables, combinations of variables that may determine the appropriate course of action, and the need to consider human safety in the operation of fishing gear at sea. Nevertheless, we require a full accounting of factors that shape both successful and unsuccessful decisions and these details will be fed back into SWFSC training efforts and ultimately help to refine the best professional judgment that determines the course of action taken in any given scenario (see further discussion in ''Proposed Monitoring and Reporting'').

If trawling operations have been suspended because of the presence of marine mammals, the vessel will resume trawl operations (when practicable) only when the animals are believed to have departed the 1 nm exclusion zone. This decision is at the discretion of the OOD/CS and is dependent on the situation.

Standard survey protocols that are expected to lessen the likelihood of marine mammal interactions include standardized tow durations and distances. Standard tow durations of not more than thirty minutes at the target depth will be implemented, excluding deployment and retrieval time (which may require an additional thirty minutes, depending on target depth), to reduce the likelihood of attracting and incidentally taking marine mammals. Short tow durations decrease the opportunity for marine mammals to find the vessel and investigate. Trawl tow distances will be less than 3 nm—typically 1–2 nm, depending on the specific survey and trawl speed—which is expected to reduce the likelihood of attracting and incidentally taking marine mammals. In addition, care will be taken when emptying the trawl to avoid damage to marine mammals that may be caught in the gear but are not visible upon retrieval. The gear will be emptied as quickly as possible after retrieval in order to determine whether or not marine mammals are present. The vessel's crew will clean trawl nets prior to deployment to remove prey items that might attract marine mammals. Catch volumes are typically small with every attempt made to collect all organisms caught in the trawl.

*Marine mammal excluder devices*—Excluder devices are specialized modifications, typically used in trawl nets, which are designed to reduce bycatch by allowing non-target taxa to escape the net. These devices generally consist of a grid of bars fitted into the net that allow target species to pass through the bars into the codend while larger, unwanted taxa (*e.g.,* turtles, sharks, mammals) strike the bars and are ejected through an opening in the net. Marine turtle bycatch in the commercial shrimp trawl industry led to the development of turtle excluder devices (TED) (*e.g.,* Mitchell *et al.,* 1995) in the 1970s. TEDs are perhaps the most commonly used excluder devices, but devices designed specifically for the exclusion of marine mammals have also been developed for various fisheries around the world where marine mammal interactions are problematic (*e.g.,* Gibson and Isakssen, 1998; Northridge, 2003).

Similar to TEDs, MMEDs generally consist of a large aluminum grate positioned in the intermediate portion of the net forward of the codend and below an escape opening constructed into the upper net panel above the grate. These devices enable target species to pass through a grid or mesh barrier and into the codend while preventing the passage of marine mammals, which are ejected out through an escape opening or swim back out of the mouth of the net. The angled aluminum grate is intended to guide marine mammals through the escape opening. For full details of design and testing of the SWFSC MMED designed for the Nordic 264 net, please see Dotson *et al.* (2010). All Nordic 264 trawl nets will be fitted with MMEDs to allow marine mammals caught during trawling operations an opportunity to escape.

MMEDs have not been proven to be fully effective at preventing marine mammal capture in trawl nets (*e.g.,* Chilvers, 2008) and are not expected to prevent marine mammal capture in SWFSC trawl surveys. It is difficult to effectively test such devices, in terms of effectiveness in excluding marine mammals as opposed to effects on target species catchability, because realistic field trials would necessarily involve marine mammal interactions with trawl nets. Use of artificial surrogates in field trials has not been shown to be a realistic substitute (Gibson and Isakssen, 1998). Nevertheless, we believe it reasonable to assume that use of MMEDs may reduce the likelihood of a given marine mammal interaction with trawl gear resulting in mortality. We do not infer causality, but note that annual marine mammal interactions with the Nordic 264 trawl net have been much reduced (relative to 2008) since use of the MMED began (see Table 10).

Two types of nets are used in SWFSC pelagic trawl surveys: The Nordic 264 and the modified-Cobb midwater trawls. As noted, all Nordic 264 nets are outfitted with excluder devices developed specifically for SWFSC survey operations. Modified-Cobb trawl nets are considerably smaller than Nordic 264 trawl nets (80 $m^2$ versus 380 $m^2$ net opening), are fished at slower speeds, and have a different shape and functionality than the Nordic 264. Very few marine mammal interactions with SWFSC pelagic trawl gear have involved the modified-Cobb net (five of thirty total incidents from 2006–14; Table 10). Due to the smaller size and different functionality of the modified-Cobb, there is no suitable MMED yet available. However, the SWFSC plans to perform research and design work to develop an effective excluder, if possible, which will not appreciably affect the catchability of the net and therefore maintain continuity of the fisheries research dataset. Please see ''Proposed Monitoring and Reporting'' for additional discussion.

*Acoustic deterrent devices*—Acoustic deterrent devices (pingers) are underwater sound-emitting devices that have been shown to decrease the probability of interactions with certain species of marine mammals when fishing gear is fitted with the devices. Multiple studies have reported large decreases in harbor porpoise mortality (approximately eighty to ninety percent) in bottom-set gillnets (nets composed of vertical panes of netting, typically set in a straight line and either anchored to the bottom or drifting) during controlled experiments (*e.g.,* Kraus *et al.,* 1997; Trippel *et al.,* 1999; Gearin *et al.,* 2000). Using commercial fisheries data rather than a controlled experiment, Palka *et al.* (2008) reported that harbor porpoise bycatch rates in the northeast U.S gillnet fishery when fishing without pingers was about two to three times higher compared to when pingers were used. After conducting a controlled experiment in a California drift gillnet

fishery during 1996–97, Barlow and Cameron (2003) reported significantly lower bycatch rates when pingers were used for all cetacean species combined, all pinniped species combined, and specifically for short-beaked common dolphins (85 percent reduction) and California sea lions (69 percent reduction). While not a statistically significant result, catches of Pacific white-sided dolphins (which are historically one of the most frequently captured species in SWFSC surveys; see Table 10) were reduced by seventy percent. Carretta *et al.* (2008) subsequently examined nine years of observer data from the same drift gillnet fishery and found that pinger use had eliminated beaked whale bycatch. Carretta and Barlow (2011) assessed the long-term effectiveness of pingers in reducing marine mammal bycatch in the California drift gillnet fishery by evaluating fishery data from 1990–2009 (with pingers in use beginning in 1996), finding that bycatch rates of cetaceans were reduced nearly fifty percent in sets using a sufficient number of pingers. However, in contrast to the findings of Barlow and Cameron (2003), they report no significant difference in pinniped bycatch.

To be effective, a pinger must emit a signal that is sufficiently aversive to deter the species of concern, which requires that the signal is perceived while also deterring investigation. In rare cases, aversion may be learned as a warning when an animal has survived interaction with gear fitted with pingers (Dawson, 1994). The mechanisms by which pingers work in operational settings are not fully understood, but field trials and captive studies have shown that sounds produced by pingers are aversive to harbor porpoises (*e.g.,* Laake *et al.,* 1998; Kastelein *et al.,* 2000; Culik *et al.,* 2001), and it is assumed that when marine mammals are deterred from interacting with gear fitted with pingers that it is because the sounds produced by the devices are aversive. Two primary concerns expressed with regard to pinger effectiveness in reducing marine mammal bycatch relate to habituation (*i.e.,* marine mammals may become habituated to the sounds made by the pingers, resulting in increasing bycatch rates over time; Dawson, 1994; Cox *et al.,* 2001; Carlström *et al.,* 2009) and the ''dinner bell effect'' (Dawson, 1994; Richardson *et al.,* 1995), which implies that certain predatory marine mammal species (*e.g.,* sea lions) may come to associate pingers with a food source (*e.g.,* fish caught in nets) with the result that bycatch rates may be higher in nets with pingers than in those without.

Palka *et al.* (2008) report that habituation has not occurred on a level that affects the bycatch estimate for the northeast U.S. gillnet fishery, while cautioning that the data studied do not provide a direct method to study habituation. Similarly, Carretta and Barlow (2011) report that habituation is not apparent in the California drift gillnet fishery, with the proportion of pinger-fitted sets with bycatch not significantly different for either cetaceans or pinnipeds between the periods 1996–2001 and 2001–09; in fact, bycatch rates for both taxa overall were lower in the latter period. We are not aware of any long-term behavioral studies investigating habituation. Bycatch rates of California sea lions, specifically, did increase during the latter period. However, the authors do not attribute the increase to pinger use (*i.e.,* the ''dinner bell effect''); rather, they believe that continuing increases in population abundance for the species (Carretta *et al.,* 2014) coincident with a decline in fishery effort are responsible for the increased rate of capture. Despite these potential limitations on the effectiveness of pingers, and while effectiveness has not been tested on trawl gear, we believe that the available evidence supports an assumption that use of pingers is likely to reduce the potential for marine mammal interactions with SWFSC trawl gear.

If one assumes that use of a pinger is effective in deterring marine mammals from interacting with fishing gear, one must therefore assume that receipt of the acoustic signal has a disturbance effect on those marine mammals (*i.e.,* Level B harassment). However, Level B harassment that may be incurred as a result of SWFSC use of pingers does not constitute take that must be authorized under the MMPA. The MMPA prohibits the taking of marine mammals by U.S. citizens or within the U.S. EEZ unless such taking is appropriately permitted or authorized. However, the MMPA provides several narrowly defined exemptions from this requirement (*e.g.,* for Alaskan natives; for defense of self or others; for Good Samaritans [16 U.S.C. 1371(b)–(d)]). Section 109(h) of the MMPA (16 U.S.C. 1379(h)) allows for the taking of marine mammals in a humane manner by federal, state, or local government officials or employees in the course of their official duties if the taking is necessary for ''the protection or welfare of the mammal,'' ''the protection of the public health and welfare,'' or ''the non-lethal removal of nuisance animals.'' SWFSC use of pingers as a deterrent device, which may cause Level B harassment of marine mammals, is intended solely for the avoidance of potential marine mammal interactions with SWFSC research gear (*i.e.,* avoidance of Level A harassment, serious injury, or mortality). Therefore, use of such deterrent devices, and the taking that may result, is for the protection and welfare of the mammal and is covered explicitly under MMPA section 109(h)(1)(A). Potential taking of marine mammals resulting from SWFSC use of pingers is not discussed further in this document.

Pingers will be deployed during all pelagic trawl operations and on all types of midwater trawl nets (*i.e.,* the Nordic 264 and modified-Cobb nets), with two to four pingers placed along the footrope and/or headrope. The vessel's crew will ensure that pingers are operational prior to deployment. Pingers are manufactured by STM Products (Model DDD–03H), with the following attributes: (1) Operational depth of 10–200 m; (2) tones range from 100 ms to seconds in duration; (3) variable frequency of 5–500 kHz; and (4) maximum source level of 176 dB rms re 1 μPa at 30–80 kHz. Please see ''Marine Mammal Hearing'' below for reference to functional and best hearing ranges for marine mammals present in the CCE.

*AMLR bottom trawl surveys*—The SWFSC has no documented interactions with marine mammals in bottom trawl gear used periodically in the AMLR, and standard trawl protocols described above are not required for these surveys. Please see ''Potential Effects of the Specified Activity on Marine Mammals and Their Habitat'' for further discussion of this gear. However, SWFSC staff conduct visual and acoustic surveys prior to deploying bottom trawl gear to assess the bathymetry and whether marine mammals are present in the area. These visual and acoustic surveys have resulted in very few detections of marine mammals during trawling operations. Visual and acoustic monitoring will continue as a regular part of future bottom trawl surveys in the AMLR study area, and if detections increase, indicating a higher potential for marine mammal interactions, we will consider the need to implement the standard trawl protocols described above during AMLR bottom trawl surveys.

*Longline Survey Visual Monitoring and Operational Protocols*

Visual monitoring requirements for all pelagic longline surveys are the same as those described above for trawl surveys. Please see that section for full details of the visual monitoring and ''move-on''

protocols. These protocols are not required for bottom longline or vertical longline operations, as there have been no documented marine mammal interactions for SWFSC use of these gears and because we believe there is very little risk of interaction even without these measures. Please see ''Potential Effects of the Specified Activity on Marine Mammals and Their Habitat'' for further discussion of these gears. In summary, requirements for pelagic longline surveys are to: (1) Conduct visual monitoring for a period not less than thirty minutes prior to arrival on station; (2) implement the ''move-on rule'' if marine mammals are observed within a 1-nm exclusion zone around the vessel; (3) deploy gear as soon as possible upon arrival on station (contingent on clearance of the exclusion zone); and (4) maintain visual monitoring effort throughout deployment and retrieval of the longline gear. As was described for trawl gear, the OOD, CS, or watch leader will use best professional judgment to minimize the risk to marine mammals from potential gear interactions during deployment and retrieval of gear. If marine mammals are detected during setting operations and are considered to be at risk, immediate retrieval or suspension of operations may be warranted. If operations have been suspended because of the presence of marine mammals, the vessel will resume setting (when practicable) only when the animals are believed to have departed the 1-nm exclusion zone. If marine mammals are detected during retrieval operations and are considered to be at risk, haul-back may be postponed. These decisions are at the discretion of the OOD/CS and are dependent on the situation.

We propose one exception to these requirements for longline gear. If five or fewer California sea lions are sighted within the 1-nm exclusion zone during the thirty-minute pre-clearance period, longline gear may be deployed (observations of more than five California sea lions would trigger the ''move-on rule'' or suspension of gear deployment or retrieval, as appropriate and, for the latter, as indicated by best professional judgment). This exception has been defined in an effort to strike a balance between the rarity of past interactions between longline gear and California sea lions and the increasing abundance of the species in order to preserve practicability of implementation. Given the anecdotally-observed density of California sea lions in the areas where longline surveys are conducted, the SWFSC believes that implementation of, for example, the ''move-on rule'' upon observation of five or fewer California sea lions would preclude sampling in some areas and introduce significant bias into survey results. The SWFSC believes that a group size threshold of six represents a reasonable trigger that would allow sampling in areas where target species are likely to be caught without increasing the number of interactions between California sea lions and longline gear.

As for trawl surveys, some standard survey protocols are expected to minimize the potential for marine mammal interactions. Typical soak times are two to four hours, measured from the time the last hook is in the water to when the first hook is brought out of the water (but may be as long as eight hours when targeting swordfish). SWFSC longline protocols specifically prohibit chumming (releasing additional bait to attract target species to the gear). However, spent bait may be discarded during gear retrieval while gear is still in the water. SWFSC believes from prior experience that this practice increases survey efficiency and notes that it has not resulted in marine mammal interactions. Anecdotal observations indicate that pinnipeds do not gather immediately aft of the survey vessel as a result of discarding spent bait. However, if marine mammal interactions with longline gear increase or if SWFSC staff observe that this practice may contribute to increased potential for interactions, we will consider the need to retain spent bait until all gear is retrieved.

We have carefully evaluated the SWFSC's proposed mitigation measures and considered a range of other measures in the context of ensuring that we prescribed the means of effecting the least practicable adverse impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another: (1) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals, (2) the proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and (3) the practicability of the measure for applicant implementation.

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

(1) Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2) A reduction in the number (total number or number at biologically important time or location) of individual marine mammals exposed to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing takes by behavioral harassment only).

(3) A reduction in the number (total number or number at biologically important time or location) of times any individual marine mammal would be exposed to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing takes by behavioral harassment only).

(4) A reduction in the intensity of exposure to stimuli expected to result in incidental take (this goal may contribute to 1, above, or to reducing the severity of behavioral harassment only).

(5) Avoidance or minimization of adverse effects to marine mammal habitat, paying particular attention to the prey base, blockage or limitation of passage to or from biologically important areas, permanent destruction of habitat, or temporary disturbance of habitat during a biologically important time.

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

Based on our evaluation of the SWFSC's proposed measures, as well as other measures we considered, we have preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

**Description of Marine Mammals in the Area of the Specified Activity**

We have reviewed SWFSC's species descriptions—which summarize available information regarding status and trends, distribution and habitat preferences, behavior and life history, and auditory capabilities of the potentially affected species—for accuracy and completeness and refer the reader to Sections 3 and 4 of SWFSC's application, as well as to NMFS' Stock Assessment Reports (SARs; *www.nmfs.noaa.gov/pr/sars/*), instead of reprinting the information here. Tables 3–5 list all species with expected potential for occurrence in the specified

geographical regions where SWFSC proposes to conduct the specified activity and summarize information related to the population or stock, including potential biological removal (PBR). For taxonomy, we follow Committee on Taxonomy (2014). PBR, defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population, is discussed in greater detail later in this document (see ''Negligible Impact Analyses''). Species that could potentially occur in the proposed research areas but are not expected to have the potential for interaction with SWFSC research gear or that are not likely to be harassed by SWFSC's use of active acoustic devices are described briefly but omitted from further analysis. These include extralimital species, which are species that do not normally occur in a given area but for which there are one or more occurrence records that are considered beyond the normal range of the species.

For status of species, we provide information regarding U.S. regulatory status under the MMPA and ESA but also provide International Union for the Conservation of Nature (IUCN) status for some species in the ETP and AMLR, where stocks are generally not defined by NMFS. The IUCN systematically assesses the relative risk of extinction for terrestrial and aquatic plant and animal species via a classification scheme using five designations, including three threatened categories (Critically Endangered, Endangered, and Vulnerable) and two non-threatened categories (Near Threatened and Least Concern) (IUCN, 2014). These assessments are generally made relative to the species' global status, and therefore may have limited applicability when marine mammal stocks are defined because we analyze the potential population-level effects of the specified activity to the relevant stock. However, where stocks are not defined, IUCN status can provide a useful reference.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. Survey abundance (as compared to stock or species abundance) is the total number of individuals estimated within the survey area, which may or may not align completely with a stock's geographic range as defined in the SARs. These surveys may also extend beyond U.S. waters.

*California Current Ecosystem*

In the CCE, 34 species (with forty managed stocks) are considered to have the potential to co-occur with SWFSC activities. Extralimital species or stocks in the CCE include the Bryde's whale (*Balaenoptera edeni brydei*) and the North Pacific right whale (*Eubalaena japonica*). In addition, the sea otter is found in coastal waters of the CCE, with the southern sea otter (*Enhydra lutris nereis*) found in California and the northern (or eastern) sea otter (*E. l. kenyoni;* Washington stock only) found in Washington. However, sea otters are managed by the U.S. Fish and Wildlife Service and are not considered further in this document. Most survey activity occurs offshore and is therefore less likely to interact with coastal species such as harbor porpoise, the coastal stock of bottlenose dolphin, or gray whales (during the northbound migration), although these species are considered further in this document. All managed stocks in the CCE are assessed in NMFS' U.S. Pacific SARs (*e.g.,* Carretta *et al.,* 2014), with the exception of the west coast transient stock of killer whales, the eastern North Pacific stock of the northern fur seal, and the eastern stock of the Steller sea lion, which are considered in the U.S. Alaska SARs (*e.g.,* Allen and Angliss, 2014). All values presented in Table 3 are from the most recent SARs (*i.e.,* 2013).

Two populations of gray whales are recognized, eastern and western North Pacific (ENP and WNP). WNP whales are known to feed in the Okhotsk Sea and off of Kamchatka before migrating south to poorly known wintering grounds, possibly in the South China Sea. The two populations have historically been considered geographically isolated from each other; however, recent data from satellite-tracked whales indicate that there is some overlap between the stocks. Two WNP whales were tracked from Russian foraging areas along the Pacific rim to Baja California (Mate *et al.,* 2011), and, in one case where the satellite tag remained attached to the whale for a longer period, a WNP whale was tracked from Russia to Mexico and back again (IWC, 2012). Between 22–24 WNP whales are known to have occurred in the eastern Pacific through comparisons of ENP and WNP photo-identification catalogs (IWC, 2012; Weller *et al.,* 2011; Burdin *et al.,* 2011), and WNP animals comprised 8.1 percent of gray whales identified during a recent field season off of Vancouver Island (Weller *et al.,* 2012). In addition, two genetic matches of WNP whales have been recorded off of Santa Barbara, CA (Lang *et al.,* 2011). More recently, Urban *et al.* (2013) compared catalogs of photo-identified individuals from Mexico with photographs of whales off Russia and reported a total of 21 matches. Therefore, a portion of the WNP population is assumed to migrate, at least in some years, to the eastern Pacific during the winter breeding season.

However, the SWFSC does not believe that any gray whale (WNP or ENP) would be likely to interact with its research gear, and the likelihood of a WNP gray whale being exposed to underwater sound produced by the specified activity is so low as to be discountable. For example, of the approximately 20,000 gray whales migrating annually through the Southern California Bight, it is extremely unlikely that one in close proximity to SWFSC research activity would be one of the approximately twenty WNP whales that have been documented in the eastern Pacific (less than one percent probability). The likelihood that a WNP whale would interact with SWFSC research gear or be exposed to elevated levels of sound from the specified activities is insignificant and discountable, and WNP gray whales are omitted from further analysis.

TABLE 3—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF SWFSC RESEARCH ACTIVITIES IN THE CCE

| Common name | Scientific name | Stock | ESA/MMPA status; Strategic (Y/N) [1] | Stock abundance (CV, $N_{min}$, most recent abundance survey) [2] | PBR | Annual M/SI [3] |
|---|---|---|---|---|---|---|
| **Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)** | | | | | | |
| **Family Eschrichtiidae** | | | | | | |
| Gray whale | *Eschrichtius robustus* | Eastern North Pacific | —; N | 19,126 (0.071; 18,017; 2007). | 558 | [13] 127 |
| **Family Balaenopteridae (rorquals)** | | | | | | |
| Humpback whale | *Megaptera novaeangliae kuzira.* | California/Oregon/ Washington (CA/ OR/WA). | E/D; Y | 1,918 (0.03; 1,855; 2011). | [12] 22 | ≥5.5 |
| Minke whale | *Balaenoptera acutorostrata scammoni.* | CA/OR/WA | —; N | 478 (1.36; 202; 2008) | 2 | 0 |
| Sei whale | *B. borealis borealis* | Eastern North Pacific | E/D; Y | 126 (0.53; 83; 2008) | 0.17 | 0 |
| Fin whale | *B. physalus physalus* | CA/OR/WA | E/D; Y | 3,051 (0.18; 2,598; 2008). | 16 | 2.2 |
| Blue whale | *B. musculus musculus.* | Eastern North Pacific | E/D; Y | 1,647 (0.07; 1,551; 2011). | [12] 9.3 | 1.9 |
| **Superfamily Odontoceti (toothed whales, dolphins, and porpoises)** | | | | | | |
| **Family Physeteridae** | | | | | | |
| Sperm whale | *Physeter macrocephalus.* | CA/OR/WA | E/D; Y | 971 (0.31; 751; 2008) | 1.5 | 4 |
| **Family Kogiidae** | | | | | | |
| Pygmy sperm whale | *Kogia breviceps* | CA/OR/WA | —; N | 579 (1.02; 271; 2008) | 2.7 | 0 |
| Dwarf sperm whale | *K. sima* | CA/OR/WA [5] | —; N | Unknown | Unk. | 0 |
| **Family Ziphiidae (beaked whales)** | | | | | | |
| Cuvier's beaked whale | *Ziphius cavirostris* | CA/OR/WA | —; Y | 6,590 (0.55; 4,481; 2008). | 45 | 0 |
| Baird's beaked whale | *Berardius bairdii* | CA/OR/WA | —; N | 847 (0.81; 466; 2008) | 4.7 | 0 |
| Hubbs' beaked whale | *Mesoplodon carlhubbsi.* | CA/OR/WA [6] | —; Y | 694 (0.65; 389; 2008) | 3.9 | 0 |
| Blainville's beaked whale | *M. densirostris.* | | | | | |
| Ginkgo-toothed beaked whale. | *M. ginkgodens.* | | | | | |
| Perrin's beaked whale | *M. perrini.* | | | | | |
| Lesser (pygmy) beaked whale. | *M. peruvianus.* | | | | | |
| Stejneger's beaked whale. | *M. stejnegeri.* | | | | | |
| **Family Delphinidae** | | | | | | |
| Common bottlenose dolphin. | *Tursiops truncatus truncatus.* | CA/OR/WA Offshore | —; N | 1,006 (0.48; 684; 2008). | 5.5 | ≥2 |
| | | California Coastal | —; N | 323 (0.13; 290; 2005) | 2.4 | 0.2 |
| Striped dolphin | *Stenella coeruleoalba* | CA/OR/WA | —; N | 10,908 (0.34; 8,231; 2008). | 82 | 0 |
| Long-beaked common dolphin. | *Delphinus capensis capensis.* | California | —; N | 107,016 (0.42; 76,224; 2009). | 610 | 13.8 |
| Short-beaked common dolphin. | *D. delphis delphis* | CA/OR/WA | —; N | 411,211 (0.21; 343,990; 2008). | 3,440 | 64 |
| Pacific white-sided dolphin. | *Lagenorhynchus obliquidens.* | CA/OR/WA | —; N | 26,930 (0.28; 21,406; 2008). | 171 | [14] 17.8 |
| Northern right whale dolphin. | *Lissodelphis borealis* | CA/OR/WA | —; N | 8,334 (0.4; 6,019; 2008). | 48 | [14] 4.8 |
| Risso's dolphin | *Grampus griseus* | CA/OR/WA | —; N | 6,272 (0.3; 4,913; 2008). | 39 | 1.6 |
| Killer whale | *Orcinus orca* [4] | West Coast Transient [7]. | —; N | 243 (n/a; 2006) | 2.4 | 0 |

TABLE 3—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF SWFSC RESEARCH ACTIVITIES IN THE CCE—Continued

| Common name | Scientific name | Stock | ESA/MMPA status; Strategic (Y/N) [1] | Stock abundance (CV, $N_{min}$, most recent abundance survey) [2] | PBR | Annual M/SI [3] |
|---|---|---|---|---|---|---|
| | | Eastern North Pacific Offshore. | —; N | 240 (0.49; 162; 2008) | 1.6 | 0 |
| | | Eastern North Pacific Southern Resident. | E/D; Y | 85 (n/a; 2012) ..... | 0.14 | 0 |
| Short-finned pilot whale. | *Globicephala macrorhynchus*. | CA/OR/WA ..... | —; N | 760 (0.64; 465; 2008) | 4.6 | 0 |
| **Family Phocoenidae (porpoises)** | | | | | | |
| Harbor porpoise ..... | *Phocoena phocoena vomerina*. | Morro Bay ..... | —; N | 2,917 (0.41; 2,102; 2012). | 21 | ≥0.6 |
| | | Monterey Bay ..... | —; N | 3,715 (0.51; 2,480; 2011). | 25 | 0 |
| | | San Francisco-Russian River. | —; N | 9,886 (0.51; 6,625; 2011). | 66 | 0 |
| | | Northern CA/Southern OR. | —; N | 35,769 (0.52; 23,749; 2011). | 475 | ≥0.6 |
| | | Northern OR/WA Coast. | —; N | 21,487 (0.44; 15,123; 2011). | 151 | ≥3 |
| | | Washington Inland Waters [8 9]. | —; N | 10,682 (0.38; 7,841; 2003). | Undet. | ≥2.2 |
| Dall's porpoise ..... | *Phocoenoides dalli dalli*. | CA/OR/WA ..... | —; N | 42,000 (0.33; 32,106; 2008). | 257 | ≥0.4 |
| **Order Carnivora—Superfamily Pinnipedia** | | | | | | |
| **Family Otariidae (eared seals and sea lions)** | | | | | | |
| Guadalupe fur seal .... | *Arctocephalus philippii townsendi*. | [8] ..... | T/D; Y | 7,408 (n/a; 3,028; 1993). | Undet. | [15] 0 |
| Northern fur seal ..... | *Callorhinus ursinus* ... | Pribilof Islands/Eastern Pacific. | D; Y | 639,545 (n/a; 541,317; 2008–11). | 11,638 | 471 |
| | | California ..... | —; N | 12,844 (n/a; 6,722; 2011). | 403 | [14] 2.6 |
| California sea lion ..... | *Zalophus californianus*. | United States ..... | —; N | 296,750 (n/a; 153,337; 2008). | 9,200 | [14] ≥431 |
| Steller sea lion ..... | *Eumetopias jubatus monteriensis*. | Eastern U.S. [10] ..... | D; N | 63,160–78,198 (n/a; 34,485; 2008–11) [11]. | 1,552 | 65.1 |
| **Family Phocidae (earless seals)** | | | | | | |
| Harbor seal ..... | *Phoca vitulina richardii*. | California ..... | —; N | 30,196 (n/a; 26,667; 2009). | 1,600 | 31 |
| | | OR/WA Coast [8] ..... | —; N | 24,732 (0.12; 22,380; 1999). | Undet. | 10.6 |
| | | Washington Inland Waters [8 9]. | —; N | 14,612 (0.15; 12,844; 1999). | Undet. | 13.4 |
| Northern elephant seal. | *Mirounga angustirostris*. | California Breeding ... | —; N | 124,000 (n/a; 74,913; 2005). | 4,382 | ≥10.4 |

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (—) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports at: *www.nmfs.noaa.gov/pr/sars/*. CV is coefficient of variation; $N_{min}$ is the minimum estimate of stock abundance. In some cases, CV is not applicable. For two stocks of killer whales, the abundance values represent direct counts of individually identifiable animals; therefore there is only a single abundance estimate with no associated CV. For certain stocks of pinnipeds, abundance estimates are based upon observations of animals (often pups) ashore multiplied by some correction factor derived from knowledge of the species' (or similar species') life history to arrive at a best abundance estimate; therefore, there is no associated CV. In these cases, the minimum abundance may represent actual counts of all animals ashore.

[3] These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, subsistence hunting, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value.

[4] Transient and resident killer whales are considered unnamed subspecies (Committee on Taxonomy, 2014).

[5] No information is available to estimate the population size of dwarf sperm whales off the U.S. west coast, as no sightings of this species have been documented despite numerous vessel surveys of this region (Carretta *et al.,* 2014). Dwarf and pygmy sperm whales are difficult to differentiate at sea but, based on previous sighting surveys and historical stranding data, it is thought that recent ship survey sightings were of pygmy sperm whales.

[6] The six species of Mesoplodont beaked whales occurring in the CCE are managed as a single stock due to the rarity of records and the difficulty in distinguishing these animals to species in the field. Based on bycatch and stranding records, it appears that *M. carlhubbsi* is the most commonly encountered of these species (Carretta *et al.,* 2008; Moore and Barlow, 2013). Additional managed stocks in the Pacific include *M. stejnegeri* in Alaskan waters and *M. densirostris* in Hawaiian waters.

[7] The abundance estimate for this stock includes only animals from the ''inner coast'' population occurring in inside waters of southeastern Alaska, British Columbia, and Washington—excluding animals from the ''outer coast'' subpopulation, including animals from California—and therefore should be considered a minimum count. For comparison, the previous abundance estimate for this stock, including counts of animals from California that are now considered outdated, was 354.

[8] Abundance estimates for these stocks are greater than eight years old and are not considered current. PBR is therefore considered undetermined for these stocks, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimates, as these represent the best available information for use in this document.

[9] Based on location of SWFSC research, no take is likely to occur for Washington inland waters stocks. Therefore, such stocks of harbor porpoise and harbor seal are excluded from further analysis.

[10] The eastern distinct population segment of the Steller sea lion, previously listed as threatened, was delisted under the ESA on December 4, 2013 (78 FR 66140; November 4, 2013).

[11] Best abundance is calculated as the product of pup counts and a factor based on the birth rate, sex and age structure, and growth rate of the population. A range is presented because the extrapolation factor varies depending on the vital rate parameter resulting in the growth rate (*i.e.,* high fecundity or low juvenile mortality).

[12] These stocks are known to spend a portion of their time outside the U.S. EEZ. Therefore, only a portion of the PBR presented here is allocated for U.S. waters. U.S. PBR allocation is one-quarter of the total for blue whales (2.3) and half the total for humpback whales (11). Annual M/SI presented for these species is for U.S. waters only.

[13] Includes annual Russian harvest of 123 whales.

[14] These species have been historically taken in SWFSC research surveys (see Tables 10 and 11). Values for total annual human-caused M/SI include 6.0 Pacific white-sided dolphins, 1.2 northern right whale dolphins, 1.0 northern fur seals (California stock), and 3.0 California sea lions taken annually in SWFSC research surveys. Two northern fur seals from the eastern Pacific stock were taken in SWFSC research surveys between 2007–11, but these mortalities are not accounted for in the total annual M/SI value presented in the SAR.

[15] This represents annual M/SI in U.S. waters. However, the vast majority of M/SI for this stock—the level of which is unknown—would likely occur in Mexican waters.

*Take reduction planning*—Take reduction plans are designed to help recover and prevent the depletion of strategic marine mammal stocks that interact with certain U.S. commercial fisheries, as required by Section 118 of the MMPA. The immediate goal of a take reduction plan is to reduce, within six months of its implementation, the M/SI of marine mammals incidental to commercial fishing to less than the PBR level. The long-term goal is to reduce, within five years of its implementation, the M/SI of marine mammals incidental to commercial fishing to insignificant levels, approaching a zero serious injury and mortality rate, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans. Take reduction teams are convened to develop these plans.

For marine mammals in the California Current Ecosystem, there is currently one take reduction plan in effect (Pacific Offshore Cetacean Take Reduction Plan). The goal of this plan is to reduce M/SI of several marine mammal stocks incidental to the California thresher shark/swordfish drift gillnet fishery (CA DGN). A team was convened in 1996 and a final plan produced in 1997 (62 FR 51805; October 3, 1997). Marine mammal stocks of concern initially included the California, Oregon, and Washington stocks for all CCE beaked whales, short-finned pilot whales, pygmy sperm whales, sperm whales, and humpback whales. The most recent five-year averages of M/SI for these stocks are below PBR, and none of these species were taken in the fishery in 2012–13. More information is available on the Internet at: *www.nmfs.noaa.gov/pr/interactions/trt/poctrp.htm.* Of the stocks of concern, the SWFSC has requested the authorization of incidental M/SI + Level A for the short-finned pilot whale only (see ''Estimated Take by Incidental Harassment'' later in this document). The most recent reported average annual human-caused mortality for short-finned pilot whales (2004–08) is zero animals. The SWFSC does not use drift gillnets in its fisheries research program; therefore, take reduction measures applicable to the CA DGN fisheries are not relevant to the SWFSC.

*Unusual Mortality Events (UME)*—A UME is defined under the MMPA as ''a stranding that is unexpected; involves a significant die-off of any marine mammal population; and demands immediate response.'' From 1991 to the present, there have been fifteen formally recognized UMEs on the U.S. west coast involving species under NMFS' jurisdiction. The most recent of these, and the only one involving a currently ongoing investigation, involved California sea lions. Beginning in January 2013, elevated strandings of California sea lion pups were observed in southern California, with live sea lion strandings nearly three times higher than the historical average. Findings to date indicate that a likely contributor to the large number of stranded, malnourished pups was a change in the availability of sea lion prey for nursing mothers, especially sardines. The causes and mechanisms of this UME remain under investigation (*www.nmfs.noaa.gov/pr/health/mmume/californiasealions2013.htm;* accessed May 8, 2014).

Additional UMEs in the past ten years include those involving harbor porpoises in California (2008; cause determined to be ecological factors); Guadalupe fur seals in the northwest (2007; undetermined); large whales in California (2007; human interaction); cetaceans in California (2007; undetermined); and harbor porpoises in the Pacific Northwest (2006; undetermined). For more information on UMEs, please visit the Internet at: *www.nmfs.noaa.gov/pr/health/mmume/.*

*Eastern Tropical Pacific*

In the ETP, 32 species—including multiple stocks for some species—are considered to have the potential to co-occur with SWFSC activities. As in the CCE, an undifferentiated stock of Mesoplodont beaked whales (*Mesoplodon* spp.) is present, but is not defined in the sense that the U.S.-managed CCE stock is. In the ETP, Mesoplodont beaked whales likely include Blainville's, ginkgo-toothed, and lesser (pygmy) beaked whales, but would encompass any Mesoplodont species occurring in the ETP. Although some of the ETP species are the same as those found in the CCE, in many cases different stocks or populations are present than those found in the CCE. However, because the majority of these do not constitute stocks under U.S. jurisdiction, the stocks are not managed by NMFS and there are no SARs. Therefore, substantially less information is available for these species in relation to the stocks or populations and their occurrence in the ETP (*e.g.,* PBR is generally not calculated for ETP stocks, and strategic designations are not

made). Extralimital species in the ETP include the pygmy sperm whale, southern bottlenose whale (*Hyperoodon planifrons*), long-finned pilot whale (*Globicephala melas*), Burmeister's porpoise (*Phocoena spinipinnis*), and Dall's porpoise.

TABLE 4—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF SWFSC RESEARCH ACTIVITIES IN THE ETP

| Common name | Scientific name | Stock [2] | ESA/MMPA/ IUCN status [3] | Abundance (CV, $N_{min}$) [5] | PBR [16] |
|---|---|---|---|---|---|
| **Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)** | | | | | |
| **Family Balaenopteridae (rorquals)** | | | | | |
| Humpback whale | *Megaptera novaeangliae* | CA/OR/WA & Breeding Stock G. | E/D/LC | [6] 2,566 | |
| Minke whale | *Balaenoptera acutorostrata scammoni.* | | —/LC | [6] 115 | |
| Bryde's whale | *B. edeni brydei* | Eastern North Pacific & Peruvian. | —/DD | [7] 10,411 (0.20) | |
| Sei whale | *B. borealis borealis* | | E/D/EN | [6] 0 | |
| Fin whale | *B. physalus physalus* | | E/D/EN | [6] 574 | |
| Blue whale | *B. musculus musculus* | Eastern North Pacific | E/D/EN | [8] 1,415 (0.24) | |
| **Superfamily Odontoceti (toothed whales, dolphins, and porpoises)** | | | | | |
| **Family Physeteridae** | | | | | |
| Sperm whale | *Physeter macrocephalus* | | E/D/VU | [7] 4,145 (0.73) | |
| **Family Kogiidae** | | | | | |
| Dwarf sperm whale | *Kogia sima* | | —/DD | [8] 11,200 (0.29; 8,789). | 88 |
| **Family Ziphiidae (beaked whales)** | | | | | |
| Cuvier's beaked whale | *Ziphius cavirostris* | | —/LC | [8 9] 20,000 (0.27) | |
| Longman's beaked whale | *Indopacetus pacificus* | | —/DD | [10] 1,007 (1.26) | |
| Blainville's beaked whale | *Mesoplodon densirostris* | | —/DD | [8] 25,300 (0.20) | |
| Ginkgo-toothed beaked whale. | *M. ginkgodens.* | | | | |
| Lesser (pygmy) beaked whale. | *M. peruvianus.* | | | | |
| **Family Delphinidae** | | | | | |
| Rough-toothed dolphin | *Steno bredanensis* | | —/LC | [11] 107,663 (0.22; 89,653). | 897 |
| Common bottlenose dolphin. | *Tursiops truncatus truncatus.* | | —/LC | [11] 335,834 (0.20; 284,952). | 2,850 |
| Striped dolphin | *Stenella coeruleoalba* | | —/LC | [11] 964,362 (0.21; 811,592). | 8,116 |
| Pantropical spotted dolphin. | *S. attenuata attenuata* | Northeastern Offshore | [4] —/D | [11] 857,884 (0.23) | 12,334 |
| | | Western and Southern Offshore. | — | [11] 439,208 (0.29) | |
| | *S. a. graffmani* | Coastal | [4] —/D | [11] 278,155 (0.59) | |
| Spinner dolphin | *S. longirostris* | Whitebelly | — | 734,837 (0.61) [11] | |
| | *S. l. orientalis* | Eastern | [4] —/D | [11] 1,062,879 (0.26). | |
| | *S. l. centroamericana* | Central American | — | Unknown | |
| Long-beaked common dolphin. | *Delphinus capensis capensis.* | | —/DD | [6] 372,429 (0.36; 278,651). | 2,787 |
| Short-beaked common dolphin. | *D. delphis delphis* | Northern<br>Central<br>Southern | — | [11] 3,127,203 (0.26; 2,513,269). | 25,133 |
| Fraser's dolphin | *Lagenodelphis hosei* | | —/LC | [8] 289,300 (0.34) | |
| Dusky dolphin | *Lagenorhynchus obscurus posidonia.* | | —/DD | [6] 40,211 | |
| Risso's dolphin | *Grampus griseus* | | —/LC | [11] 110,457 (0.35; 83,092). | 831 |
| Melon-headed whale | *Peponocephala electra* | | —/LC | [8] 45,400 (0.47) | |
| Pygmy killer whale | *Feresa attenuata* | | —/DD | [8] 38,990 (0.31) | |
| False killer whale | *Pseudorca crassidens* | | —/DD | [8] 39,800 (0.64) | 244 |
| Killer whale | *Orcinus orca* [1] | | —/DD | [8] 8,500 (0.37; 24,365). | |

TABLE 4—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF SWFSC RESEARCH ACTIVITIES IN THE ETP—Continued

| Common name | Scientific name | Stock [2] | ESA/MMPA/ IUCN status [3] | Abundance (CV, $N_{min}$) [5] | PBR [16] |
|---|---|---|---|---|---|
| Short-finned pilot whale .. | *Globicephala macrorhynchus.* | ..... | —/DD | [7] 589,315 (0.26; 475,141). | 4,751 |
| **Order Carnivora—Superfamily Pinnipedia** | | | | | |
| **Family Otariidae (eared seals and sea lions)** | | | | | |
| Guadalupe fur seal ..... | *Arctocephalus philippii townsendi.* | ..... | T/D/NT | [12] [13] Unknown ..... | ..... |
| California sea lion ..... | *Zalophus californianus* ... | ..... | —/LC | [12] [14] 105,000 ..... | 1,050 |
| South American sea lion | *Otaria byronia* ..... | ..... | —/LC | [12] [15] 150,000 ..... | 1,500 |
| Northern elephant seal ... | *Mirounga angustirostris* | ..... | —/LC | [12] [13] Unknown ..... | ..... |

[1] Defined ecotypes have not yet been recognized for the ETP, although available evidence (*e.g.,* observed predation on marine mammals, genetic analysis) indicates that observed animals may be of the transient ecotype (*e.g.,* Pitman *et al.,* 2007; Olson and Gerrodette, 2008).

[2] For most species in the ETP, stocks are not delineated and entries refer generally to individuals of the species occurring in the ETP. Coastal regions of the ETP include wintering areas for humpback whales from both the northern (CA/OR/WA [*i.e.,* U.S.-managed] stock; *M. n. kuzira*) and southern (Breeding Stock G, which feeds off the Antarctic Peninsula and southern Chile; *M. n. australis*) hemispheres. The IWC recognizes eastern North Pacific and Peruvian stocks of Bryde's whale (Carretta *et al.,* 2007), although Wade and Gerrodette (1993) suggested that Bryde's whales in the ETP may comprise two stocks based on a gap in distribution between 7°N and 9°N. The offshore form of the pantropical spotted dolphin is found in oceanic tropical waters worldwide, while the coastal form is found only in coastal waters of the ETP. These two forms are recognized as subspecies. Offshore spotted dolphins occurring in the ETP are divided into a northeastern and combined western/southern stock. Whitebelly spinner dolphins are considered hybrids of the eastern spinner and the Gray's spinner (*S. l. longirostris;* Gray's spinner is a subspecies found in oceanic tropical waters worldwide), and is considered a stock for management purposes. The Central American subspecies is restricted to coastal waters over the ETP shelf, from southern Mexico to Costa Rica. The eastern subspecies is found in pelagic waters of the ETP east of 145°W, from 24°N off Baja California to 10°S off Peru, exclusive of the range of *S. l. centroamericana.* Short-beaked common dolphins are divided into northern, central and southern stocks, although no recent stock-specific abundance estimates are available. A hiatus at 13–20°N and at about 3°N divide the offshore populations into the respective stocks. The central form occurs at 3–18°N and the southern common dolphin ranges from 3°N to at least 13°S (Dizon *et al.* 1994).

[3] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (—) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Any species listed under the ESA is automatically designated under the MMPA as depleted. IUCN status: Endangered (EN), Vulnerable (VU), Near Threatened (NT), Least Concern (LC), Data Deficient (DD). IUCN status not provided for species with defined stocks in the ETP.

[4] These stocks of the genus *Stenella* are designated as depleted under the MMPA due to high levels of bycatch in the yellowfin tuna purse-seine fishery in the eastern tropical Pacific beginning in the 1950s.

[5] CV is coefficient of variation; $N_{min}$ is the minimum estimate of stock abundance. In some cases, CV and/or $N_{min}$ is not available. These metrics are not applicable to either species of sea lion because population estimates were made based on counts of animals in aerial photographs. These counts are considered as actual population size so there is no associated error.

[6] Unpublished abundance estimates derived by SWFSC from 1998–2000, 2003, and 2006 ETP survey data reported in Kinzey *et al.* (1999; 2000; 2001) and Jackson *et al.* (2004; 2008). NMFS' policy is that abundance estimates greater than eight years old are not considered current; however, these data represent the best available information for these species. CVs were not calculated for these species. Wade and Gerrodette (1993) provide a CV of 0.64 for false killer whales; it is the highest CV reported in that paper or that we are aware of for the ETP. We suggest here that this is an appropriate conservative proxy for species for which there is no calculated CV.

[7] Abundance estimates derived from 2000 ETP survey data, as reported in Gerrodette and Forcada (2002).

[8] Abundance estimates derived from 1986–1990 ETP survey data, as reported in Wade and Gerrodette (1993).

[9] Abundance estimate for Cuvier's beaked whale is considered to be an underestimate, as it is not corrected for animals missed along the survey track line. The abundance estimate for unidentified Ziphiids was prorated between Cuvier's beaked whales and *Mesoplodon* spp.

[10] Abundance estimate derived from 2002 Hawaiian EEZ survey data, as reported in Barlow (2006).

[11] Abundance estimates derived from 2006 ETP survey data, as reported in Gerrodette *et al.* (2008).

[12] With the exception of the South American sea lion, which is generally observed along the Peruvian coast, all pinniped species are typically sighted only at the northern end of the ETPRA along the coast of Baja California.

[13] The best abundance estimates for all Guadalupe fur seals and for the California breeding population of northern elephant seals are 7,408 and 124,000, respectively, as reported in NMFS' SARs. However, no estimate specific to the ETP exists for either species.

[14] Abundance estimate is the sum of estimates for western Baja California, Mexico (75,000–87,000; Lowry and Maravilla-Chavez, 2005) and the Gulf of California (24,062–31,159; Szteren *et al.* 2006). We used the lower bound for Baja California and rounded down the upper bound for the Gulf of California for an approximate total abundance of 105,000. Because abundance is based on actual counts, there is no error associated with the estimate.

[15] Abundance estimate is the sum of estimates for Peru (60,000) and Chile (90,000–100,000) (Campagna, 2008). Although it is unlikely that this entire population would occur in the ETPRA, we assume here that it would. Because abundance is based on actual counts, there is no error associated with the estimate.

[16] PBR calculated for this analysis by SWFSC for species anticipated to be taken by M/SI + Level A only using accepted calculations for minimum population estimates and PBR (NMFS, 2005) and assuming $F_r = 0.5$ and $R_{max} = 0.04$ for cetaceans and 0.12 for pinnipeds. A pooled PBR was calculated for all stocks of the pantropical spotted dolphin.

*Antarctic Marine Living Resources Ecosystem*

The SWFSC's Antarctic Research Area (ARA) comprises a portion of the AMLR ecosystem. In the ARA, seventeen species are considered to have the potential to co-occur with SWFSC activities. Marine mammals in the AMLR do not constitute stocks under U.S. jurisdiction; therefore, the stocks are not managed by NMFS, there are no SARs, and substantially less information is available for these species in relation to the stocks or populations and their occurrence in the ARA than is available for CCE stocks (*e.g.,* PBR is not calculated for AMLR stocks, and strategic designations are not made). Extralimital species in the ARA include the pygmy right whale (*Caperea marginata*), sei whale, Cuvier's beaked whale, Shepherd's beaked whale (*Tasmacetus shepherdi*), Gray's beaked whale (*Mesoplodon grayi*), and strap-toothed beaked whale (*M. layardii*), which have distributions that only border the northernmost edge of the

ARA. The Ross seal (*Ommatophoca rossii*) is also considered extralimital to the ARA due to its preference for dense pack ice, which is not typically present in the ARA.

TABLE 5—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF SWFSC RESEARCH ACTIVITIES IN THE AMLR

| Common name | Scientific name | Stock [2] | ESA/MMPA status [3] | Abundance (CV) [4] |
|---|---|---|---|---|
| **Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)** | | | | |
| **Family Balaenidae (right whales)** | | | | |
| Southern right whale | *Eubalaena australis* | | E/D/LC | [5] 1,755 (0.62) |
| **Family Balaenopteridae (rorquals)** | | | | |
| Humpback whale | *Megaptera novaeangliae australis.* | | E/D/LC | [5] 9,484 (0.28) |
| Antarctic minke whale | *Balaenoptera bonaerensis* | | —/DD | [5] 18,125 (0.28) |
| Fin whale | *B. physalus quoyi* | | E/D/EN | [5] 4,672 (0.42) |
| Blue whale | *B. musculus intermedia* | | E/D/EN | [6] 1,700 (95% CI 860–2,900) |
| **Superfamily Odontoceti (toothed whales, dolphins, and porpoises)** | | | | |
| **Family Physeteridae** | | | | |
| Sperm whale | *Physeter macrocephalus* | | E/D/VU | [7] 12,069 (0.17) |
| **Family Ziphiidae (beaked whales)** | | | | |
| Arnoux' beaked whale | *Berardius arnuxii* | | —/DD | Unknown. |
| Southern bottlenose whale | *Hyperoodon planifrons* | | —/LC | [8] 53,743 (0.12) |
| **Family Delphinidae** | | | | |
| Hourglass dolphin | *Lagenorhynchus cruciger* | | —/LC | [9] 144,300 (0.17) |
| Killer whale | *Orcinus orca* [1] | | —/DD | [8] 24,790 (0.23) |
| Long-finned pilot whale | *Globicephala melas edwardii* | | —/DD | [9] 200,000 (0.35) |
| **Family Phocoenidae (porpoises)** | | | | |
| Spectacled porpoise | *Phocoena dioptrica* | | —/DD | Unknown. |
| **Order Carnivora—Superfamily Pinnipedia** | | | | |
| **Family Otariidae (eared seals and sea lions)** | | | | |
| Antarctic fur seal | *Arctocephalus gazella* | South Georgia | —/LC | [10] 2,700,000 |
| **Family Phocidae (earless seals)** | | | | |
| Southern elephant seal | *Mirounga leonina* | South Georgia | —/LC | [11] 401,572 |
| Weddell seal | *Leptonychotes weddellii* | | —/LC | [12] 500,000–1,000,000 |
| Crabeater seal | *Lobodon carcinophaga* | | —/LC | [12] 5,000,000–10,000,000 |
| Leopard seal | *Hydrurga leptonyx* | | —/LC | [12] 222,000–440,000 |

[1] Three distinct forms of killer whale have been described from Antarctic waters; referred to as types A, B, and C, they are purported prey specialists on Antarctic minke whales, seals, and fish, respectively (Pitman and Ensor, 2003).

[2] For most species in the AMLR, stocks are not delineated and entries refer generally to individuals of the species occurring in the ARA.

[3] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (—) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Any species listed under the ESA is automatically designated under the MMPA as depleted. IUCN status: Endangered (EN), Vulnerable (VU), Least Concern (LC), Data Deficient (DD).

[4] CV is coefficient of variation. All abundance estimates, except for those from Reilly *et al.* (2004) (right, humpback, minke, and fin whales), are for entire Southern Ocean (*i.e.,* waters south of 60°S) and not the smaller area comprising the SWFSC ARA.

[5] Abundance estimates reported in Reilly *et al.* (2004) for the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) survey area from 2000. Surveys include Antarctic Peninsula (473,300 $km^2$) and Scotia Sea (1,109,800 $km^2$) strata, which correspond roughly to ARA, as reported by Hewitt *et al.* (2004).

[6] Southern Ocean abundance estimate (Branch *et al.,* 2007). CI is confidence interval.

[7] Southern Ocean abundance estimate (IWC, 2001 in Whitehead, 2002).

[8] Southern Ocean abundance estimate from circumpolar surveys covering 68 percent of waters south of 60°S from 1991–98 (Branch and Butterworth, 2001).

[9] Southern Ocean abundance estimate derived from surveys conducted from 1976–88 (Kasamatsu and Joyce, 1995).

[10] South Georgia abundance estimate; likely >95 percent of range-wide abundance (Forcada and Staniland, 2009). Genetic evidence shows two distinct population regions, likely descended from surviving post-sealing populations at South Georgia, Bouvetøya, and Kerguelen Islands (Wynen *et al.,* 2000; Forcada and Staniland, 2009). Individuals from the South Georgia population (including breeding populations at the South Orkney and South Shetland Islands, which are within the ARA) are likely to occur in the ARA.

[11] Four genetically distinct populations are recognized: The Peninsula Valdés population in Argentina, the South Georgia population in the South Atlantic Ocean, the Kerguelen population in the South Indian Ocean and the Macquarie population in the South Pacific Ocean (Slade *et al.,* 1998; Hoelzel *et al.,* 2001). Animals occurring in ARA are likely to belong to South Georgia population, which includes subpopulations at South Georgia Island (≥99% of population) and at the South Orkney and South Shetland Islands; South Georgia population abundance estimate from 2001 (McMahon *et al.,* 2005).

[12] Range-wide abundance estimates (Thomas and Terhune, 2009; Bengtson, 2009; Rogers, 2009).

**Potential Effects of the Specified Activity on Marine Mammals and Their Habitat**

This section includes a summary and discussion of the ways that components of the specified activity (*e.g.,* gear deployment, use of active acoustic sources, visual disturbance) may impact marine mammals and their habitat. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include an analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, and the ''Proposed Mitigation'' section, to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks. In the following discussion, we consider potential effects to marine mammals from ship strike, physical interaction with the gear types described previously, use of active acoustic sources, and visual disturbance of pinnipeds.

*Ship Strike*

Vessel collisions with marine mammals, or ship strikes, can result in death or serious injury of the animal. Wounds resulting from ship strike may include massive trauma, hemorrhaging, broken bones, or propeller lacerations (Knowlton and Kraus, 2001). An animal at the surface may be struck directly by a vessel, a surfacing animal may hit the bottom of a vessel, or an animal just below the surface may be cut by a vessel's propeller. More superficial strikes may not kill or result in the death of the animal. These interactions are typically associated with large whales (*e.g.,* fin whales), which are occasionally found draped across the bulbous bow of large commercial ships upon arrival in port. Although smaller cetaceans or pinnipeds are more maneuverable in relation to large vessels than are large whales, they may also be susceptible to strike. The severity of injuries typically depends on the size and speed of the vessel, with the probability of death or serious injury increasing as vessel speed increases (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Vanderlaan and Taggart, 2007; Conn and Silber, 2013). Impact forces increase with speed, as does the probability of a strike at a given distance (Silber *et al.,* 2010; Gende *et al.,* 2011).

Pace and Silber (2005) found that the probability of death or serious injury increased rapidly with increasing vessel speed. Specifically, the predicted probability of serious injury or death increased from 45 to 75 percent as vessel speed increased from 10 to 14 kn, and exceeded ninety percent at 17 kn. Higher speeds during collisions result in greater force of impact, but higher speeds also appear to increase the chance of severe injuries or death through increased likelihood of collision by pulling whales toward the vessel (Clyne, 1999; Knowlton *et al.,* 1995). In a separate study, Vanderlaan and Taggart (2007) analyzed the probability of lethal mortality of large whales at a given speed, showing that the greatest rate of change in the probability of a lethal injury to a large whale as a function of vessel speed occurs between 8.6 and 15 kn. The chances of a lethal injury decline from approximately eighty percent at 15 kn to approximately twenty percent at 8.6 kn. At speeds below 11.8 kn, the chances of lethal injury drop below fifty percent, while the probability asymptotically increases toward one hundred percent above 15 kn.

In an effort to reduce the number and severity of strikes of the endangered North Atlantic right whale (*Eubalaena glacialis*), NMFS implemented speed restrictions in 2008 (73 FR 60173; October 10, 2008). These restrictions require that vessels greater than or equal to 65 ft (19.8 m) in length travel at less than or equal to 10 kn near key port entrances and in certain areas of right whale aggregation along the U.S. eastern seaboard. Conn and Silber (2013) estimated that these restrictions reduced total ship strike mortality risk levels by eighty to ninety percent.

For vessels used in SWFSC research activities, transit speeds average 10 kn (but vary from 6–14 kn), while vessel speed during active sampling is typically only 2–4 kn. At sampling speeds, both the possibility of striking a marine mammal and the possibility of a strike resulting in serious injury or mortality are discountable. At average transit speed, the probability of serious injury or mortality resulting from a strike is less than fifty percent. However, the likelihood of a strike actually happening is again discountable. Ship strikes, as analyzed in the studies cited above, generally involve commercial shipping, which is much more common in both space and time than is research activity. Jensen and Silber (2004) summarized ship strikes of large whales worldwide from 1975–2003 and found that most collisions occurred in the open ocean and involved large vessels (*e.g.,* commercial shipping). Commercial fishing vessels were responsible for three percent of recorded collisions, while only one such incident (0.75 percent) was reported for a research vessel during that time period.

It is possible for ship strikes to occur while traveling at slow speeds. For example, a NOAA-chartered survey vessel traveling at low speed (5.5 kn) while conducting multi-beam mapping surveys off the central California coast struck and killed a blue whale in 2009. The State of California determined that the whale had suddenly and unexpectedly surfaced beneath the hull, with the result that the propeller severed the whale's vertebrae, and that this was an unavoidable event. This strike represents the only such incident in approximately 540,000 hours of similar coastal mapping activity ($p = 1.9 \times 10^{-6}$; 95% CI = 0–$5.5 \times 10^{-6}$; NMFS, 2013). In addition, a research vessel reported a fatal strike in 2011 of a dolphin in the Atlantic, demonstrating that it is possible for strikes involving smaller cetaceans or pinnipeds to occur. In that case, the incident report indicated that an animal apparently was struck by the vessel's propeller as it was intentionally swimming near the vessel. While indicative of the type of unusual events that cannot be ruled out, neither of these instances represents a circumstance that would be considered reasonably foreseeable or that would be considered preventable.

In summary, we anticipate that vessel collisions involving SWFSC research vessels, while not impossible, represent unlikely, unpredictable events for which there are no preventive measures. No ship strikes have been reported from any fisheries research activities conducted or funded by the SWFSC in any of the three research areas. Given

the relatively slow speeds of research vessels, the presence of bridge crew watching for obstacles at all times (including marine mammals), the presence of marine mammal observers on some surveys, and the small number of research cruises, we believe that the possibility of ship strike is discountable and, further, that were a strike of a large whale to occur, it would be unlikely to result in serious injury or mortality. No incidental take resulting from ship strike is anticipated, and this potential effect of research will not be discussed further in the following analysis.

*Research Gear*

The types of research gear used by SWFSC were described previously under ''Detailed Description of Activity.'' Here, we broadly categorize these gears into those whose use we consider to have extremely unlikely potential to result in marine mammal interaction and those whose use we believe may result in marine mammal interaction. Gears in the former category are not considered further, while those in the latter category are carried forward for further analysis. Gears with likely potential for marine mammal interaction include midwater trawls, used in the CCE only, and pelagic longlines, used in the CCE and ETP. Bottom trawls, used in the AMLR only, and bottom longlines, used in the CCE only, are not considered to have the likely potential for marine mammal interaction and are addressed in the general trawl and longline sections below.

Trawl nets and longline gears deployed by SWFSC are similar to gear used in various commercial fisheries, and the potential for and history of marine mammal interaction with these gears through physical contact (*i.e.,* capture or entanglement) is well-documented. Read *et al.* (2006) estimated marine mammal bycatch in U.S. fisheries from 1990–99 and derived an estimate of global marine mammal bycatch by expanding U.S. bycatch estimates using data on fleet composition from the United Nations Food and Agriculture Organization (FAO). Although most U.S. bycatch for both cetaceans (84 percent) and pinnipeds (98 percent) occurred in gillnets (a gear type not used by SWFSC), global marine mammal bycatch in trawl nets and longlines is likely substantial given that total global bycatch is thought to number in the hundreds of thousands of individuals (Read *et al.,* 2006). In addition, global bycatch via longline has likely increased, as longlines have become the most common method of capturing swordfish and tuna since the U.N. banned the use of high seas driftnets over 2.5 km long in 1991 (high seas driftnets were previously often 40–60 km long) (Read, 2008; FAO, 2001).

Marine mammals are widely regarded as being quite intelligent and inquisitive, and when their pursuit of prey coincides with human pursuit of the same resources, it should be expected that physical interaction with fishing gear may occur (*e.g.,* Beverton, 1985). Fishermen and marine mammals are both drawn to areas of high prey density, and certain fishing activities may further attract marine mammals by providing food (*e.g.,* bait, captured fish, bycatch discards) or by otherwise making it easier for animals to feed on a concentrated food source. Provision of foraging opportunities near the surface may present an advantage by negating the need for energetically expensive deep foraging dives (Hamer and Goldsworthy, 2006). Trawling, for example, can make available previously unexploited food resources by gathering prey that may otherwise be too fast or deep for normal predation, or may concentrate calories in an otherwise patchy landscape (Fertl and Leatherwood, 1997). Pilot whales, which are generally considered to be teuthophagous (*i.e.,* feeding primarily on squid), were commonly observed in association with Atlantic mackerel (*Scomber scombrus*) trawl fisheries from 1977–88 in the northeast U.S. EEZ (Waring *et al.,* 1990). Not surprisingly, stomach contents of captured whales were observed to have high proportions of mackerel (68 percent of non-trace food items), indicating that the ready availability of a novel, concentrated, high-calorie prey item resulted in changed dietary composition (Read, 1994).

These interactions can result in injury or death for the animal(s) involved and/or damage to fishing gear. Coastal animals, including various pinnipeds, bottlenose dolphins, and harbor porpoises, are perhaps the most vulnerable to these interactions and set or passive fishing gear (*e.g.,* gillnets, traps) the most likely to be interacted with (*e.g.,* Beverton, 1985; Barlow *et al.,* 1994; Read *et al.,* 2006; Byrd *et al.,* 2014). Although interactions are less common for use of trawl nets and longlines (gear used by SWFSC), they do occur with sufficient frequency to necessitate the establishment of required mitigation measures for multiple U.S. fisheries using both types of gear (NMFS, 2014). It is likely that no species of marine mammal can be definitively excluded from the potential for interaction with fishing gear (*e.g.,* Northridge, 1984); however, the extent of interactions is likely dependent on the biology, ecology, and behavior of the species involved and the type, location, and nature of the fishery.

*Trawl nets*—As described previously, trawl nets are towed nets (*i.e.,* active fishing) consisting of a cone-shaped net with a codend or bag for collecting the fish and can be designed to fish at the bottom, surface, or any other depth in the water column. Here we refer to bottom trawls and midwater trawls (*i.e.,* any net not designed to tend the bottom while fishing). Trawl nets in general have the potential to capture or entangle marine mammals, which have been known to be caught in bottom trawls, presumably when feeding on fish caught therein, and in midwater trawls, which may or may not be coincident with their feeding (Northridge, 1984).

Capture or entanglement may occur whenever marine mammals are swimming near the gear, intentionally (*e.g.,* foraging) or unintentionally (*e.g.,* migrating), and any animal captured in a net is at significant risk of drowning unless quickly freed. Animals can also be captured or entangled in netting or tow lines (also called lazy lines) other than the main body of the net; animals may become entangled around the head, body, flukes, pectoral fins, or dorsal fin. Interaction that does not result in the immediate death of the animal by drowning can cause injury (*i.e.,* Level A harassment) or serious injury. Constricting lines wrapped around the animal can immobilize the animal or injure by cutting into or through blubber, muscles and bone (*i.e.,* penetrating injuries) or constricting blood flow to or severing appendages. Immobilization of the animal, if it does not result in immediate drowning, can cause internal injuries from prolonged stress and/or severe struggling and/or impede the animal's ability to feed (resulting in starvation or reduced fitness) (Andersen *et al.,* 2008).

Marine mammal interactions with trawl nets, through capture or entanglement, are well-documented. Dolphins are known to attend operating nets in order to either benefit from disturbance of the bottom or to prey on discards or fish within the net. For example, Leatherwood (1975) reported that the most frequently observed feeding pattern for bottlenose dolphins in the Gulf of Mexico involved herds following working shrimp trawlers, apparently feeding on organisms stirred up from the benthos. Bearzi and di Sciara (1997) opportunistically investigated working trawlers in the Adriatic Sea from 1990–94 and found that ten percent were accompanied by

foraging bottlenose dolphins. However, midwater trawls have greater potential to capture cetaceans, because the nets may be towed at faster speeds, these trawls are more likely to target species that are important prey for marine mammals (*e.g.,* squid, mackerel), and the likelihood of working in deeper waters means that a more diverse assemblage of species could potentially be present (Hall *et al.,* 2000).

Globally, at least seventeen cetacean species are known to feed in association with trawlers and individuals of at least 25 species are documented to have been killed by trawl nets, including several large whales, porpoises, and a variety of delphinids (Karpouzli and Leaper, 2004; Hall *et al.,* 2000; Fertl and Leatherwood, 1997; Northridge, 1991). At least eighteen species of seals and sea lions are known to have been killed in trawl nets (Wickens, 1995). Generally, direct interaction between trawl nets and marine mammals (both cetaceans and pinnipeds) has been recorded wherever trawling and animals co-occur. Tables 6 and 7 display records of interactions between marine mammals and trawl nets by taxonomy and geography; please note that this should not be considered exhaustive. A lack of recorded interactions where animals are present may indicate that trawling is absent or an insignificant component of fisheries in that region or that interactions were not observed, recorded, or reported.

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Table 6. Taxonomic and geographic distribution of cetacean-trawl interactions. Please see footnotes below Table 7.

| Cetaceans | NW ATL | NE ATL | WC ATL | EC ATL | MED | SW ATL | SE ATL | IND | NW PAC | NE PAC | WC PAC | EC PAC | SW PAC | SE PAC |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Humpback whale | X | | | | | | | | | X | | | | |
| Baleen whales (Balaenoptera spp.) | X | | | | | | | | X | X | | | | |
| Baleen whale (unid.) | X | X | | | | | | | | X | | | | |
| Sperm whale | | | | | X | | | | | | | | | |
| Beaked whale (unid.) | | | | | | | | | | | | | X | |
| Franciscana (Pontoporia blainvillei) | | | | | | X | | | | | | | | |
| Dolphins (Cephalorhynchus spp.) | | | | | | X | X | | | | | | X | X |
| Rough-toothed dolphin | | | | | | | | | | | | X | | |
| Dolphins (Tursiops spp.) | X | X | X | X | X | X | | X | X | | | X | X | |
| Dolphins (Stenella spp.) | X | X | X | X | X | | | X | | | X | X | | |
| Dolphins (Delphinus spp.) | X | X | | X | X | X | X | | | | | X | X | |
| Fraser's dolphin | | | | | | | | | | | | X | | |
| Dolphins (Lagenorhynchus spp.) | X | X | | | | X | X | | X | X | | X | X | |
| Risso's dolphin | X | X | X | | | | X | | | X | | X | | |
| False killer whale | | | | | | | | | X | | | | | |
| Killer whale | | | | | | | | | | X | | | X | |
| Pilot whale (Globicephala spp.) | X | X | X | X | | X | | | | | | X | X | |
| Finless porpoise (Neophocaena spp.) | | | | | | | | X | X | | X | | | |
| Porpoises (Phocoena spp.) | X | X | | | X | X | | | | X | | X | | |
| Dall's porpoise | | | | | | | | | | X | | X | | |

Table 7. Taxonomic and geographic distribution of pinniped-trawl interactions.

| Pinnipeds | NW ATL | NE ATL | NE PAC | NW PAC | S PAC/ ATL | S ATL/ IND | S IND/ PAC |
|---|---|---|---|---|---|---|---|
| Fur seals (Arctocephalus spp.) | | | | | X | X | X |
| Northern fur seal | | | X | X | | | |
| California sea lion | | | X | | | | |
| Steller sea lion | | | X | X | | | |
| Australian sea lion (Neophoca cinerea) | | | | | | | X |
| New Zealand sea lion (Phocarctos hookeri) | | | | | | | X |
| South American sea lion | | | | | X | | |
| Bearded seal (Erignathus barbatus) | | | X | | | | |
| Seals (Phoca spp.) | X | X | X | | | | |
| Ringed seal (Pusa hispida) | | | X | | | | |
| Gray seal (Halichoerus grypus) | X | X | | | | | |
| Ribbon seal (Histriophoca fasciata) | | | X | | | | |
| Harp seal (Pagophilus groenlandicus) | X | X | | | | | |
| Northern elephant seal | | | X | | | | |
| Mediterranean monk seal (Monachus monachus) | | X | | | | | |

Sources: Northridge, 1984, 1991; Wickens, 1995; Fertl and Leatherwood, 1997; Perez, 2006; Zeeberg et al., 2006; Young and Iudicello, 2007; Song et al., 2010.

Geography: NW, NE, SW, SE refer to ordinal directions. WC/EC refer to eastern or western central. ATL = Atlantic; PAC = Pacific; IND = Indian; MED = Mediterranean. Geographical regions follow Northridge (1984) and Wickens (1995) for cetaceans and pinnipeds, respectively. Southern hemisphere geography differs for pinnipeds to better reflect distribution around mainland sites in South America, Africa, Australia, and New Zealand. There are very few records of interactions in the Southern Ocean (e.g., fur seals entangled in krill trawls; Hooper et al., 2005); therefore, this location was omitted from the tables.

Taxonomy: Species are grouped by genus where possible. Shaded boxes indicate the genus or species is not present in that geographic region. There are numerous records of interactions with unidentified cetaceans and pinnipeds.

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Tables 6 and 7 are intended to illustrate the general vulnerability of marine mammals to interaction with trawl nets, without considering the specific type of net or the manner in which that risk may be mitigated. Some of the records supporting development of these tables are from discontinued fisheries or from fisheries where management measures have subsequently mitigated the risk of interaction to a substantial degree. Table 13 (below) displays more recent information regarding interactions specifically in U.S. fisheries and is more relevant to the development of take estimates for this proposed rule. In evaluating risk relative to a specific fishery (or comparable research survey), one must consider the size of the net as well as frequency, timing, and location of deployment. These considerations inform determinations of whether interaction with marine mammals is likely.

Of the three net types described previously under ''Trawl Nets'', SWFSC has recorded marine mammal interactions with both midwater nets (NETS Nordic 264 and modified Cobb), which are used only in the CCE. No marine mammal interactions have been recorded for the bottom trawl (NETS Hard-Bottom Snapper Trawl), which is deployed only in the Antarctic. While a lack of historical interactions does not in and of itself indicate that future interactions are unlikely, we believe that the historical record for SWFSC operations in AMLR, considered in context with the frequency and timing of these bottom trawl surveys, as well as mitigation measures employed provide substantial support for a determination that future marine mammal interactions with this gear are extremely unlikely. In addition, as described above, bottom trawls generally involve less risk of interaction than do midwater trawls.

Incidental takes of fur seals have been documented in Antarctic krill fisheries using midwater trawls (Hooper *et al.,* 2005) and rarely in demersal trawls for Patagonian toothfish (*Dissostichus eleginoides*) near Australian subantarctic islands (Wienecke and Robertson, 2002), but there are no documented takes of any species in any other gear by U.S. vessels in the region. We are not aware of any such takes in bottom trawls deployed anywhere in Antarctic waters. Further, fisheries using bottom trawl gear are known to typically interact with cetaceans such as porpoises and bottlenose dolphins, which are not present in the AMLR. SWFSC researchers conduct visual and acoustic surveys prior to deploying bottom trawl gear to assess the bathymetry and whether marine mammals are present in the area; these surveys have resulted in very few detections of marine mammals during trawling operations, indicating that there is likely little spatio-temporal overlap between bottom trawl surveys and significant densities of marine

mammals. This survey is conducted infrequently—only every two to three years—and at low volume relative to similar commercial fisheries, involving approximately one hundred tows of thirty-minutes each when it does occur. SWFSC use of bottom trawl nets, which are deployed only in AMLR, is not discussed further in this document.

*Longlines*—Longlines are basically strings of baited hooks that are either anchored to the bottom, for targeting groundfish, or are free-floating, for targeting pelagic species and represent a passive fishing technique. Pelagic longlines, which notionally fish near the surface with the use of floats, may be deployed in such a way as to fish at different depths in the water column. For example, deep-set longlines targeting tuna may have a target depth of 400 m, while a shallow-set longline targeting swordfish is set at 30–90 m depth. We refer here to bottom and pelagic longlines. Any longline generally consists of a mainline from which leader lines (gangions) with baited hooks branch off at a specified interval, and is left to passively fish, or soak, for a set period of time before the vessel returns to retrieve the gear. Longlines are marked by two or more floats that act as visual markers and may also carry radio beacons; aids to detection are of particular importance for pelagic longlines, which may drift a significant distance from the deployment location. Pelagic longlines are generally composed of various diameter monofilament line and are generally much longer, and with more hooks, than are bottom longlines. Bottom longlines may be of monofilament or multifilament natural or synthetic lines.

Marine mammals may be hooked or entangled in longline gear, with interactions potentially resulting in death due to drowning, strangulation, severing of carotid arteries or the esophagus, infection, an inability to evade predators, or starvation due to an inability to catch prey (Hofmeyr *et al.,* 2002), although it is more likely that animals will survive being hooked if they are able to reach the surface to breathe. Injuries, which may include serious injury, include lacerations and puncture wounds. Animals may attempt to depredate either bait or catch, with subsequent hooking, or may become accidentally entangled. As described for trawls, entanglement can lead to constricting lines wrapped around the animals and/or immobilization, and even if entangling materials are removed the wounds caused may continue to weaken the animal or allow further infection (Hofmeyr *et al.,* 2002). Large whales may become entangled in a longline and then break free with a portion of gear trailing, resulting in alteration of swimming energetics due to drag and ultimate loss of fitness and potential mortality (Andersen *et al.,* 2008). Weight of the gear can cause entangling lines to further constrict and further injure the animal. Hooking injuries and ingested gear are most common in small cetaceans and pinnipeds, but have been observed in large cetaceans (*e.g.,* sperm whales). The severity of the injury depends on the species, whether ingested gear includes hooks, whether the gear works its way into the gastrointestinal (GI) tract, whether the gear penetrates the GI lining, and the location of the hooking (*e.g.,* embedded in the animal's stomach or other internal body parts) (Andersen *et al.,* 2008). Bottom longlines pose less of a threat to marine mammals due to their deployment on the ocean bottom, but can still result in entanglement in buoy lines or hooking as the line is either deployed or retrieved. The rate of interaction between longline fisheries and marine mammals depends on the degree of overlap between longline effort and species distribution, hook style and size, type of bait and target catch, and fishing practices (such as setting/hauling during the day or at night).

Tables 8 and 9 display records of interactions between marine mammals and longlines by taxonomy and geography; please note this should not be considered exhaustive. A lack of recorded interactions where animals are present may indicate that longlining is absent or an insignificant component of fisheries in that region or that interactions were not observed, recorded, or reported.

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Table 8. Taxonomic and geographic distribution of cetacean-longline interactions. Please see footnotes below Table 9.

| Cetaceans | NW ATL | NE ATL | WC ATL | EC ATL | MED | SW ATL | SE ATL | IND | NW PAC | NE PAC | WC PAC | EC PAC | SW PAC | SE PAC |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Humpback whale | X | | | | | | | | | X | | | | |
| Fin whale | | | | | X | | | | | | | | | |
| Sperm whale | | | | | X | | | | | X | | | | X |
| Cuvier's beaked whale | | | | | X | | | | | | | | | |
| Ginkgo-toothed beaked whale | | | | | | | | | | | X | | | |
| Rough-toothed dolphin | | | | | | | | | | | | X | | |
| Dolphins (Tursiops spp.) | X | | | | X | | | | | | | X | | |
| Dolphins (Stenella spp.) | | | X | | X | | | | | | | X | | |
| Dolphins (Delphinus spp.) | | X | X | | | | | | | | | X | | |
| Fraser's dolphin | | | | | | | | | | | | X | | |
| Dolphins (Lagenorhynchus spp.) | X | | | | | X | | | X | X | | X | | |
| Risso's dolphin | | | X | | X | | | | X | | | X | | |
| False killer whale | X | | X | | X | | | | | | X | X | | |
| Killer whale | | | X | | | | | X | | X | | | | |
| Pilot whale (Globicephala spp.) | X | X | X | | | X | | | | | | X | | |
| Porpoises (Phocoena spp.) | | X | | | | | | | | X | | | | |
| Dall's porpoise | | | | | | | | | | | | X | | |

Table 9. Taxonomic and geographic distribution of pinniped-longline interactions.

| Pinnipeds | NW ATL | NE ATL | NE PAC | NW PAC | S PAC/ ATL | S ATL/ IND | S IND/ PAC | S. Ocean |
|---|---|---|---|---|---|---|---|---|
| Fur seals (Arctocephalus spp.) | | | | | | | X | X |
| Northern fur seal | | | | | | | | |
| California sea lion | | | | | | | | |
| Steller sea lion | | | X | | | | | |
| Seals (Phoca spp.) | X | | | | | | | |
| Ribbon seal (Histriophoca fasciata) | | | X | | | | | |
| Harp seal (Pagophilus groenlandicus) | | X | | | | | | |
| Hooded seal (Cystophora cristata) | | X | | | | | | |
| Northern elephant seal | | | | | | | | X |
| Monk seals (Monachus/ Neomonachus) | | X | X | | | | | |

Sources: Northridge, 1984, 1991; Wickens, 1995; Perez, 2006; Young and Iudicello, 2007.
Geography: NW, NE, SW, SE refer to ordinal directions. WC/EC refer to eastern or western central. ATL = Atlantic; PAC = Pacific; IND = Indian; MED = Mediterranean. Geographical regions follow Northridge (1984) and Wickens (1995) for cetaceans and pinnipeds, respectively. Southern hemisphere geography differs for pinnipeds to better reflect distribution around mainland sites in South America, Africa, Australia, and New Zealand.
Taxonomy: Species are grouped by genus where possible. Shaded boxes indicate the genus or species is not present in that geographic region. There are numerous records of interactions with unidentified cetaceans and pinnipeds.

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Tables 8 and 9 are intended to illustrate the general vulnerability of marine mammals to interaction with longlines, without considering the

specific type of gear or the manner in which that risk may be mitigated. Some of the records supporting development of these tables are from discontinued fisheries or from fisheries where management measures have subsequently mitigated the risk of interaction to a substantial degree. Table 13 (see ''Estimated Take Due to Gear Interaction'') displays more recent information regarding interactions specifically in U.S. fisheries and is more relevant to the development of take estimates for this proposed rule. In evaluating risk relative to a specific fishery (or research survey), one must consider the length of the line and number of hooks deployed as well as frequency, timing, and location of deployment. These considerations inform determinations of whether interaction with marine mammals is likely.

SWFSC has recorded marine mammal interactions with traditional pelagic longlines, which are used in the CCE and planned for use in the ETP, but not with vertical pelagic longlines or with bottom longlines (CCE only). While a lack of historical interactions does not in and of itself indicate that future interactions are unlikely, we believe that the historical record, considered in context with the frequency and timing of these activities, as well as mitigation measures employed provide substantial support for a determination that future marine mammal interactions with these gears are extremely unlikely. In addition, as described above, bottom longlines generally involve less risk of interaction than do pelagic longlines.

Vertical longline gear, planned for use in the deep-set buoy gear surveys, is similar to gear used in the Atlantic, and there are no recorded marine mammal interactions in either location. The only known U.S. fishery using similar gear is the Hawaii vertical longline fishery, which has nine participants (meaning there is likely greater effort than the minimal 54 sets and 2,200 hook hours logged by SWFSC), and is categorized as a Category III fishery (*i.e.,* remote likelihood of or no known M/SI) with no documented incidental M/SI. The gear has been designed specifically to eliminate protected species interactions, with minimal visual and/or sensory attractants to the gear in the upper water column (*e.g.,* no surface chumming or offal discharge, no visual cues from multiple hooks that are sinking to depth slowly), and with a single weighted monofilament line with virtually no slack or sag. These features minimize the risk of hooking or entanglement.

The SWFSC deploys bottom longlines at an extremely limited scale for one survey (Sablefish Life History) in one location (near Bodega Bay in central California). The survey is conducted once per month, with approximately two to three sets of 75 hooks each per trip (approximately two hundred hooks per month). Commercial fisheries involving bottom longlines that have documented incidental M/SI operate at much larger spatio-temporal scales with much greater hook hours than this survey, which we consider de minimis. Neither vertical longlines nor bottom longlines are discussed further in this document.

*Other research gear*—The only SWFSC research gears with any record of marine mammal interactions are midwater trawls (NETS Nordic 264 and modified-Cobb) and pelagic longline gear. Bottom trawls and other types of longlines were discussed in the preceding sections. All other gears used in SWFSC fisheries research (*e.g.,* a variety of plankton nets, CTDs, ROVs) do not have the expected potential for marine mammal interactions, and are not known to have been involved in any marine mammal interaction anywhere. Specifically, we consider CTDs, XBTs, CUFES, ROVs, small trawls (Oozeki, IKMT, MOCNESS, and Tucker trawls), plankton nets (Bongo, Pairovet, and Manta nets), and vertically deployed or towed imaging systems to be no-impact gear types.

Unlike trawl nets and longline gear, which are used in both scientific research and commercial fishing applications, these other gears are not considered similar or analogous to any commercial fishing gear and are not designed to capture any commercially salable species, or to collect any sort of sample in large quantities. They are not considered to have the potential to take marine mammals primarily because of their design how they are deployed. For example, CTDs are typically deployed in a vertical cast on a cable and have no loose lines or other entanglement hazards. A Bongo net is typically deployed on a cable, whereas neuston nets (these may be plankton nets or small trawls) are often deployed in the upper one meter of the water column; either net type has very small size (*e.g.,* two bongo nets of 0.5 $m^2$ each or a neuston net of approximately 2 $m^2$) and no trailing lines to present an entanglement risk. These other gear types are not considered further in this document.

*Acoustic Effects*

We previously provided general background information on sound and the specific sources used by the SWFSC (see ''Description of Active Acoustic Sound Sources''). Here, we first provide background information on marine mammal hearing before discussing the potential effects of SWFSC use of active acoustic sources on marine mammals.

*Marine mammal hearing*—Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for low-frequency cetaceans. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): functional hearing is estimated to occur between approximately 7 Hz and 25 kHz (up to 30 kHz in some species), with best hearing estimated to be from 100 Hz to 8 kHz (Watkins, 1986; Ketten, 1998; Houser *et al.,* 2001; Au *et al.,* 2006; Lucifredi and Stein, 2007; Ketten *et al.,* 2007; Parks *et al.,* 2007a; Ketten and Mountain, 2009; Tubelli *et al.,* 2012);
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): functional hearing is estimated to occur between approximately 150 Hz and 160 kHz, with best hearing from 10 to less than 100 kHz (Johnson, 1967; White, 1977; Richardson *et al.,* 1995; Szymanski *et al.,* 1999; Kastelein *et al.,* 2003; Finneran *et al.,* 2005a, 2009; Nachtigall *et al.,* 2005, 2008; Yuen *et al.,* 2005; Popov *et al.,* 2007; Au and Hastings, 2008; Houser *et al.,* 2008; Pacini *et al.,* 2010, 2011; Schlundt *et al.,* 2011);
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera *Kogia* and *Cephalorhynchus;* including two members of the genus *Lagenorhynchus,* including the hourglass dolphin, on the

basis of recent echolocation data and genetic data [May-Collado and Agnarsson, 2006; Kyhn *et al.* 2009, 2010; Tougaard *et al.* 2010]): functional hearing is estimated to occur between approximately 200 Hz and 180 kHz (Popov and Supin, 1990a, b; Kastelein *et al.,* 2002; Popov *et al.,* 2005); and

• Pinnipeds in water; Phocidae (true seals): functional hearing is estimated to occur between approximately 75 Hz to 100 kHz, with best hearing between 1–50 kHz (Møhl, 1968; Terhune and Ronald, 1971, 1972; Richardson *et al.,* 1995; Kastak and Schusterman, 1999; Reichmuth, 2008; Kastelein *et al.,* 2009);

• Pinnipeds in water; Otariidae (eared seals): functional hearing is estimated to occur between 100 Hz and 40 kHz for Otariidae, with best hearing between 2–48 kHz (Schusterman *et al.,* 1972; Moore and Schusterman, 1987; Babushina *et al.,* 1991; Richardson *et al.,* 1995; Kastak and Schusterman, 1998; Kastelein *et al.,* 2005a; Mulsow and Reichmuth, 2007; Mulsow *et al.,* 2011a, b).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth *et al.,* 2013).

Within the CCE, 34 marine mammal species (28 cetacean and six pinniped [four otariid and two phocid] species) have the potential to co-occur with SWFSC research activities. Please refer to Tables 3–5. Of the 28 cetacean species that may be present, six are classified as low-frequency cetaceans (*i.e.,* all mysticete species), eighteen are classified as mid-frequency cetaceans (*i.e.,* all delphinid and ziphiid species and the sperm whale), and four are classified as high-frequency cetaceans (*i.e.,* porpoises and *Kogia* spp.). Within the ETP, 32 marine mammal species (28 cetacean and four pinniped [three otariid and one phocid] species) have the potential to co-occur with SWFSC research activities. Of the 28 cetacean species that may be present, six are classified as low-frequency cetaceans (*i.e.,* all mysticete species), 21 are classified as mid-frequency cetaceans (*i.e.,* all delphinid and ziphiid species and the sperm whale), and one is classified as a high-frequency cetacean (*i.e.,* dwarf sperm whale). Within the AMLR, seventeen marine mammal species (twelve cetacean and five pinniped [one otariid and four phocid] species) have the potential to co-occur with SWFSC research activities. Of the twelve cetacean species that may be present, five are classified as low-frequency cetaceans (*i.e.,* all mysticete species), five are classified as mid-frequency cetaceans (*i.e.,* all delphinid and ziphiid species [excluding the hourglass dolphin] and the sperm whale), and two are classified as high-frequency cetaceans (*i.e.,* the hourglass dolphin and spectacled porpoise).

*Potential effects of underwater sound*—Please refer to the information given previously (''Description of Active Acoustic Sources'') regarding sound, characteristics of sound types, and metrics used in this document. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007; Götz *et al.,* 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing will occur almost exclusively for noise within an animal's hearing range. We first describe specific manifestations of acoustic effects before providing discussion specific to SWFSC's use of active acoustic sources (*e.g.,* echosounders).

Richardson *et al.* (1995) described zones of increasing intensity of effect that might be expected to occur, in relation to distance from a source and assuming that the signal is within an animal's hearing range. First is the area within which the acoustic signal would be audible (potentially perceived) to the animal, but not strong enough to elicit any overt behavioral or physiological response. The next zone corresponds with the area where the signal is audible to the animal and of sufficient intensity to elicit behavioral or physiological responsiveness. Third is a zone within which, for signals of high intensity, the received level is sufficient to potentially cause discomfort or tissue damage to auditory or other systems. Overlaying these zones to a certain extent is the area within which masking (*i.e.,* when a sound interferes with or masks the ability of an animal to detect a signal of interest that is above the absolute hearing threshold) may occur; the masking zone may be highly variable in size.

We describe the more severe effects (*i.e.,* permanent hearing impairment, certain non-auditory physical or physiological effects) only briefly as we do not expect that there is a reasonable likelihood that SWFSC use of active acoustic sources may result in such effects (see below for further discussion). Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Kastak *et al.,* 1999; Schlundt *et al.,* 2000; Finneran *et al.,* 2002, 2005b). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007). Repeated sound exposure that leads to TTS could cause PTS. In severe cases of PTS, there can be total or partial deafness, while in most cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter, 1985).

When PTS occurs, there is physical damage to the sound receptors in the ear (*i.e.,* tissue damage), whereas TTS represents primarily tissue fatigue and is reversible (Southall *et al.,* 2007). In addition, other investigators have suggested that TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury (*e.g.,* Ward, 1997). Therefore, NMFS does not consider TTS to constitute auditory injury.

Relationships between TTS and PTS thresholds have not been studied in marine mammals—PTS data exists only for a single harbor seal (Kastak *et al.,* 2008)—but are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several decibels above (a 40-dB threshold shift approximates PTS onset; *e.g.,* Kryter *et al.,* 1966; Miller, 1974) that inducing mild TTS (a 6-dB threshold shift approximates TTS onset; *e.g.,* Southall *et al.* 2007). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulse sounds (such as impact pile driving pulses as received close to the source) are at least 6 dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007). Given the higher level of sound or

longer exposure duration necessary to cause PTS as compared with TTS, it is considerably less likely that PTS could occur.

Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to high level underwater sound or as a secondary effect of extreme behavioral reactions (*e.g.,* change in dive profile as a result of an avoidance reaction) caused by exposure to sound include neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007; Zimmer and Tyack, 2007). SWFSC activities do not involve the use of devices such as explosives or mid-frequency active sonar that are associated with these types of effects.

When a live or dead marine mammal swims or floats onto shore and is incapable of returning to sea, the event is termed a ''stranding'' (16 U.S.C. 1421h(3)). Marine mammals are known to strand for a variety of reasons, such as infectious agents, biotoxicosis, starvation, fishery interaction, ship strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series (*e.g.,* Geraci *et al.,* 1999). However, the cause or causes of most strandings are unknown (*e.g.,* Best, 1982). Combinations of dissimilar stressors may combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other would not be expected to produce the same outcome (*e.g.,* Sih *et al.,* 2004). For further description of stranding events see, *e.g.,* Southall *et al.,* 2006; Jepson *et al.,* 2013; Wright *et al.,* 2013.

1. *Temporary threshold shift*—TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals, and none of the data published at the time of this writing concern TTS elicited by exposure to multiple pulses of sound.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale [*Delphinapterus leucas*], harbor porpoise, and Yangtze finless porpoise [*Neophocoena asiaeorientalis*]) and three species of pinnipeds (northern elephant seal, harbor seal, and California sea lion) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (*e.g.,* Finneran *et al.,* 2002; Nachtigall *et al.,* 2004; Kastak *et al.,* 2005; Lucke *et al.,* 2009; Popov *et al.,* 2011). In general, harbor seals (Kastak *et al.,* 2005; Kastelein *et al.,* 2012a) and harbor porpoises (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b) have a lower TTS onset than other measured pinniped or cetacean species. Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007) and Finneran and Jenkins (2012).

2. *Behavioral effects*—Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC, 2003; Wartzok *et al.,* 2003). Controlled experiments with captive marine mammals have showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and

Bejder, 2007; Weilgart, 2007; NRC, 2005). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely, and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark, 2000; Costa *et al.,* 2003; Ng and Leung, 2003; Nowacek *et al.;* 2004). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.;* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005b, 2006; Gailey *et al.,* 2007).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007b). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold, 1996; Stone *et al.,* 2000; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

3. *Stress responses*—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most

economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003).

4. *Auditory masking*—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is man-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007b; Di Iorio and Clark, 2009; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.,* from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

*Potential effects of SWFSC activity*—As described previously (see ''Description of Active Acoustic Sound Sources''), the SWFSC proposes to use various active acoustic sources, including echosounders (*e.g.,* multibeam systems), scientific sonar systems, positional sonars (*e.g.,* net sounders for determining trawl position), and environmental sensors (*e.g.,* current profilers). These acoustic sources, which are present on most SWFSC fishery research vessels, include a variety of single, dual, and multi-beam echosounders (many with a variety of modes), sources used to determine the orientation of trawl nets, and several current profilers.

Many typically investigated acoustic sources (*e.g.,* seismic airguns, low- and mid-frequency active sonar used for military purposes, pile driving, vessel noise)—sources for which certain of the potential acoustic effects described above have been observed or inferred—produce signals that are either much lower frequency and/or higher total energy (considering output sound levels and signal duration) than the high-frequency mapping and fish-finding systems used by the SWFSC. There has

been relatively little attention given to the potential impacts of high-frequency sonar systems on marine life, largely because their combination of high output frequency and relatively low output power means that such systems are less likely to impact many marine species. However, some marine mammals do hear and produce sounds within the frequency range used by these sources and ambient noise is much lower at high frequencies, increasing the probability of signal detection relative to other sounds in the environment.

As noted above, relatively high levels of sound are likely required to cause TTS in most pinnipeds and odontocete cetaceans. While dependent on sound exposure frequency, level, and duration, NMFS' acoustics experts believe that existing studies indicate that for the kinds of relatively brief exposures potentially associated with transient sounds such as those produced by the active acoustic sources used by the SWFSC, SPLs in the range of approximately 180–220 dB rms might be required to induce onset TTS levels for most species (SWFSC, 2013). However, it should be noted that there may be increased sensitivity to TTS for certain species generally (harbor porpoise; Lucke *et al.,* 2009) or specifically at higher sound exposure frequencies, which correspond to a species' best hearing range (20 kHz vs. 3 kHz for bottlenose dolphins; Finneran and Schlundt, 2010). However, for these animals, which are better able to hear higher frequencies and may be more sensitive to higher frequencies, exposures on the order of approximately 170 dB rms or higher for brief transient signals are likely required for even temporary (recoverable) changes in hearing sensitivity that would likely not be categorized as physiologically damaging (SWFSC, 2013). The corresponding estimates for PTS would be at very high received levels that would rarely be experienced in practice.

Based on discussion provided by Southall *et al.* (2007), Lurton and DeRuiter (2011) modeled the potential impacts of conventional echosounders on marine mammals, estimating PTS onset at typical distances of 10–100 m for the kinds of sources considered here. Kremser *et al.* (2005) modeled the potential for TTS in blue, sperm, and beaked whales (please see Kremser *et al.* [2005] for discussion of assumptions regarding TTS onset in these species) from a multibeam echosounder, finding similarly that TTS would likely only occur at very close ranges to the hull of the vessel. The authors estimated ship movement at 12 kn (faster than SWFSC vessels would typically move), which would result in an underestimate of the potential for TTS to occur, but the modeled system (Hydrosweep) operates at lower frequencies and with a wider beam pattern than do typical SWFSC systems, which would result in a likely more significant overestimate of TTS potential. The results of both studies emphasize that these effects would very likely only occur in the cone ensonified below the ship and that animal responses to the vessel (sound or physical presence) at these extremely close ranges would very likely influence their probability of being exposed to these levels. At the same distances, but to the side of the vessel, animals would not be exposed to these levels, greatly decreasing the potential for an animal to be exposed to the most intense signals. For example, Kremser *et al.* (2005) note that SPLs outside the vertical lobe, or beam, decrease rapidly with distance, such that SPLs within the horizontal lobes are about 20 dB less than the value found in the center of the beam. For certain species (*i.e.,* odontocete cetaceans and especially harbor porpoises), these ranges may be somewhat greater based on more recent data (Lucke *et al.,* 2009; Finneran and Schlundt, 2010) but are likely still on the order of hundreds of meters. In addition, potential behavioral responses further reduce the already low likelihood that an animal may approach close enough for any type of hearing loss to occur.

Various other studies have evaluated the environmental risk posed by use of specific scientific sonar systems. Burkhardt *et al.* (2007) considered both the Hydrosweep system evaluated by Kremser *et al.* (2005) and the Simrad EK60, which is used by the SWFSC, and concluded that direct injury (*i.e.,* sound energy causes direct tissue damage) and indirect injury (*i.e.,* self-damaging behavior as response to acoustic exposure) would be unlikely given source and operational use (*i.e.,* vessel movement) characteristics, and that any behavioral responses would be unlikely to be significant. Similarly, Boebel et al. (2006) considered the Hydrosweep system in relation to the risk for direct or indirect injury, concluding that (1) risk of TTS (please see Boebel *et al.* [2006] for assumptions regarding TTS onset) would be less than two percent of the risk of ship strike and (2) risk of behaviorally-induced damage would be essentially nil due to differences in source characteristics between scientific sonars and sources typically associated with stranding events (*e.g.,* mid-frequency active sonar, but see discussion of Madagascar stranding event below). It should be noted that the risk of direct injury may be greater when a vessel operates sources while on station (*i.e.,* stationary), as there is a greater chance for an animal to receive the signal when the vessel is not moving.

Boebel *et al.* (2005) report the results of a workshop in which a structured, qualitative risk analysis of a range of acoustic technology was undertaken, specific to use of such technology in the Antarctic. The authors assessed a single-beam echosounder commonly used for collecting bathymetric data (12 kHz, 232 dB, 10° beam width), an array of single-beam echosounders used for mapping krill (38, 70, 120, and 200 kHz; 230 dB; 7° beam width), and a multibeam echosounder (30 kHz, 236 dB, 150° × 1° swath width). For each source, the authors produced a matrix displaying the severity of potential consequences (on a six-point scale) against the likelihood of occurrence for a given degree of severity. For the former two systems, the authors determined on the basis of the volume of water potentially affected by the system and comparisons between its output and available TTS data that the chance of TTS is only in a small volume immediately under the transducers, and that consequences of level four and above were inconceivable, whereas level one consequences (''Individuals show no response, or only a temporary (minutes) behavior change'') would be expected in almost all instances. Some minor displacement of animals in the immediate vicinity of the ship may occur. For the multibeam echosounder, Boebel *et al.* (2005) note that the high output and broad width of the swath abeam of the vessel makes displacement of animals more likely. However, the fore and aft beam width is small and the pulse length very short, so the risk of ensonification above TTS levels is still considered quite small and the likelihood of auditory or other injuries low. In general, the authors reached the same conclusions described for the single-beam systems, but note that more severe impacts—including fatalities resulting from herding of sensitive species in narrow sea ways—are at least possible (*i.e.,* may occur in exceptional circumstances). However, the probability of herding remains low not just because of the rarity of the necessary confluence of species, bathymetry, and likely other factors, but because the restricted beam shape makes it unlikely that an animal would be exposed more than briefly during the

passage of the vessel (Boebel *et al.,* 2005).

We have, however, considered the potential for severe behavioral responses such as stranding and associated indirect injury or mortality from SWFSC use of the multibeam echosounder, on the basis of a 2008 mass stranding of approximately one hundred melon-headed whales in a Madagascar lagoon system. An investigation of the event indicated that use of a high-frequency mapping system (12-kHz multibeam echosounder; it is important to note that all SWFSC sources operate at higher frequencies [see Table 2]) was the most plausible and likely initial behavioral trigger of the event, while providing the caveat that there is no unequivocal and easily identifiable single cause (Southall *et al.,* 2013). The panel's conclusion was based on (1) very close temporal and spatial association and directed movement of the survey with the stranding event; (2) the unusual nature of such an event coupled with previously documented apparent behavioral sensitivity of the species to other sound types (Southall *et al.,* 2006; Brownell *et al.,* 2009); and (3) the fact that all other possible factors considered were determined to be unlikely causes. Specifically, regarding survey patterns prior to the event and in relation to bathymetry, the vessel transited in a north-south direction on the shelf break parallel to the shore, ensonifying large areas of deep-water habitat prior to operating intermittently in a concentrated area offshore from the stranding site; this may have trapped the animals between the sound source and the shore, thus driving them towards the lagoon system.

The investigatory panel systematically excluded or deemed highly unlikely nearly all potential reasons for these animals leaving their typical pelagic habitat for an area extremely atypical for the species (*i.e.,* a shallow lagoon system). Notably, this was the first time that such a system has been associated with a stranding event.

The panel also noted several site- and situation-specific secondary factors that may have contributed to the avoidance responses that led to the eventual entrapment and mortality of the whales. Specifically, shoreward-directed surface currents and elevated chlorophyll levels in the area preceding the event may have played a role (Southall *et al.,* 2013). The report also notes that prior use of a similar system in the general area may have sensitized the animals and also concluded that, for odontocete cetaceans that hear well in higher frequency ranges where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low frequency systems that have more typically been considered in terms of anthropogenic noise impacts. It is, however, important to note that the relatively lower output frequency, higher output power, and complex nature of the system implicated in this event, in context of the other factors noted here, likely produced a fairly unusual set of circumstances that indicate that such events would likely remain rare and are not necessarily relevant to use of lower-power, higher-frequency systems more commonly used for scientific applications. The risk of similar events recurring may be very low, given the extensive use of active acoustic systems used for scientific and navigational purposes worldwide on a daily basis and the lack of direct evidence of such responses previously reported.

Characteristics of the sound sources predominantly used by SWFSC further reduce the likelihood of effects to marine mammals, as well as the intensity of effect assuming that an animal perceives the signal. Intermittent exposures—as would occur due to the brief, transient signals produced by these sources—require a higher cumulative SEL to induce TTS than would continuous exposures of the same duration (*i.e.,* intermittent exposure results in lower levels of TTS) (Mooney *et al.,* 2009a; Finneran *et al.,* 2010). In addition, intermittent exposures recover faster in comparison with continuous exposures of the same duration (Finneran *et al.,* 2010). Although echosounder pulses are, in general, emitted rapidly, they are not dissimilar to odontocete echolocation click trains. Research indicates that marine mammals generally have extremely fine auditory temporal resolution and can detect each signal separately (*e.g.,* Au *et al.,* 1988; Dolphin *et al.,* 1995; Supin and Popov, 1995; Mooney *et al.,* 2009b), especially for species with echolocation capabilities. Therefore, it is likely that marine mammals would indeed perceive echosounder signals as being intermittent.

We conclude here that, on the basis of available information on hearing and potential auditory effects in marine mammals, high-frequency cetacean species would be the most likely to potentially incur temporary hearing loss from a vessel operating high-frequency sonar sources, and the potential for PTS to occur for any species is so unlikely as to be discountable. Even for high-frequency cetacean species, individuals would have to make a very close approach and also remain very close to vessels operating these sources in order to receive multiple exposures at relatively high levels, as would be necessary to cause TTS. Additionally, given that behavioral responses typically include the temporary avoidance that might be expected (see below), the potential for auditory effects considered physiological damage (injury) is considered extremely low in relation to realistic operations of these devices. Given the fact that fisheries research survey vessels are moving, the likelihood that animals may avoid the vessel to some extent based on either its physical presence or due to aversive sound (vessel or active acoustic sources), and the intermittent nature of many of these sources, the potential for TTS is probably low for high-frequency cetaceans and very low to zero for other species.

Based on the source operating characteristics, most of these sources may be detected by odontocete cetaceans (and particularly high-frequency specialists such as porpoises) but are unlikely to be audible to mysticetes (*i.e.,* low-frequency cetaceans) and most pinnipeds. While low-frequency cetaceans and pinnipeds have been observed to respond behaviorally to low- and mid-frequency sounds (*e.g.,* Frankel, 2005), there is little evidence of behavioral responses in these species to high-frequency sound exposure (*e.g.,* Jacobs and Terhune, 2002; Kastelein *et al.,* 2006). If a marine mammal does perceive a signal from a SWFSC active acoustic source, it is likely that the response would be, at most, behavioral in nature. Behavioral reactions of free-ranging marine mammals to scientific sonars are likely to vary by species and circumstance. For example, Watkins *et al.* (1985) note that sperm whales did not appear to be disturbed by or even aware of signals from scientific sonars and pingers (36–60 kHz) despite being very close to the transducers, but Gerrodette and Pettis (2005) report that, when a 38-kHz echosounder and ADCP were on (1) the average size of detected schools of spotted dolphins and pilot whales was decreased; (2) perpendicular sighting distances increased for spotted and spinner dolphins; and (3) sighting rates decreased for beaked whales. As described above, behavioral responses of marine mammals are extremely variable, depending on multiple exposure factors, with the most common type of observed response being behavioral avoidance of areas around

aversive sound sources. Certain odontocete cetaceans (particularly harbor porpoises and beaked whales) are known to avoid high-frequency sound sources in both field and laboratory settings (*e.g.,* Kastelein *et al.,* 2000, 2005b, 2008a, b; Culik *et al.,* 2001; Johnston, 2002; Olesiuk *et al.,* 2002; Carretta *et al.,* 2008). There is some additional, low probability for masking to occur for high-frequency specialists, but similar factors (directional beam pattern, transient signal, moving vessel) mean that the significance of any potential masking is probably inconsequential.

*Potential Effects of Visual Disturbance*

During AMLR surveys conducted during the southern hemisphere winter, pinnipeds are expected to be hauled out on ice and at times experience incidental close approaches by the survey vessel during the course of its fisheries research activities. SWFSC expects some of these animals will exhibit a behavioral response to the visual stimuli (*e.g.,* including alert behavior, movement, vocalizing, or flushing). NMFS does not consider the lesser reactions (*e.g.,* alert behavior) to constitute harassment. These events are expected to be infrequent and cause only a temporary disturbance on the order of minutes. Monitoring results from other activities involving the disturbance of pinnipeds and relevant studies of pinniped populations that experience more regular vessel disturbance indicate that individually significant or population level impacts are unlikely to occur.

In areas where disturbance of haul-outs due to periodic human activity (*e.g.,* researchers approaching on foot, passage of small vessels, maintenance activity) occurs, monitoring results have generally indicated that pinnipeds typically move or flush from the haul-out in response to human presence or visual disturbance, although some individuals typically remain hauled-out (*e.g.,* SCWA, 2012). The nature of response is generally dependent on species. For example, California sea lions and northern elephant seals have been observed as less sensitive to stimulus than harbor seals during monitoring at numerous sites. Monitoring of pinniped disturbance as a result of abalone research in the Channel Islands showed that while harbor seals flushed at a rate of 69 percent, California sea lions flushed at a rate of only 21 percent. The rate for elephant seals declined to 0.1 percent (VanBlaricom, 2010).

Upon the occurrence of low-severity disturbance (*i.e.,* the approach of a vessel or person as opposed to an explosion or sonic boom), pinnipeds typically exhibit a continuum of responses, beginning with alert movements (*e.g.,* raising the head), which may then escalate to movement away from the stimulus and possible flushing into the water. Flushed pinnipeds typically re-occupy the haul-out within minutes to hours of the stimulus.

In a popular tourism area of the Pacific Northwest where human disturbances occurred frequently, past studies observed stable populations of seals over a twenty-year period (Calambokidis *et al.,* 1991). Despite high levels of seasonal disturbance by tourists using both motorized and non-motorized vessels, Calambokidis *et al.* (1991) observed an increase in site use (pup rearing) and classified this area as one of the most important pupping sites for seals in the region. Another study observed an increase in seal vigilance when vessels passed the haul-out site, but then vigilance relaxed within ten minutes of the vessels' passing (Fox, 2008). If vessels passed frequently within a short time period (*e.g.,* 24 hours), a reduction in the total number of seals present was also observed (Fox, 2008).

Level A harassment, serious injury, or mortality could likely only occur as a result of trampling in a stampede (a potentially dangerous occurrence in which large numbers of animals succumb to mass panic and rush away from a stimulus) or abandonment of pups. However, AMLR surveys that have the potential to disturb pinnipeds on ice occur during austral winter and are unlikely to overlap in time with the periods when pups would be vulnerable to extended separation or trampling. While data on Antarctic pinniped phenology are limited, available information supports the intuitive conclusion that winter surveys would not overlap with pupping or lactation periods. The range of earliest to latest phocid pup observation over the course of five research voyages in east Antarctica from 1985–1999 was October 2, while the latest was December 25 (Southwell *et al.,* 2003). Given the nature of potential disturbance—which would entail the gradual and highly visible approach of a large vessel—we would expect that pinnipeds would exhibit a gradual response escalation, and that stampeding would likely not be an issue.

Disturbance of pinnipeds caused by SWFSC survey activities—which are sparsely distributed in space and time—would be expected to last for only short periods of time, separated by significant amounts of time in which no disturbance occurred. Because such disturbance is sporadic, rather than chronic, and of low intensity, individual marine mammals are unlikely to incur any detrimental impacts to vital rates or ability to forage and, thus, loss of fitness. Correspondingly, even local populations, much less the overall stocks of animals, are extremely unlikely to accrue any significantly detrimental impacts.

*Anticipated Effects on Marine Mammal Habitat*

*Effects to prey*—In addition to direct, or operational, interactions between fishing gear and marine mammals, indirect (*i.e.,* biological or ecological) interactions occur as well, in which marine mammals and fisheries both utilize the same resource, potentially resulting in competition that may be mutually disadvantageous (*e.g.,* Northridge, 1984; Beddington *et al.,* 1985; Wickens, 1995). Marine mammal prey varies by species, season, and location and, for some, is not well documented. There is some overlap in prey of marine mammals in the CCE and the species sampled and removed during SWFSC research surveys, with primary species of concern being small, energy-rich, schooling species such as Pacific sardine, anchovies, and jack mackerel.

However, the total amount of these species taken in research surveys is very small relative to their overall biomass in the area (See Section 4.2.3 of the SWFSC EA for more information on fish catch during research surveys). For example, the average annual catch of Pacific sardines in the course of all SWFSC research surveys during 2007–11 was approximately 1.6 metric tons (mt). Research catch is therefore a very small fraction of the estimated biomass for Pacific sardines (157 million mt; Hill *et al.,* 2011), and is negligible compared to the combined commercial harvest for sardines (145,861 mt) in the CCE (2010 data; Hill *et al.,* 2011). The average annual catch of anchovies in the course of all SWFSC research surveys in the past five years is about 1.2 mt. Biomass estimates are not available for this species, but the overfishing level has been set at 139,000 mt and commercial harvests off the U.S. Pacific coast are about 2,093 mt per year (2010 data, Hill *et al.,* 2011). For jack mackerel, average combined SWFSC research catch (0.4 mt) compares to an overfishing level of 126,000 mt and commercial harvests of about 309 mt (2010 data, Hill *et al.,* 2011). Other species of fish and invertebrates that are used as prey by marine mammals are taken in research

surveys as well but, as exemplified by these three predominant species, the proportions of research catch compared to biomass and commercial harvest is very small.

In addition to the small total biomass taken, some of the size classes of fish targeted in research surveys are very small (*e.g.,* juvenile rockfish are typically only centimeters long) and these small size classes are not known to be prey of marine mammals in the CCE. Research catches are also distributed over a wide area because of the random sampling design covering large sample areas. Fish removals by research are therefore highly localized and unlikely to affect the spatial concentrations and availability of prey for any marine mammal species. This is especially true for pinnipeds in the CCE, which are opportunistic predators that consume a wide assortment of fish and squid, and judging by their increasing populations throughout their range and expanding range into the Pacific Northwest (Caretta *et al.,* 2014), food availability does not appear to be a limiting factor (Baraff and Loughlin, 2000; Scordino, 2010). The overall effect of research catches on marine mammals through competition for prey may therefore be considered insignificant for all species in the CCE.

SWFSC research catches in the ETP are currently limited to tiny amounts of plankton (about 20 kg total) and juvenile fish (about 1 kg total) collected over vast areas of the ocean. The effects on marine mammals are therefore insignificant for all species in the ETP. The addition of a few longline sets would likely take some species and size classes used as prey by marine mammals, but the effort would be so small and distributed over such a large area that it would not change this conclusion.

In the AMLR, SWFSC surveys are primarily focused on Antarctic krill, which are a key component of the food web for numerous marine mammals (including fur seals and baleen whales) as well as penguins and other birds. Acoustic data are used to measure abundance and distribution of krill but very small amounts of krill and zooplankton are also captured in small-mesh nets (*e.g.,* IKMT) for biometric data. Krill abundance and distribution is driven by weather and oceanographic forces and varies tremendously over space (patchy distribution) and over time. Biomass estimates are only available in the few places where research occurs (South Shetland Islands and Elephant Island). Estimates of krill biomass in each of three monitored areas have averaged between 0.5–2.5 million mt in the past few years (*e.g.,* Van Cise, 2009). The amount of krill and other zooplankton collected during research is an insignificant fraction of overall biomass and would not affect the abundance or availability of prey for any marine mammals. The SWFSC also conducts periodic bottom trawl surveys in the South Orkney Islands area to monitor the recovery of several finfish that were overfished in the 1970s-80s. These surveys are only conducted every two or three years as funds and appropriate charter vessels become available. During one recent survey, a total of 7.7 mt of fish were collected from 65 species (Van Cise, 2009). This data has been used to estimate densities of the different species in the area, with the most common species caught having densities up to 7 mt/nm$^2$. It is not known how important these species or size classes taken during research are to marine mammals in the area. However, given the periodic nature of the surveys and the relatively small amount of fish removed from the system over a large area, it is unlikely to affect the distribution or availability of prey for any marine mammal species.

*Acoustic habitat*—Acoustic habitat is the soundscape—which encompasses all of the sound present in a particular location and time, as a whole—when considered from the perspective of the animals experiencing it. Animals produce sound for, or listen for sounds produced by, conspecifics (communication during feeding, mating, and other social activities), other animals (finding prey or avoiding predators), and the physical environment (finding suitable habitats, navigating). Together, sounds made by animals and the geophysical environment (*e.g.,* produced by earthquakes, lightning, wind, rain, waves) make up the natural contributions to the total acoustics of a place. These acoustic conditions, termed acoustic habitat, are one attribute of an animal's total habitat.

Soundscapes are also defined by, and acoustic habitat influenced by, the total contribution of anthropogenic sound. This may include incidental emissions from sources such as vessel traffic, or may be intentionally introduced to the marine environment for data acquisition purposes (as in the SWFSC's use of active acoustic sources). Anthropogenic noise varies widely in its frequency content, duration, and loudness and these characteristics greatly influence the potential habitat-mediated effects to marine mammals (please see also the previous discussion on masking under ''Acoustic Effects''), which may range from local effects for brief periods of time to chronic effects over large areas and for long durations. Depending on the extent of effects to habitat, animals may alter their communications signals (thereby potentially expending additional energy) or miss acoustic cues (either conspecific or adventitious). For more detail on these concepts see, *e.g.,* Barber *et al.,* 2010; Pijanowski *et al.,* 2011; Francis and Barber, 2013; Lillis *et al.,* 2014.

Problems arising from a failure to detect cues are more likely to occur when noise stimuli are chronic and overlap with biologically relevant cues used for communication, orientation, and predator/prey detection (Francis and Barber, 2013). As described above (''Acoustic Effects''), the signals emitted by SWFSC active acoustic sources are generally high frequency, of short duration, and transient. These factors mean that the signals will attenuate rapidly (not travel over great distances), may not be perceived or affect perception even when animals are in the vicinity, and would not be considered chronic in any given location. SWFSC use of these sources is widely dispersed in both space and time. In conjunction with the prior factors, this means that it is highly unlikely that SWFSC use of these sources would, on their own, have any appreciable effect on acoustic habitat. Sounds emitted by SWFSC vessels would be of lower frequency and continuous, but would also be widely dispersed in both space and time. SWFSC vessel traffic—including both sound from the vessel itself and from the active acoustic sources—is of very low density compared to commercial shipping traffic or commercial fishing vessels and would therefore be expected to represent an insignificant incremental increase in the total amount of anthropogenic sound input to the marine environment.

Aside from bottom trawling in the AMLR—which is conducted only every two to three years in a relatively limited portion of the overall region, and therefore represents an insignificant impact—SWFSC activities would not be expected to have any impact on physical habitat in any specified geographical region. As described in the preceding, the potential for SWFSC research to affect the availability of prey to marine mammals or to meaningfully impact the quality of acoustic habitat is considered to be insignificant for all species, in all three specified geographical regions. Effects to habitat will not be discussed further in this document.

Estimated Take by Incidental Harassment, Serious Injury, or Mortality

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Serious injury means any injury that will likely result in mortality (50 CFR 216.3).

Take of marine mammals incidental to SWFSC research activities could occur as a result of (1) injury or mortality due to gear interaction (CCE and ETP only; Level A harassment, serious injury, or mortality); (2) behavioral disturbance resulting from the use of active acoustic sources (Level B harassment only); or (3) behavioral disturbance of pinnipeds on ice resulting from close proximity of research vessels (AMLR only; Level B harassment only).

*Estimated Take Due to Gear Interaction*

Historical Interactions

In order to estimate the number of potential incidents of take that could occur by M/SI + Level A through gear interaction, we first consider SWFSC's record of past such incidents, and then consider in addition other species that may have similar vulnerabilities to SWFSC midwater trawl and pelagic longline gear as those species for which we have historical interaction records. Historical interactions with SWFSC research gear are described in Tables 10 and 11. Available records are for the years 2006 through present. All historical interactions have taken place in the California Current Ecosystem. Please see Figures 4.2–1 and 4.2–2 in the SWFSC EA for specific locations of these incidents.

TABLE 10—HISTORICAL INTERACTIONS WITH TRAWL GEAR

| Gear [1] | Survey | Date | Species | Number killed | Number released alive | Total |
|---|---|---|---|---|---|---|
| Midwater trawl | Coastal Pelagic Species (CPS). | 4/24/2006 | Northern fur seal (CA stock) | 1 | | 1 |
| Midwater trawl | CPS | 4/29/2007 | Northern fur seal (CA stock) | 1 | | 1 |
| Midwater trawl [2] | Juvenile Rockfish | 5/30/2007 | Northern fur seal (eastern Pacific stock) | 1 | | 1 |
| Midwater trawl | CPS | 4/18/2008 | California sea lion | 1 | | 1 |
| Midwater trawl | CPS | 4/21/2008 | Pacific white-sided dolphin | 1 | | 1 |
| Midwater trawl | CPS | 4/26/2008 | Pacific white-sided dolphin | 2 | | 2 |
| Midwater trawl | CPS | 4/27/2008 | California sea lion | 1 | | 1 |
| Midwater trawl | CPS | 4/27/2008 | Northern fur seal (eastern Pacific stock) | 1 | | 1 |
| Midwater trawl [2] | Juvenile Rockfish | 6/15/2008 | California sea lion | 1 | 2 | 3 |
| Midwater trawl | CPS | 7/19/2008 | Pacific white-sided dolphin | 1 | | 1 |
| Midwater trawl | CPS | 7/28/2008 | California sea lion | 1 | | 1 |
| Midwater trawl | CPS | 7/31/2008 | Northern fur seal (CA stock) | 1 | | 1 |
| Midwater trawl | CPS | 8/3/2008 | Northern fur seal (CA stock) | 1 | | 1 |
| Midwater trawl | CPS | 8/9/2008 | Pacific white-sided dolphin | 11 | | 11 |
| Midwater trawl | CPS | 8/9/2008 | Northern right whale dolphin | 6 | | 6 |
| Midwater trawl | CPS | 8/14/2008 | California sea lion | 9 | | 9 |
| Midwater trawl | CPS | 5/1/2009 | Pacific white-sided dolphin | | 3 | 3 |
| Midwater trawl [2] | Juvenile Rockfish | 5/25/2009 | California sea lion | | 1 | 1 |
| Midwater trawl | CPS | 4/18/2010 | Pacific white-sided dolphin | | 1 | 1 |
| Midwater trawl | CPS | 4/25/2010 | Pacific white-sided dolphin | 1 | | 1 |
| Midwater trawl [2] | Juvenile Rockfish | 9/10/2010 | Pacific white-sided dolphin | 1 | | 1 |
| Midwater trawl | CPS | 4/3/2011 | Pacific white-sided dolphin | 1 | | 1 |
| Midwater trawl | Juvenile Salmon | 9/9/2011 | California sea lion | 1 | | 1 |
| Midwater trawl | Juvenile Salmon | 9/10/2011 | Pacific white-sided dolphin | 6 | | 6 |
| Midwater trawl | CPS | 6/29/2012 | Pacific white-sided dolphin | | 1 | 1 |
| Midwater trawl | CPS | 8/18/2012 | Pacific white-sided dolphin | 1 | | 1 |
| Midwater trawl | CPS | 8/24/2012 | Pacific white-sided dolphin | 2 | | 2 |
| Midwater trawl | CPS | 8/1/2013 | Pacific white-sided dolphin | 1 | 2 | 3 |
| Midwater trawl | Juvenile Salmon | 9/14/2013 | Pacific white-sided dolphin | 3 | | 3 |
| Midwater trawl [2] | Juvenile Rockfish | 6/1/2014 | Pacific white-sided dolphin | 1 | | 1 |
| Total individuals captured (total number of interactions given in parentheses). | | | Northern fur seal (6) | 6 | | 6 |
| | | | California sea lion (7) | 14 | 3 | 17 |
| | | | Pacific white-sided dolphin (16) | 32 | 7 | 39 |
| | | | Northern right whale dolphin (1) | 6 | | 6 |

[1] All incidents involved use of the NETS Nordic 264 midwater trawl, except as noted below.
[2] These incidents involved use of the modified-Cobb midwater trawl.

TABLE 11—HISTORICAL INTERACTIONS WITH LONGLINE GEAR

| Gear | Survey | Date | Species | Number killed | Number released alive | Total |
|---|---|---|---|---|---|---|
| Pelagic longline | Highly Migratory Species (HMS). | 9/6/2008 | California sea lion | | 1 | 1 |
| Pelagic longline | HMS | 9/15/2008 | California sea lion | | 1 | 1 |
| Pelagic longline | Thresher Shark | 9/18/2009 | California sea lion | | 1 | 1 |
| Pelagic longline | HMS | 7/27/2010 | California sea lion | | 1 | 1 |
| Pelagic longline | HMS | 6/23/2012 | California sea lion | | 1 | 1 |

TABLE 11—HISTORICAL INTERACTIONS WITH LONGLINE GEAR—Continued

| Gear | Survey | Date | Species | Number killed | Number released alive | Total |
|---|---|---|---|---|---|---|
| Pelagic longline | HMS | 7/10/2013 | California sea lion | | 1 | 1 |
| Pelagic longline | HMS | 7/2/2014 | California sea lion | | 1 | 1 |
| Total | | | | | 7 | 7 |

The SWFSC has no recorded interactions with any gear other than midwater trawl and pelagic longline. As noted previously in ''Potential Effects of the Specified Activity on Marine Mammals,'' we do not anticipate any future interactions in any other gears, including the bottom trawl gear periodically employed by the SWFSC in the AMLR. Although some historical interactions resulted in the animal(s) being released alive, no serious injury determinations (NMFS, 2012a; 2012b) were made, and it is possible that some of these animals later died. In order to use these historical interaction records in a precautionary manner as the basis for the take estimation process, and because we have no specific information to indicate whether any given future interaction might result in M/SI versus Level A harassment, we conservatively assume that all interactions equate to mortality.

During trawl surveys, SWFSC has recorded interactions with northern fur seals (California and eastern Pacific stocks; six total interactions with six individual animals); California sea lions (seven total interactions with seventeen animals); Pacific white-sided dolphins (sixteen interactions with 39 animals); and northern right whale dolphins (one interaction with six animals). No northern fur seal has been captured since 2008, and northern right whale dolphins have been involved in only one incident, also in 2008. Therefore, California sea lions and Pacific white-sided dolphins are the species most likely to interact with SWFSC trawl gear. Averages of 2.4 sea lions and 2.4 dolphins have been captured per interaction; however, these numbers are skewed by separate, single incidents in which nine sea lions and eleven dolphins were captured. The latter of these was the same trawl in which six northern right whale dolphins were captured and is the only incident in which more than one species was captured. Excluding these likely outliers leaves an average of 1.3 sea lions and 1.8 dolphins captured per event. For longline gear, only California sea lions have been captured. Each longline incident involved a single animal and all animals have been released alive; however, as for incidents involving trawl gear, no serious injury determinations were made.

In order to produce the most precautionary take estimates possible, we use here the most recent five years of data that includes 2008 (*e.g.,* 2008–12). As previously noted, there were dramatically more of both interactions and animals captured (41 animals captured in fourteen interactions across both longline and trawl gear) in the year 2008 than in any other year (an average of 4.3 animals captured in 2.8 interactions in all other years). We believe a five-year time frame provides enough data to adequately capture year-to-year variation in take levels, while reflecting recent environmental conditions and survey protocols that may change over time.

*California Current Ecosystem*

In order to estimate the potential number of incidents of M/SI + Level A that could occur incidental to the SWFSC's use of midwater trawl and pelagic longline gear in the CCE over the five-year period from 2015–19, we first look at the four species described that have been taken historically and then evaluate the potential vulnerability of additional species to these gears. Table 12 shows the five-year annual average captures of these four species and the projected five-year totals for this proposed rule, for both trawl and longline gear. In order to produce precautionary estimates, we calculate the annual average for the designated five-year period (2008–12), round up to the nearest whole number, and assume that this number may be taken in each future year. This is precautionary in part because we include 2008 in the five-year average, which skews the data for all species captured in trawl gear (though not for longline). These estimates are based on the assumption that annual effort (*e.g.,* total annual trawl tow time) over the proposed five-year authorization period will not exceed the annual effort during the period 2008–12.

TABLE 12—ANNUAL AVERAGE CAPTURES (2008–12) AND PROJECTED FIVE-YEAR TOTAL FOR HISTORICALLY CAPTURED SPECIES

| Gear | Species | 2008 | 2009 | 2010 | 2011 | 2012 | Maximum for any set [1] | Average per year | Projected 5-year total [2] |
|---|---|---|---|---|---|---|---|---|---|
| Trawl | Pacific white-sided dolphin | 15 | 3 | 3 | 7 | 4 | 11 | 6.4 | 35 |
| | California sea lion | 15 | 1 | 0 | 1 | 0 | 9 | 3.4 | 20 |
| | Northern right whale dolphin | 6 | 0 | 0 | 0 | 0 | 6 | 1.2 | 10 |
| | Northern fur seal | 3 | 0 | 0 | 0 | 0 | 1 | 0.6 | 5 |
| Longline | California sea lion | 2 | 1 | 1 | 0 | 1 | 1 | 1 | 5 |

[1] The maximum number of individual animals captured in a single trawl tow or longline set, 2008–12.

[2] The estimated total is the product of the 2008–12 annual average rounded up to the nearest whole number and multiplied by the five-year timespan of the proposed rule.

As background to the process of determining which species not historically taken may have sufficient vulnerability to capture in SWFSC gear to justify inclusion in the take authorization request, we note that the SWFSC is NMFS' research arm in the southwest portion of the West Coast Region and may be considered as a leading source of expert knowledge regarding marine mammals (*e.g.,* behavior, abundance, density) in the

areas where they operate. The species for which the take request was formulated were selected by the SWFSC, and we have concurred with these decisions.

In order to evaluate the potential vulnerability of additional species to midwater trawl and pelagic longline gear, we first consulted NMFS' List of Fisheries (LOF), which classifies U.S. commercial fisheries into one of three categories according to the level of incidental marine mammal M/SI that is known to occur on an annual basis over the most recent five-year period (generally) for which data has been analyzed: Category I, frequent incidental M/SI; Category II, occasional incidental M/SI; and Category III, remote likelihood of or no known incidental M/SI. We provide this information, as presented in the 2014 LOF (79 FR 14418; April 14, 2014), in Table 13 (note that Table 13 includes information for CCE and ETP species). In order to simplify information presented, and to encompass information related to other similar species from different locations, we group marine mammals by genus (where there is more than one member of the genus found in U.S. waters). Where there are documented incidents of M/SI incidental to relevant commercial fisheries, we note whether we believe those incidents provide sufficient basis upon which to infer vulnerability to capture in SWFSC research gear. More information is available on the Internet at: *www.nmfs.noaa.gov/pr/interactions/lof/*.

TABLE 13—U.S. COMMERCIAL FISHERIES INTERACTIONS FOR MIDWATER TRAWL AND PELAGIC LONGLINE FOR RELEVANT SPECIES

| Species [1] | Midwater trawl [2] | Location/fishery [3] | Vulnerability inferred? [4] | Pelagic longline [2] | Location/fishery [3] | Vulnerability inferred? [4] |
|---|---|---|---|---|---|---|
| Gray whale | N | n/a | n/a | N | n/a | n/a |
| Humpback whale | Y | AK BSAI pollock trawl (2) | N | Y | HI shallow-set longline (0.75). | N |
| *Balaenoptera* spp[5] | Y | AK GOA pollock trawl (0) | N | N | n/a | n/a |
| Sperm whale | N | n/a | n/a | Y | HI deep-set longline (3), ATL large pelagics longline (0). | N |
| *Kogia* spp | N | n/a | n/a | Y | HI shallow-set longline (0) | Y |
| Cuvier's beaked whale. | N | n/a | n/a | Y | American Samoa longline (0), ATL large pelagics longline (0). | N |
| Baird's beaked whale. | N | n/a | n/a | N | n/a | n/a |
| *Mesoplodon* spp | N | n/a | n/a | Y | HI shallow-set longline (1),[7] ATL large pelagics longline (0). | N |
| Rough-toothed dolphin. | N | n/a | n/a | Y | American Samoa longline (10.9). | Y |
| Common bottlenose dolphin. | N | n/a | n/a | Y | HI deep-set longline (9), HI shallow-set longline (7), ATL large pelagics longline (23.8). | Y |
| *Stenella* spp | N | n/a | n/a | Y | HI deep-set longline (7), HI shallow-set longline (3), ATL large pelagics longline (16). | Y |
| *Delphinis* spp | Y | MA midwater trawl (3.2), NE midwater trawl (0). | Y | Y | ATL large pelagics longline (8.5). | Y |
| Fraser's dolphin | N | n/a | n/a | N | n/a | n/a |
| *Lagenorhynchus* spp[6]. | n/a | n/a | n/a | N | n/a | n/a |
| Northern right whale dolphin [6]. | n/a | n/a | n/a | N | n/a | n/a |
| Risso's dolphin | Y | MA midwater trawl (1) | Y | Y | HI deep-set longline (8), HI shallow-set longline (18), ATL large pelagics longline (49). | Y |
| Melon-headed whale. | N | n/a | n/a | N | n/a | n/a |
| Pygmy killer whale | N | n/a | n/a | N | n/a | n/a |
| False killer whale | N | n/a | n/a | Y | HI deep-set longline (112),[8] HI shallow-set longline (2.5),[8] American Samoa longline (23.5). | Y |
| Killer whale | N | n/a | n/a | Y | ATL large pelagics longline (0). | N |
| *Globicephala* spp | Y | MA midwater trawl (12), NE midwater trawl (16). | N | Y | HI deep-set longline (5.5),[8] HI shallow-set longline (0.5),[8] American Samoa longline (0), ATL large pelagics longline (598). | Y |

TABLE 13—U.S. COMMERCIAL FISHERIES INTERACTIONS FOR MIDWATER TRAWL AND PELAGIC LONGLINE FOR RELEVANT SPECIES—Continued

| Species [1] | Midwater trawl [2] | Location/fishery [3] | Vulnerability inferred? [4] | Pelagic longline [2] | Location/fishery [3] | Vulnerability inferred? [4] |
|---|---|---|---|---|---|---|
| Harbor porpoise ... | N | n/a ..... | n/a | N | n/a ..... | n/a |
| Dall's porpoise ..... | Y | AK BSAI pollock trawl (1.2); AK GOA pollock trawl (0). | Y | N | n/a ..... | n/a |
| Guadalupe fur seal. | N | n/a ..... | n/a | N | n/a ..... | n/a |
| Northern fur seal [6] | n/a | n/a ..... | n/a | N | n/a ..... | n/a |
| California sea lion [6]. | n/a | n/a ..... | n/a | n/a | n/a ..... | n/a |
| Steller sea lion ..... | Y | AK BSAI pollock trawl (36.8); AK GOA pollock trawl (0). | Y | N | n/a ..... | n/a |
| *Phoca* spp ..... | Y | AK BSAI pollock trawl (1.2), NE midwater trawl (3.3). | Y | N | n/a ..... | n/a |
| Northern elephant seal. | Y | AK GOA pollock trawl (0) | Y | N | n/a ..... | n/a |

Category I fisheries using midwater trawl or pelagic longline gear (estimated # fishery participants): Hawaii (HI) deep-set longline (129); Atlantic Ocean, Caribbean, Gulf of Mexico (ATL) large pelagics longline (420)

Category II fisheries: HI shallow-set longline (20); Alaska Bering Sea, Aleutian Islands (AK BSAI) pollock (*Theragra chalcogramma*) trawl (95); American Samoa longline (24); HI shortline (11; no documented incidental M/SI); Mid-Atlantic (MA) midwater trawl (322); Northeast (NE) midwater trawl (1,103)

Category III fisheries: AK Gulf of Alaska (GOA) pollock trawl (62); California pelagic longline (1; no documented incidental M/SI); HI vertical longline (9; no documented incidental M/SI); AK food/bait herring trawl (4; no documented incidental M/SI)

[1] Please refer to Table 3 for taxonomic reference.

[2] Indicates whether any member of the genus has documented incidental M/SI in a U.S. fishery using that gear in the most recent five-year timespan for which data is available.

[3] Values in parentheses represent estimates of M/SI for that fishery in the most recent five-year timespan for which data is available (2007–11 in most cases). An interaction may be prorated if it is documented as an injury but the severity of the injury is unknown (*e.g.,* one entanglement may be estimated as 0.75 M/SI). Where there is less than one hundred percent observer coverage, documented M/SI is extrapolated to produce whole-fishery estimates. Associated CVs are not presented here; please refer to relevant SARs for more information. Some species have zero M/SI for 2007–11, but remain listed on that fishery's current list of marine mammal species/stocks injured/killed due to older interactions (*e.g.,* one Cuvier's beaked whale capture was documented in the ATL large pelagics longline fishery in 2003).

[4] Where there are no documented incidents of M/SI incidental to relevant commercial fisheries, this is not applicable.

[5] One minke whale was captured in a midwater trawl and released alive by NMFS' Northeast Fisheries Science Center in 2009. It was later determined that this capture constituted a serious injury.

[6] This exercise is considered ''not applicable'' for those species historically captured in SWFSC gear. Historical record, rather than analogy, is considered the best information upon which to base a take estimate.

[7] One additional unidentified beaked whale was incidentally captured in this fishery during 2007–11.

[8] These include documented interactions with unidentified ''blackfish'' (*i.e.,* pilot whales or false killer whales) and are prorated to species based on distance from shore.

Information related to incidental M/SI in relevant commercial fisheries is not, however, the sole determinant of whether it may be appropriate to authorize M/SI + Level A incidental to SWFSC survey operations. A number of factors (*e.g.,* species-specific knowledge regarding animal behavior, overall abundance in the geographic region, density relative to SWFSC survey effort, feeding ecology, propensity to travel in groups commonly associated with other species historically taken) were taken into account by the SWFSC to determine whether a species may have a similar vulnerability to certain types of gear as historically taken species. In some cases, we have determined that species without documented M/SI may nevertheless be vulnerable to capture in SWFSC research gear. Similarly, we have determined that some species groups with documented M/SI are not likely to be vulnerable to capture in SWFSC gear. In these instances, we provide further explanation below. Those species with no records of historical interaction with SWFSC research gear and no documented M/SI in relevant commercial fisheries, and for which the SWFSC has not requested the authorization of incidental take, are not considered further in this section. The SWFSC believes generally that any sex or age class of those species for which take authorization is requested could be captured.

In order to estimate a number of individuals that could potentially be captured in SWFSC research gear for those species not historically captured, we first determine which species may have vulnerability to capture in a given gear. Of those species, we then determine which may have a similar propensity to capture in a given gear as a historically captured species and which likely do not. For the former, we assume that, given similar propensity, it is possible that a worst-case scenario of take in a single trawl tow or longline set could occur while at the same time contending that, absent significant range shifts or changes in habitat usage, capture of a species not historically captured would likely be a very rare event. The former assumption also accounts for the likelihood that, for species that often travel in groups, an incident involving capture of that species is likely to involve more than one individual.

For example, we believe that the Risso's dolphin is potentially vulnerable to capture in midwater trawl gear and may have similar propensity to capture in that gear as does the Pacific white-sided dolphin. Because the greatest number of Pacific white-sided dolphins captured in any one trawl tow was eleven individuals (see Table 12), we assume that eleven Risso's dolphins could also be captured in a single incident. However, in recognition of the fact that any incident involving the

capture of Risso's dolphins would likely be a rare event, we propose a total take authorization over the five-year period of the number that may result from a single, worst-case incident (eleven dolphins). While we do not necessarily believe that eleven Risso's dolphins would be captured in a single incident—and that more capture incidents involving fewer individuals could occur, as opposed to a single, worst-case incident—we believe that this is a reasonable approach to estimating potential incidents of M/SI + Level A while balancing what could happen in a worst-case scenario with the potential likelihood that no incidents of capture would actually occur. The historical capture of northern right whale dolphins in 2008 provides an instructive example of a situation where a worst-case scenario (six dolphins captured in a single trawl tow) did occur, but overall capture of this species was very rare (no other capture incidents before or since).

Separately, for those species that we believe may have a vulnerability to capture in given gear but that we do not believe may have a similar propensity to capture in that gear as a historically captured species, we assume that capture would be a rare event that could involve multiple individuals captured in a single incident or one or two individuals captured in one or two incidents. For example, from the LOF we infer vulnerability to capture in trawl gear for the Dall's porpoise but do not believe that this species has a similar propensity for interaction in trawl gear as any historically captured species. Therefore, we assume that capture would represent a rare event that could occur in any year of the five-year period of proposed authorization and may involve one or more individuals. For these species we propose to authorize a total taking by M/SI + Level A of five individuals over the five-year timespan. These examples are provided to illustrate the process while more detail specific to gear types is given below.

*Midwater trawl*—From the 2014 LOF, we infer vulnerability to midwater trawl gear in the CCE for the Risso's dolphin, short- and long-beaked common dolphins, Dall's porpoise, Steller sea lion, harbor seal, and northern elephant seal. In addition, we consider some of these species to have a similar propensity for interaction with trawl gear as that demonstrated by the Pacific white-sided dolphin (Risso's dolphin, short- and long-beaked common dolphins) and some of these to have similar propensity for interaction with trawl gear as that demonstrated by the California sea lion (Steller sea lion and harbor seal).

For some species, we believe that there is a reasonable likelihood of incidental take although there are no records of incidental M/SI in relevant commercial fisheries. The proposed take authorization for these species was determined to be appropriate based on analogy to other similar species that have been taken either in SWFSC operations or in analogous commercial fishery operations. Among species with no records of incidental M/SI in the LOF, we believe that the striped dolphin and bottlenose dolphin have a similar propensity for interaction with trawl gear as that demonstrated by the Pacific white-sided dolphin and that the harbor porpoise likely has vulnerability similar to that demonstrated by the Dall's porpoise. Note also that, while the current LOF has no documented incidents of M/SI for these species incidental to midwater trawl fisheries, all have been taken incidentally in fisheries using bottom trawl gear.

It is also possible that a captured animal may not be able to be identified to species with certainty. Certain pinnipeds and small cetaceans are difficult to differentiate at sea, especially in low-light situations or when a quick release is necessary. For example, a captured delphinid that is struggling in the net may escape or be freed before positive identification is made. Therefore, the SWFSC has requested the authorization of incidental M/SI + Level A for one unidentified pinniped and one unidentified small cetacean over the course of the five-year period of proposed authorization.

*Pelagic longline*—The process is the same as is described above for midwater trawl gear. From the 2014 LOF, we infer vulnerability to pelagic longline gear in the CCE for the Risso's dolphin, bottlenose dolphin, striped dolphin, pygmy and dwarf sperm whale (*i.e., Kogia* spp.), short- and long-beaked common dolphins, and short-finned pilot whale. Despite an absence of records of incidental M/SI in the LOF for Steller sea lions, we also believe that this species is vulnerable to capture in pelagic longlines. We note here that, while the current LOF has no documented incidents of M/SI for Steller sea lions incidental to pelagic longline fisheries, the species has been taken in fisheries using bottom longline gear. We do not believe that any of these species have a similar propensity for interaction with pelagic longline gear as that demonstrated by the California sea lion, which is often present at high densities in the areas where SWFSC longline research is conducted. We also propose to authorize incidental M/SI + Level A for one unidentified pinniped over the course of the five-year period of proposed authorization.

TABLE 14—TOTAL ESTIMATED M/SI + LEVEL A DUE TO GEAR INTERACTION IN THE CCE, 2015–19

| Species | Estimated 5-year total, midwater trawl [1] | Estimated 5-year total, pelagic longline [1] | Total, trawl + longline |
|---|---|---|---|
| *Kogia* spp.[2] | ..... | 1 | 1 |
| Bottlenose dolphin (all stocks)[3] | ..... | 1 | 1 |
| Bottlenose dolphin (CA/OR/WA offshore)[4] | 8 | ..... | 8 |
| Bottlenose dolphin (CA coastal)[4] | 3 | ..... | 3 |
| Striped dolphin | 11 | 1 | 12 |
| Short-beaked common dolphin | 11 | 1 | 12 |
| Long-beaked common dolphin | 11 | 1 | 12 |
| Pacific white-sided dolphin | 35 | ..... | 35 |
| Northern right whale dolphin | 10 | ..... | 10 |
| Risso's dolphin | 11 | 1 | 12 |
| Short-finned pilot whale | ..... | 1 | 1 |
| Harbor porpoise[4] | 5 | ..... | 5 |
| Dall's porpoise | 5 | ..... | 5 |
| Northern fur seal[5] | 5 | ..... | 5 |
| California sea lion | 20 | 5 | 25 |
| Steller sea lion | 9 | 1 | 10 |

TABLE 14—TOTAL ESTIMATED M/SI + LEVEL A DUE TO GEAR INTERACTION IN THE CCE, 2015–19—Continued

| Species | Estimated 5-year total, midwater trawl [1] | Estimated 5-year total, pelagic longline [1] | Total, trawl + longline |
|---|---|---|---|
| Harbor seal [4] | 9 | ..... | 9 |
| Northern elephant seal | 5 | ..... | 5 |
| Unidentified pinniped | 1 | 1 | 2 |
| Unidentified cetacean | 1 | ..... | 1 |

[1] Please see Table 12 and preceding text for derivation of take estimates.
[2] We expect that only one *Kogia* spp. may be taken over the five-year timespan and that it could be either a pygmy or dwarf sperm whale.
[3] As a species believed to have similar propensity for capture in trawl gear as that demonstrated by the Pacific white-sided dolphin, we assume that eleven bottlenose dolphins could be captured over the five-year timespan. Total potential take of bottlenose dolphins in trawl gear has been apportioned by stock according to typical occurrence of that stock relative to SWFSC survey locations. We assume that a maximum of one total take of a bottlenose dolphin from either stock may occur in longline gear.
[4] Incidental take may be of animals from any stock, excluding Washington inland waters stocks.
[5] Incidental take may be of animals from either the eastern Pacific or California stocks.

For large whales, beaked whales, and killer whales, observed M/SI is extremely rare for trawl gear and, for most of these species, only slightly more common in longline gear. Although large whale species could become captured or entangled in SWFSC gear, the probability of interaction is extremely low considering the lower level of effort relative to that of commercial fisheries. For example, there were estimated to be three total incidents of sperm whale M/SI in the Hawaii deep-set longline fishery from 2007–11. This fishery has 129 participants, and the fishery as a whole exerts substantially greater effort in a given year than does the SWFSC. In a very rough estimate, we can say that these three estimated incidents between 2007–11 represent an insignificant per-participant interaction rate of 0.005 per year, despite the greater effort. Similarly, there were zero documented interactions from 2007–11 in the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery, despite a reported fishing effort of 8,044 sets and 5,955,800 hooks in 2011 alone (Garrison and Stokes, 2012). With an average soak time of ten to fourteen hours, this represents an approximate minimum of almost sixty million hook hours. For reference, an approximate maximum estimate of SWFSC effort is 135,000 hook hours per year. Other large whales, beaked whales and killer whales have similarly low rates of interaction with commercial fisheries, despite the significantly greater effort. In addition, large whales, beaked whales, and killer whales generally have, with few exceptions, very low densities in the CCE relative to other species (see Table 19). We believe it extremely unlikely that any large whale, beaked whale, or killer whale would be captured or entangled in SWFSC research gear. Finally, although pilot whales have demonstrated vulnerability to midwater trawl gear in Atlantic fisheries, we do not infer vulnerability to capture in SWFSC trawl gear in the CCE because of the very low density of short-finned pilot whales (Table 19).

*Eastern Tropical Pacific*

The SWFSC does not currently conduct longline surveys in the ETP, but proposes to over the five-year period of this proposed rulemaking. The take estimates presented here reflect that likelihood. Assuming that longline surveys will be conducted in the ETP, the SWFSC anticipates that it will deploy an equal number (or less) of longline sets in the ETP relative to the number of sets currently being deployed in the CCE. The process described above for the CCE was used in determining vulnerability and appropriate take estimates for species in the ETP. We assume that a similar level of interaction with pelagic longline gear as that demonstrated by the California sea lion in the CCE could occur in the ETP, and also assume that the South American sea lion may have similar propensity for interaction with longline gear as that demonstrated by the California sea lion.

For all other species listed in Table 15, we infer vulnerability to pelagic longline gear in the ETP from the 2014 LOF (see Table 13), and assume that capture would likely be a rare event occurring at most once over the five-year period proposed for this rulemaking. We also propose to authorize incidental M/SI + Level A for one unidentified pinniped over the course of the five-year period of proposed authorization.

Those species with no records of historical interaction with SWFSC research gear and no documented M/SI in relevant commercial fisheries, and for which the SWFSC has not requested the authorization of incidental take, are not considered further in this section. Our rationale for excluding large whales, beaked whales, and killer whales from the species for which take is proposed to be authorized is the same as described previously for the CCE. As for the CCE, these species generally are estimated to have very low densities relative to other species (see Table 22). Finally, although *Stenella* spp. have demonstrated a general vulnerability to pelagic longline gear in U.S. commercial fisheries (see Table 13), there is no documented M/SI for spinner dolphins specifically. All *Stenella* spp. present in the ETP are also present in Hawaiian waters and, while Hawaii longline fisheries have documented interactions with striped dolphins and pantropical spotted dolphins, there are none for spinner dolphins. Therefore, we do not infer vulnerability to capture in SWFSC pelagic longline gear in the ETP for spinner dolphins.

TABLE 15—TOTAL ESTIMATED M/SI + LEVEL A DUE TO GEAR INTERACTION IN THE ETP, 2015–19

| Species | Estimated 5-year total, pelagic longline [1] |
|---|---|
| Dwarf sperm whale | 1 |
| Rough-toothed dolphin | 1 |
| Bottlenose dolphin | 1 |

TABLE 15—TOTAL ESTIMATED M/SI + LEVEL A DUE TO GEAR INTERACTION IN THE ETP, 2015–19—Continued

| Species | Estimated 5-year total, pelagic longline [1] |
|---|---|
| Striped dolphin | 1 |
| Pantropical spotted dolphin [2] | 1 |
| Short-beaked common dolphin [2] | 1 |
| Long-beaked common dolphin | 1 |
| Risso's dolphin | 1 |
| False killer whale | 1 |
| Short-finned pilot whale | 1 |
| California sea lion | 5 |
| South American sea lion | 5 |
| Unidentified pinniped | 1 |

[1] Please see Tables 12 and 13 and preceding text for derivation of take estimates.
[2] Incidental take may be of animals from any stock.

*Estimated Take Due to Acoustic Harassment*

As described previously (''Potential Effects of the Specified Activity on Marine Mammals''), we believe that SWFSC use of active acoustic sources has, at most, the potential to cause Level B harassment of marine mammals. In order to attempt to quantify the potential for Level B harassment to occur, NMFS (including the SWFSC and acoustics experts from other parts of NMFS) developed an analytical framework considering characteristics of the active acoustic systems described previously under ''Description of Active Acoustic Sound Sources,'' their expected patterns of use in each of the three SWFSC operational areas, and characteristics of the marine mammal species that may interact with them. We believe that this quantitative assessment benefits from its simplicity and consistency with current NMFS acoustic guidance regarding Level B harassment but caution that, based on a number of deliberately precautionary assumptions, the resulting take estimates should be seen as a likely substantial overestimate of the potential for behavioral harassment to occur as a result of the operation of these systems. Additional details on the approach used and the assumptions made that result in conservative estimates are described below.

The assessment paradigm for active acoustic sources used in SWFSC fisheries research is relatively straightforward and has a number of key simplifying assumptions. NMFS' current acoustic guidance requires in most cases that we assume Level B harassment occurs when a marine mammal receives an acoustic signal at or above a simple step-function threshold. For use of these active acoustic systems, the appropriate threshold is 160 dB re 1 μPa (rms). Estimating the number of exposures at the specified received level requires several determinations, each of which is described sequentially below:

(1) A detailed characterization of the acoustic characteristics of the effective sound source or sources in operation;

(2) The operational areas exposed to levels at or above those associated with Level B harassment when these sources are in operation;

(3) A method for quantifying the resulting sound fields around these sources; and

(4) An estimate of the average density for marine mammal species in each area of operation.

Quantifying the spatial and temporal dimension of the sound exposure footprint (or ''swath width'') of the active acoustic devices in operation on moving vessels and their relationship to the average density of marine mammals enables a quantitative estimate of the number of individuals for which sound levels exceed the relevant threshold for each area. The number of potential incidents of Level B harassment is ultimately estimated as the product of the volume of water ensonified at 160 dB rms or higher and the volumetric density of animals determined from simple assumptions about their vertical stratification in the water column. Specifically, reasonable assumptions based on what is known about diving behavior across different marine mammal species were made to segregate those that predominately remain in the upper 200 m of the water column versus those that regularly dive deeper during foraging and transit. Methods for estimating each of these calculations are described in greater detail in the following sections, along with the simplifying assumptions made, and followed by the take estimates for each specified geographical region.

*Sound source characteristics*—An initial characterization of the general source parameters for the primary active acoustic sources operated by the SWFSC was conducted, enabling a full assessment of all sound sources used by the SWFSC and delineation of Category 1 and Category 2 sources, the latter of which were carried forward for analysis here (see Table 2). This auditing of the active acoustic sources also enabled a determination of the predominant sources that, when operated, would have sound footprints exceeding those from any other simultaneously used sources. These sources were effectively those used directly in acoustic propagation modeling to estimate the zones within which the 160 dB rms received level would occur.

Many of these sources can be operated in different modes and with different output parameters. In modeling their potential impact areas, those features among those given previously in Table 2 (*e.g.,* lowest operating frequency) that would lead to the most precautionary estimate of maximum received level ranges (*i.e.,* largest ensonified area) were used. The effective beam patterns took into account the normal modes in which these sources are typically operated. While these signals are brief and intermittent, a conservative assumption was taken in ignoring the temporal pattern of transmitted pulses in calculating Level B harassment events. Operating characteristics of each of the predominant sound sources were used in the calculation of effective line-kilometers and area of exposure for each source in each survey.

TABLE 16—EFFECTIVE EXPOSURE AREAS FOR PREDOMINANT ACOUSTIC SOURCES ACROSS TWO DEPTH STRATA

| Active acoustic system | Effective exposure area: Sea surface to 200 m depth ($km^2$) | Effective exposure area: Sea surface to depth at which 160-dB threshold is reached ($km^2$) |
|---|---|---|
| Simrad EK500 and EK60 narrow beam echosounders | 0.013072 | 0.135404 |
| Simrad ME70 multibeam echosounder | 0.018184 | 0.018184 |
| Simrad MS70 multibeam sonar [1] | 0.007952 | 0.007952 |
| Simrad SX90 narrow beam sonar [2] | 0.065275 | 0.1634 |
| Teledyne RD Instruments ADCP, Ocean Surveyor | 0.0086 | 0.0187 |

[1] Effective exposure areas from 0–200 m depth were not separately calculated because MS70 operates in a side-looking mode. The estimated area ensonified to the maximum range of the 160-dB threshold was used for this source in determining the effective exposure area for both depth strata.

[2] Exposure area varies greatly depending on the tilt angle setting of the SX90. To approximate the varied usage this system might receive, the exposure area for each depth strata was averaged by assuming equal usage at tilt angles of 5, 20, 45, and 80 degrees.

Among Category 2 sources (Table 2), five predominant sources (Table 16) were identified as having the largest potential impact zones during operations, based on their relatively lower output frequency, higher output power, and their operational pattern of use. Estimated effective cross-sectional areas of exposure were estimated for each of the five predominant sources using a commercial software package (MATLAB) and key input parameters including source-specific operational characteristics (*i.e.,* frequency, beamwidth, source level, tilt angle, and horizontal and vertical resolution; see Table 2) and environmental characteristics (*i.e.,* depth for attenuation coefficient, temperature, salinity, pH, and latitude). Where relevant, calculations were performed for different notional operational scenarios and the largest cross-sectional area used in estimating take. For example, the EK60 cross-sectional area was calculated for (a) a simple cone at 3 dB points; (b) a rectangle derived from strip width * depth; and (c) integration of the nominal beam pattern, which assumes side lobes of ensonification (and which is displayed in Figure 6.1 of SWFSC's application).

In determining the effective line-kilometers for each of these predominant sources, the operational patterns of use relative to one another were further applied to determine which source was the predominant one operating at any point in time for each survey. When multiple sound sources are used simultaneously, the one with the largest potential impact zone in each relevant depth strata is considered for use in estimating exposures. For example, when species (*e.g.,* sperm whales) regularly dive deeper than 200 m, the largest potential impact zone was calculated for both depth strata and in some cases resulted in a different source being predominant in one depth stratum or the other. This enabled a more comprehensive way of accounting for maximum exposures for animals diving in a complex sound field resulting from simultaneous sources with different spatial profiles. This overall process effectively resulted in three sound sources (Table 16; SX90, EK60, and ME70) comprising the total effective line-kilometers, their relative proportions depending on the nature of each survey in each region.

*Calculating effective line-kilometers*—As described below, based on the operating parameters for each source type, an estimated volume of water ensonified at or above the 160 dB rms threshold was determined. In all cases where multiple sources are operated simultaneously, the one with the largest estimated acoustic footprint was considered to be the effective source. This was calculated for each depth stratum (0–200 m and greater than 200 m), which in some cases resulted in different sources being predominant in each depth stratum for all line-kilometers when multiple sources were in operation; this was accounted for in estimating overall exposures for species that utilize both depth strata (deep divers). For each ecosystem area, the total number of line-kilometers that would be surveyed was determined, as was the relative percentage of surveyed linear kilometers associated with each source type. The total line-kilometers for each vessel in each region, the effective percentages associated with each of the resulting three predominant source types (SX90, EK60, and ME70), and the effective total line-kilometers of operation for each source type in each region are given below.

*Calculating volume of water ensonified*—The cross-sectional area of water ensonified at or above the 160 dB rms threshold was calculated using a simple model of sound propagation loss, which accounts for the loss of sound energy over increasing range. We used a spherical spreading model (where propagation loss = 20 * log [range]; such that there would be a 6-dB reduction in sound level for each doubling of distance from the source), a reasonable approximation over the relatively short ranges involved, and accounted for the frequency-dependent absorption coefficient ($\alpha$ at 15 °C and 33 ppt) and beam pattern of these sound sources, which is generally highly directional. The lowest frequency was used for systems that are operated over a range of frequencies. The vertical extent of this area is calculated for two depth strata (0–200 m and surface to range at which the on-axis received level reaches 160 dB rms). These results, shown in Table 16, were applied differentially based on the typical vertical stratification of marine mammals (see Tables 6.9–6.11). A simple visualization of a two-dimensional slice of modeled sound propagation is shown in Figure 6.1 of SWFSC's application to illustrate the predicted area ensonified to the 160-dB threshold by an EK60 operated at 18 kHz.

Following the determination of effective sound exposure area for transmissions considered in two dimensions, the next step was to determine the effective volume of water ensonified at or above 160 dB rms for the entirety of each survey in each region. For each of the three predominant sound sources, the volume of water ensonified is estimated as the athwartship cross-sectional area (in square kilometers) of sound at or above 160 dB rms (as illustrated in Figure 6.1 of SWFSC's application) multiplied by the total distance traveled by the ship. Where different sources operating simultaneously would be predominant in each different depth strata (*e.g.,* ME70 and EK60 operating simultaneously may be predominant in the shallow stratum and deep stratum, respectively), the

resulting cross-sectional area calculated took this into account. Specifically, for shallow-diving species this cross-sectional area was determined for whichever was predominant in the shallow stratum, whereas for deeper-diving species this area was calculated from the combined effects of the predominant source in the shallow stratum and the (sometimes different) source predominating in the deep stratum. This creates an effective total volume characterizing the area ensonified when each predominant source is operated and accounts for the fact that deeper-diving species may encounter a complex sound field in different portions of the water column.

*Marine mammal densities*—One of the primary limitations to traditional estimates of behavioral harassment from acoustic exposure is the assumption that animals are uniformly distributed in time and space across very large geographical areas, such as those being considered here. There is ample evidence that this is in fact not the case and marine species are highly heterogeneous in terms of their spatial distribution, largely as a result of species-typical utilization of heterogeneous ecosystem features. Some more sophisticated modeling efforts have attempted to include species-typical behavioral patterns and diving parameters in movement models that more adequately assess the spatial and temporal aspects of distribution and thus exposure to sound (*e.g.,* Navy, 2013). While simulated movement models were not used to mimic individual diving or aggregation parameters in the determination of animal density in this estimation, the vertical stratification of marine mammals based on known or reasonably assumed diving behavior was integrated into the density estimates used.

First, typical two-dimensional marine mammal density estimates (animals/km$^2$) were obtained from various sources for each ecosystem area. These were estimated from marine mammal Stock Assessment Reports (Allen and Angliss, 2012; Carretta *et al.,* 2011, 2012) and other sources (Barlow and Forney, 2007; ManTech-SRS Technologies, 2007) for the CCE, from abundance estimates using ship-based surveys of marine mammals in the ETP (Gerrodette *et al.,* 2008), and from ship-based surveys in the Antarctic. There are a number of caveats associated with these estimates:

(1) They are often calculated using visual sighting data collected during one season rather than throughout the year. The time of year when data were collected and from which densities were estimated may not always overlap with the timing of SWFSC fisheries surveys (detailed previously in ''Detailed Description of Activities''). ETP and CCE marine mammal densities are calculated from sightings collected from August through November. Antarctic densities were calculated from sightings collected from January through March.

(2) The densities used for purposes of estimating acoustic exposures do not take into account the patchy distributions of marine mammals in an ecosystem, at least on the moderate to fine scales over which they are known to occur. Instead, animals are considered evenly distributed throughout the assessed area and seasonal movement patterns are not taken into account.

In addition, and to account for at least some coarse differences in marine mammal diving behavior and the effect this has on their likely exposure to these kinds of often highly directional sound sources, a volumetric density of marine mammals of each species was determined. This value is estimated as the abundance averaged over the two-dimensional geographic area of the surveys and the vertical range of typical habitat for the population. Habitat ranges were categorized in two generalized depth strata (0–200 m and 0 to greater than 200 m) based on gross differences between known generally surface-associated and typically deep-diving marine mammals (*e.g.,* Reynolds and Rommel, 1999; Perrin *et al.,* 2009). Animals in the shallow-diving stratum were assumed, on the basis on empirical measurements of diving with monitoring tags and reasonable assumptions of behavior based on other indicators, to spend a large majority of their lives (*i.e.,* greater than 75 percent) at depths shallower than 200 m. Their volumetric density and thus exposure to sound is therefore limited by this depth boundary. In contrast, species in the deeper-diving stratum were assumed to regularly dive deeper than 200 m and spend significant time at these greater depths. Their volumetric density and thus potential exposure to sound at or above the 160 dB rms threshold is extended from the surface to the depth at which this received level condition occurs (*i.e.,* corresponding to the 0 to greater than 200 m depth stratum).

The volumetric densities are estimates of the three-dimensional distribution of animals in their typical depth strata. For shallow-diving species the volumetric density is the area density divided by 0.2 km (*i.e.,* 200 m). For deeper diving species, the volumetric density is the area density divided by a nominal value of 0.5 km (*i.e.,* 500 m). The two-dimensional and resulting three-dimensional (volumetric) densities for each species in each ecosystem area are shown below.

*Using area of ensonification and volumetric density to estimate exposures*—Estimates of potential incidents of Level B harassment (*i.e.,* potential exposure to levels of sound at or exceeding the 160 dB rms threshold) are then calculated for each specified geographical region by using (1) the combined results from output characteristics of each source and identification of the predominant sources in terms of acoustic output; (2) their relative annual usage patterns for each operational area; (3) a source-specific determination made of the area of water associated with received sounds at either the extent of a depth boundary or the 160 dB rms received sound level; and (4) determination of a biologically-relevant volumetric density of marine mammal species in each area. Estimates of Level B harassment by acoustic sources are the product of the volume of water ensonified at 160 dB rms or higher for the predominant sound source for each portion of the total line-kilometers for which it is used and the volumetric density of animals for each species. These annual estimates are given below for each ecosystem area. For each specified geographical region, we provide the information described in this paragraph.

*California Current Ecosystem*—We first provide information related to relative annual usage patterns of predominant active acoustic sources in the CCE. For example, the R/V *Bell M. Shimada,* which is expected to travel 39,456 line-kilometers annually in the CCE, uses the ME70 during fifty percent of that distance and the EK60 during one hundred percent of that distance (Table 17). When the ME70 is on, it is the dominant source in the 0–200 m depth stratum (0.018 km$^2$ cross-sectional ensonified area versus 0.013 km$^2$ cross-sectional ensonified area for the EK60; Table 16); therefore, the ME70 is the dominant active acoustic source for fifty percent of the line-kilometers and the EK60 is the dominant active acoustic source for the other fifty percent. However, in the deeper depth stratum, the EK60 is always the dominant source when compared with the ME70 (0.135 km$^2$ cross-sectional ensonified area versus 0.018 km$^2$ cross-sectional ensonified area for the ME70; Table 16); therefore, the EK60 is the dominant active acoustic source in the deeper depth stratum at all times for the *Shimada.*

TABLE 17—ANNUAL LINEAR SURVEY KILOMETERS FOR EACH VESSEL OPERATING IN THE CCE AND ITS PREDOMINANT SOURCES WITHIN TWO DEPTH STRATA

| Vessel | Line-kms/ vessel | Source | Overall % source usage [2] | % time source dominant (0–200 m) | Line-km/ dominant source (0–200 m) | % time source dominant (>200 m) | Line-km/ dominant source (>200 m) |
|---|---|---|---|---|---|---|---|
| *Lasker* | 67,760 | SX90 | 50 | 50 | 33,880 | 50 | 33,880 |
| | | EK60 | 100 | 50 | 33,880 | 50 | 33,880 |
| *Shimada* | 39,456 | ME70 | 50 | 50 | 19,728 | 0 | 0 |
| | | EK60 | 100 | 50 | 19,728 | 100 | 39,456 |
| Other | 26,304 | EK60 | 100 | 100 | 26,304 | 100 | 26,304 |

Table 18 then shows that, for example, the EK60 is the dominant source for sixty percent of total annual survey line-kilometers in the CCE in the 0–200 m depth stratum and is the dominant source for 75 percent of total annual survey line-kilometers in the CCE in the deeper depth stratum.

TABLE 18—EFFECTIVE TOTAL ANNUAL SURVEY KILOMETERS FOR WHICH EACH SOURCE TYPE IS THE PREDOMINANT ACOUSTIC SOURCE WITHIN TWO DEPTH STRATA

| Source | Summed dominant line-kms/ source (0–200 m) | Dominant source % total line-kms (0–200 m) | Summed dominant line-kms/ source (>200 m) | Dominant source % total line-kms (>200 m) |
|---|---|---|---|---|
| SX90 | 33,880 | 25.4 | 33,880 | 25.4 |
| EK60 | 79,912 | 59.9 | 99,640 | 74.6 |
| ME70 | 19,728 | 14.8 | 0 | 0 |

Next, we provide volumetric densities for marine mammals in the CCE and total estimated takes by Level B harassment, by dominant source and total, for each species in the CCE (Table 19). We also provide a sample calculation.

We first determine the source-specific ensonified volume of water (*i.e.,* the ensonified volume where we consider a specific source to be predominant and therefore have the potential to harass marine mammals) and then determine source- and species-specific exposure estimates for the shallow and deep (if applicable; Table 19) depth strata. First, we know the estimated source-specific cross-sectional ensonified area within the shallow and deep strata (Table 16) and the number of annual line-kilometers when a given source would be predominant in each stratum (Table 18) and use these values to derive an estimated source-specific ensonified volume. In order to estimate the additional volume of ensonified water in the deep stratum, we first subtract the cross-sectional ensonified area of the shallow stratum (which is already accounted for) from that of the deep stratum. Source- and stratum-specific exposure estimates are the product of these ensonified volumes and the species-specific volumetric densities (Table 19).

To illustrate the process, we focus on the EK60 and the sperm whale.

(1) EK60 ensonified volume; 0–200 m: 0.013072 $km^2$ * 79,912 km = 1,044.6 $km^3$

(2) EK60 ensonified volume; >200 m: (0.135404 $km^2$–0.013072 $km^2$) * 99,640 km = 12,189.2 $km^3$

(3) Estimated exposures to sound ≥160 dB rms; sperm whale; EK60: (0.0034 sperm whales/$km^3$ * 1,044.6 $km^3$ = 3.6 [rounded to 4]) + (0.0034 sperm whales/$km^3$ * 12,189.2 $km^3$ = 41.4 [rounded to 41]) = 45 estimated sperm whale exposures to SPLs ≥160 dB rms resulting from use of the EK60.

TABLE 19—DENSITIES AND ESTIMATED SOURCE-, STRATUM-, AND SPECIES-SPECIFIC ANNUAL ESTIMATES OF LEVEL B HARASSMENT IN THE CCE

| Species | Shallow | Deep | Area density (animals/ $km^2$) [1] | Volumetric density (animals/ $km^3$) [2] | Estimated Level B harassment, 0–200 m | | | Estimated Level B harassment, >200 m | | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | EK60 | ME70 | SX90 | EK60 | SX90 | |
| Gray whale | X | | [3] 0.01913 | 0.09565 | 100 | 34 | 212 | 0 | 0 | 346 |
| Humpback whale | X | | 0.00083 | 0.00415 | 4 | 1 | 9 | 0 | 0 | 14 |
| Minke whale | X | | 0.00072 | 0.00360 | 4 | 1 | 8 | 0 | 0 | 13 |
| Sei whale | X | | 0.00009 | 0.00045 | 0 | 0 | 1 | 0 | 0 | 1 |
| Fin whale | X | | 0.00184 | 0.00920 | 10 | 3 | 20 | 0 | 0 | 33 |
| Blue whale | X | | 0.00136 | 0.00680 | 7 | 2 | 15 | 0 | 0 | 24 |
| Sperm whale | | X | 0.00170 | 0.00340 | 4 | 1 | 8 | 41 | 11 | 65 |
| *Kogia* spp. | | X | 0.00109 | 0.00218 | 2 | 1 | 5 | 27 | 7 | 42 |
| Cuvier's beaked whale | | X | 0.00382 | 0.00764 | 8 | 3 | 17 | 93 | 25 | 146 |
| Baird's beaked whale | | X | 0.00088 | 0.00176 | 2 | 1 | 4 | 21 | 6 | 34 |
| Mesoplodont beaked whales | | X | 0.00103 | 0.00206 | 2 | 1 | 5 | 25 | 7 | 40 |
| Bottlenose dolphin | X | | 0.00178 | 0.00890 | 9 | 3 | 20 | 0 | 0 | 32 |
| Striped dolphin | X | | 0.01667 | 0.08335 | 87 | 30 | 184 | 0 | 0 | 301 |
| Long-beaked common dolphin | X | | 0.01924 | 0.09620 | 100 | 35 | 213 | 0 | 0 | 348 |
| Short-beaked common dolphin | X | | 0.30935 | 1.54675 | 1,616 | 555 | 3,421 | 0 | 0 | 5,592 |

TABLE 19—DENSITIES AND ESTIMATED SOURCE-, STRATUM-, AND SPECIES-SPECIFIC ANNUAL ESTIMATES OF LEVEL B HARASSMENT IN THE CCE—Continued

| Species | Shallow | Deep | Area density (animals/km$^2$) [1] | Volumetric density (animals/km$^3$) [2] | Estimated Level B harassment, 0–200 m | | | Estimated Level B harassment, >200 m | | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | EK60 | ME70 | SX90 | EK60 | SX90 | |
| Pacific white-sided dolphin | X | ..... | 0.02093 | 0.10465 | 109 | 38 | 231 | 0 | 0 | 378 |
| Northern right whale dolphin | X | ..... | 0.00975 | 0.04875 | 51 | 17 | 108 | 0 | 0 | 176 |
| Risso's dolphin | X | ..... | 0.01046 | 0.05230 | 55 | 19 | 116 | 0 | 0 | 188 |
| Killer whale | X | ..... | 0.00071 | 0.00355 | 4 | 1 | 8 | 0 | 0 | 13 |
| Short-finned pilot whale | ..... | X | 0.00031 | 0.00062 | 1 | 0 | 1 | 8 | 2 | 12 |
| Harbor porpoise | X | ..... | [4] 0.03775 | 0.18873 | 197 | 68 | 417 | 0 | 0 | 682 |
| Dall's porpoise | X | ..... | 0.07553 | 0.37765 | 395 | 135 | 835 | 0 | 0 | 1,365 |
| Guadalupe fur seal | X | ..... | [3] 0.00741 | 0.03705 | 39 | 13 | 82 | 0 | 0 | 134 |
| Northern fur seal | X | ..... | [3] 0.65239 | 1.68275 | 1,758 | 604 | 3,721 | 0 | 0 | 11,791 |
| California sea lion | X | ..... | [3] 0.29675 | 1.19000 | 1,243 | 427 | 2,632 | 0 | 0 | 5,363 |
| Steller sea lion | X | ..... | [3] 0.06316 | 0.29165 | 305 | 105 | 645 | 0 | 0 | 1,141 |
| Harbor seal | X | ..... | [3] 0.05493 | 0.25200 | 263 | 90 | 557 | 0 | 0 | 993 |
| Northern elephant seal | ..... | X | [3] 0.12400 | 0.24800 | 259 | 89 | 548 | 3,023 | 824 | 4,743 |

[1] All density estimates from Barlow and Forney (2007) unless otherwise indicated.
[2] Volumetric density estimates derived by dividing area density estimates by 0.2 km (for shallow species) or 0.5 km (for deep species), corresponding with defined depth strata.
[3] Density estimates derived by SWFSC from SAR abundance estimates and notional study area of 1,000,000 km$^2$.
[4] ManTech-SRS Technologies (2007) estimated a harbor porpoise density for coastal and inland waters of Washington, which is used as the best available proxy here. There are no known density estimates for harbor porpoises in SWFSC survey areas in the CCE.

*Eastern Tropical Pacific*—The process for estimating potential exposures of marine mammals in the ETP to sound from SWFSC active acoustic sources at or above the 160-dB rms threshold follows that described above. Please refer to that description; here, we provide the same information as for the CCE in tabular form.

TABLE 20—ANNUAL LINEAR SURVEY KILOMETERS FOR EACH VESSEL OPERATING IN THE ETP AND ITS PREDOMINANT SOURCES WITHIN TWO DEPTH STRATA

| Vessel | Line-kms/vessel | Source | Overall % source usage [2] | % Time source dominant (0–200 m) | Line-km/dominant source (0–200 m) | % Time source dominant (>200 m) | Line-km/dominant source (>200 m) |
|---|---|---|---|---|---|---|---|
| *Lasker* | 37,710 | SX90 | 25 | 25 | 9,428 | 25 | 9,428 |
| | | EK60 | 100 | 75 | 28,283 | 75 | 28,283 |
| *Shimada* | 37,710 | ME70 | 25 | 25 | 9,428 | 0 | 0 |
| | | EK60 | 100 | 75 | 28,283 | 100 | 37,710 |
| Other | 18,985 | EK60 | 100 | 100 | 18,985 | 100 | 18,985 |

TABLE 21—EFFECTIVE TOTAL ANNUAL SURVEY KILOMETERS FOR WHICH EACH SOURCE TYPE IS THE PREDOMINANT ACOUSTIC SOURCE WITHIN TWO DEPTH STRATA

| Source | Summed dominant line-kms/source (0–200 m) | Dominant source % total line-kms (0–200 m) | Summed dominant line-kms/source (>200 m) | Dominant source % total line-kms (>200 m) |
|---|---|---|---|---|
| SX90 | 9,428 | 10 | 9,428 | 10 |
| EK60 | 75,550 | 80 | 84,978 | 90 |
| ME70 | 9,428 | 10 | 0 | 0 |

TABLE 22—DENSITIES AND ESTIMATED SOURCE-, STRATUM-, AND SPECIES-SPECIFIC ANNUAL ESTIMATES OF LEVEL B HARASSMENT IN THE ETP

| Species | Shallow | Deep | Area density (animals/km$^2$) [1] | Volumetric density (animals/km$^3$) [2] | Estimated Level B harassment, 0–200 m | | | Estimated Level B harassment, >200 m | | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | EK60 | ME70 | SX90 | EK60 | SX90 | |
| Humpback whale | X | ..... | 0.00013 | 0.00067 | 1 | 0 | 0 | 0 | 0 | 1 |
| Minke whale | X | ..... | [3] 0.00001 | 0.00003 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bryde's whale | X | ..... | 0.00049 | 0.00244 | 2 | 0 | 2 | 0 | 0 | 4 |
| Sei whale | X | ..... | 0.00000 | 0.00000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fin whale | X | ..... | 0.00003 | 0.00015 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blue whale | X | ..... | [3] 0.00019 | 0.00097 | 1 | 0 | 1 | 0 | 0 | 2 |
| Sperm whale | ..... | X | [3] 0.00019 | 0.00039 | 0 | 0 | 0 | 4 | 0 | 4 |
| Dwarf sperm whale | ..... | X | [3] 0.00053 | 0.00105 | 1 | 0 | 1 | 11 | 1 | 14 |
| Cuvier's beaked whale | ..... | X | [3] 0.00094 | 0.00187 | 2 | 0 | 1 | 19 | 2 | 24 |
| Longman's beaked whale | ..... | X | [4] 0.00004 | 0.00007 | 0 | 0 | 0 | 1 | 0 | 1 |

TABLE 22—DENSITIES AND ESTIMATED SOURCE-, STRATUM-, AND SPECIES-SPECIFIC ANNUAL ESTIMATES OF LEVEL B HARASSMENT IN THE ETP—Continued

| Species | Shallow | Deep | Area density (animals/km$^2$) [1] | Volumetric density (animals/km$^3$) [2] | Estimated Level B harassment, 0–200 m | | | Estimated Level B harassment, >200 m | | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | EK60 | ME70 | SX90 | EK60 | SX90 | |
| Mesoplodont beaked whales | ..... | X | [3] 0.00119 | 0.00237 | 2 | 0 | 1 | 25 | 2 | 30 |
| Rough-toothed dolphin | X | ..... | 0.00504 | 0.02521 | 25 | 4 | 16 | 0 | 0 | 45 |
| Bottlenose dolphin | X | ..... | 0.01573 | 0.07864 | 78 | 13 | 48 | 0 | 0 | 139 |
| Striped dolphin | X | ..... | 0.04516 | 0.22582 | 223 | 39 | 139 | 0 | 0 | 401 |
| Pantropical spotted dolphin | X | ..... | [5] 0.12263 | 0.61315 | 606 | 105 | 377 | 0 | 0 | 1,088 |
| Spinner dolphin | X | ..... | [6] 0.04978 | 0.24889 | 246 | 43 | 153 | 0 | 0 | 442 |
| Long-beaked common dolphin | X | ..... | 0.01945 | 0.09725 | 96 | 17 | 60 | 0 | 0 | 173 |
| Short-beaked common dolphin | X | ..... | [7] 0.14645 | 0.73227 | 723 | 126 | 451 | 0 | 0 | 1,300 |
| Fraser's dolphin | X | ..... | [3] 0.01355 | 0.06774 | 67 | 12 | 42 | 0 | 0 | 121 |
| Dusky dolphin | X | ..... | 0.00210 | 0.01050 | 10 | 2 | 6 | 0 | 0 | 18 |
| Risso's dolphin | X | ..... | 0.00517 | 0.02587 | 26 | 4 | 16 | 0 | 0 | 46 |
| Melon-headed whale | X | ..... | [3] 0.00213 | 0.01063 | 10 | 2 | 7 | 0 | 0 | 19 |
| Pygmy killer whale | X | ..... | [3] 0.00183 | 0.00913 | 9 | 2 | 6 | 0 | 0 | 17 |
| False killer whale | X | ..... | [3] 0.00186 | 0.00932 | 9 | 2 | 6 | 0 | 0 | 17 |
| Killer whale | X | ..... | [3] 0.00040 | 0.00199 | 2 | 0 | 1 | 0 | 0 | 3 |
| Short-finned pilot whale | ..... | X | [3] 0.02760 | 0.05520 | 55 | 9 | 34 | 574 | 51 | 723 |
| Guadalupe fur seal | X | ..... | [8] 0.00741 | 0.03705 | 37 | 6 | 23 | 0 | 0 | 66 |
| California sea lion | X | ..... | [9] 0.16262 | 0.81310 | 803 | 139 | 500 | 0 | 0 | 1,442 |
| South American sea lion | X | ..... | [9] 0.16262 | 0.81310 | 803 | 139 | 500 | 0 | 0 | 1,442 |
| Northern elephant seal | ..... | X | [8] 0.12400 | 0.24800 | 245 | 43 | 153 | 2,578 | 229 | 3,248 |

[1] Please see footnotes to Table 4; densities calculated by SWFSC from sources listed. Note that values presented here are rounded to five digits, whereas the volumetric densities are calculated from the unrounded values. Densities derived from abundance estimates given in Gerrodette *et al.* (2008) calculated using given abundances divided by ETP area (sum of stratum areas given in first line of Table 1 in that publication). Densities calculated by SWFSC from abundance estimates reported in Wade and Gerrodette (1993) or, for those not reported in that publication, calculated from sighting data collected on board SWFSC cetacean and ecosystem assessment surveys in the ETP during 1998–2000, 2003, and 2006 using number of sightings (n), mean group size (s), total distance on effort (L) and effective strip width (w) (*i.e.,* D = n*s/2/w/L).

[2] Volumetric density estimates derived by dividing area density estimates by 0.2 km (for shallow species) or 0.5 km (for deep species), corresponding with defined depth strata.

[3] The most recent abundance estimates are as reported in Table 4. SWFSC considered these species sufficiently rare in the core study area during 2006 survey effort to not warrant attempting to estimate abundance (Gerrodette *et al.,* 2008), but did estimate the unpublished ETP densities reported here.

[4] The most recent abundance estimate was reported in Barlow (2006) (see Table 4). SWFSC estimated the unpublished ETP density reported here from sighting data collected during SWFSC surveys in 1998–2000, 2003, and 2006.

[5] Given density is for northeastern offshore stock of pantropical spotted dolphins, and is calculated as stock abundance divided by the summed areas of Core, Core2, and N. Coastal strata (Gerrodette *et al.,* 2008). This is the largest density value for the three stocks of spotted dolphin in the ETP and is conservatively used here to calculate potential Level B takes of spotted dolphin in the ETP.

[6] Given density is for the eastern stock of spinner dolphins. This is the largest density value for the three stocks of spinner dolphin in the ETP and is conservatively used here to calculate potential Level B takes of spinner dolphin in the ETP. There is no estimate of abundance for the Central American stock of spinner dolphins.

[7] Abundance estimate from which density estimate is derived includes parts of northern and southern stocks and all of the central stock (Gerrodette *et al.,* 2008). There are no stock-specific abundance estimates.

[8] No abundance information exists for Guadalupe fur seals or northern elephant seals in the ETP. Therefore, we use density estimates from the CCE (Table 19) as a reasonable proxy.

[9] There are no available density estimates for California sea lions or South American sea lions in the ETP. The SWFSC reports that California sea lions are typically observed in the ETP only along the coast of Baja California, Mexico. Therefore, we estimate density for the California sea lion in the ETP using the upper bound of abundance for western Baja California (87,000; Lowry and Maravilla-Chavez, 2005) divided by the area of the N. Coastal stratum from Gerrodette *et al.* (2008). In the absence of other information, we use this value as a reasonable proxy for the South American sea lion.

*Antarctic Marine Living Resources Ecosystem*—The process for estimating potential exposures of marine mammals in the AMLR to sound from SWFSC active acoustic sources at or above the 160-dB rms threshold follows that described above. Please refer to that description; here, we provide the same information as for the CCE and ETP in tabular form.

TABLE 23—ANNUAL LINEAR SURVEY KILOMETERS FOR VESSELS OPERATING IN THE AMLR AND PREDOMINANT SOURCE WITHIN TWO DEPTH STRATA

| Vessel | Line-kms/vessel [1] | Source | Overall % source usage [2] | % time source dominant (0–200 m) | Line-km/dominant source (0–200 m) | % time source dominant (>200 m) | Line-km/dominant source (>200 m) |
|---|---|---|---|---|---|---|---|
| Other | 20,846 | EK60 | 100 | 100 | 20,846 | 100 | 20,846 |

TABLE 24—DENSITY (NUMBER/KM SURVEYED) OF MARINE MAMMALS RECORDED DURING AMLR SURVEYS 2006/07 TO 2010/11

| Species | 2006/07 | 2007/08 | 2008/09 | 2009/10 | 2010/11 |
|---|---|---|---|---|---|
| Southern right whale | 0 | 0.00080 | 0 | 0.0003 | 0 |
| Humpback whale | 0.0571 | 0.03049 | 0.03605 | 0.0676 | 0.041 |
| Antarctic minke whale | 0.0033 | 0.00064 | 0.00182 | 0.0043 | 0.002 |
| Fin whale | 0.0323 | 0.04367 | 0.08391 | 0.0195 | 0.038 |
| Southern bottlenose whale | 0.0065 | 0 | 0.00061 | 0.0028 | 0.001 |
| Hourglass dolphin | 0 | 0 | 0.00151 | 0.0086 | 0.007 |

TABLE 24—DENSITY (NUMBER/KM SURVEYED) OF MARINE MAMMALS RECORDED DURING AMLR SURVEYS 2006/07 TO 2010/11—Continued

| Species | 2006/07 | 2007/08 | 2008/09 | 2009/10 | 2010/11 |
|---|---|---|---|---|---|
| Killer whale | 0 | 0 | 0.00151 | 0.0077 | 0.001 |
| Long-finned pilot whale | 0 | 0 | 0.00757 | 0 | 0 |
| Antarctic fur seal | 0.0140 | 0.08027 | 0.09996 | 0.0599 | 0.044 |
| Southern elephant seal | 0.0003 | 0.00016 | 0.00030 | 0.0006 | 0 |
| Weddell seal | 0.0007 | 0.00064 | 0 | 0 | 0 |
| Crabeater seal | 0.0003 | 0.00130 | 0 | 0.0003 | 0 |
| Leopard seal | 0 | 0 | 0.00030 | 0.0009 | 0 |

Source: Lipsky (2007), Van Cise (2008, 2009, 2011), Walsh (2014).

Table 24 displays year-by-year sightings data for SWFSC AMLR surveys from the most recent five seasons for which data is available (note that not all species expected to potentially be present in the AMLR have been observed during these surveys). Due to a general lack of abundance information in the Antarctic, and because these data are from the same area where the SWFSC proposes to continue survey operations, we believe that this is the best available information for use in estimating potential exposures to sound from SWFSC active acoustic sources. These surveys are generally conducted using standard line-transect theory by trained observers; however, the surveys are not conducted for the purpose of generating abundance estimates and effective strip width is not defined, nor are sightings data corrected for various biases (*e.g.,* detection, perception) on an observer's ability to detect an animal. In order to produce precautionary estimates, we use the largest value recorded over the five seasons for use in calculating estimates of Level B harassment due to acoustic exposure in the AMLR (Table 25).

TABLE 25—DENSITIES AND ESTIMATED SOURCE-, STRATUM-, AND SPECIES-SPECIFIC ANNUAL ESTIMATES OF LEVEL B HARASSMENT IN THE AMLR

| Species | Shallow | Deep | Area density (animals/km$^2$) | Volumetric density (animals/km$^3$) [1] | Estimated Level B harassment, 0–200 m | Estimated Level B harassment, >200 m | Total |
|---|---|---|---|---|---|---|---|
| | | | | | EK60 | EK60 | |
| Southern right whale | X | | [2] 0.0008 | 0.004 | 1 | 0 | 1 |
| Humpback whale | X | | [2] 0.0676 | 0.338 | 92 | 0 | 92 |
| Antarctic minke whale | X | | [2] 0.0043 | 0.0215 | 6 | 0 | 6 |
| Fin whale | X | | [2] 0.08391 | 0.41955 | 114 | 0 | 114 |
| Blue whale | X | | [3] 0.00012 | 0.0006 | 0 | 0 | 0 |
| Sperm whale | | X | [3] 0.00065 | 0.0013 | 0 | 3 | 3 |
| Arnoux' beaked whale | | X | [4] 0.0065 | 0.013 | 4 | 33 | 37 |
| Southern bottlenose whale | | X | [2] 0.0065 | 0.013 | 4 | 33 | 37 |
| Hourglass dolphin | X | | [2] 0.0086 | 0.043 | 12 | 0 | 12 |
| Killer whale | X | | [2] 0.0077 | 0.0385 | 11 | 0 | 11 |
| Long-finned pilot whale | | X | [2] 0.00757 | 0.01514 | 4 | 39 | 43 |
| Spectacled porpoise | X | | [5] 0.0086 | 0.043 | 12 | 0 | 12 |
| Antarctic fur seal | X | | [2] 0.09996 | 0.4998 | 136 | 0 | 136 |
| Southern elephant seal | | X | [2] 0.0006 | 0.0012 | 0 | 3 | 3 |
| Weddell seal | X | | [2] 0.0007 | 0.0035 | 1 | 0 | 1 |
| Crabeater seal | X | | [2] 0.0013 | 0.0065 | 2 | 0 | 2 |
| Leopard seal | X | | [2] 0.0009 | 0.0045 | 1 | 0 | 1 |

[1] Volumetric density estimates derived by dividing area density estimates by 0.2 km (for shallow species) or 0.5 km (for deep species), corresponding with defined depth strata.

[2] Densities are the largest values recorded during AMLR surveys from 2006/07 through 2010/11. Please see Table 24.

[3] See footnotes to Table 5; densities calculated by SWFSC from sources listed.

[4] There is no available information for this species; therefore, we use the southern bottlenose whale as source of proxy information. However, this species is considered uncommon relative to the southern bottlenose whale (Taylor *et al.,* 2008); therefore, this is a conservative estimate.

[5] There is no available information for this species; therefore, we use the hourglass dolphin as source of proxy information. However, although considered to potentially have a circumpolar sub-Antarctic distribution, this species is seen only rarely at sea (Hammond *et al.,* 2008) and use of this value likely produces a conservative estimate.

*Estimated Take Due to Physical Disturbance, Antarctic*

Estimated take due to physical disturbance could potentially happen in the AMLR only as a result of the unintentional approach of SWFSC vessels to pinnipeds hauled out on ice, and would result in no greater than Level B harassment. During Antarctic ecosystem surveys conducted in the austral winter (*i.e.,* June 1 through August 31), it is expected that shipboard activities may result in behavioral disturbance of some pinnipeds. It is likely that some pinnipeds on ice will move or flush from the haul-out into the water in response to the presence or sound of SWFSC survey vessels. Behavioral responses may be considered according to the scale shown in Table 26. We consider responses corresponding to Levels 2–3 to constitute Level B harassment.

TABLE 26—SEAL RESPONSE TO DISTURBANCE

| Level | Type of response | Definition |
|---|---|---|
| 1 | Alert | Head orientation in response to disturbance. This may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, or changing from a lying to a sitting position. |
| 2 | Movement | Movements away from the source of disturbance, ranging from short withdrawals over short distances to hurried retreats many meters in length. |
| 3 | Flight | All retreats (flushes) to the water, another group of seals, or over the ice. |

The SWFSC has estimated potential incidents of Level B harassment due to physical disturbance (Table 27) using the vessel distance traveled (20,846 km) during a typical AMLR survey, an effective strip width of 200 m (animals are assumed to react if they are less than 100 m from the vessel; see below), and the estimated population density for each species (Table 25). Although there is likely to be variation between individuals and species in reactions to a passing research vessel—that is, some animals assumed to react in this calculation will not react, and others assumed not to react because they are outside the effective strip width may in fact react—we believe that this approach is a reasonable effort towards accounting for this potential source of disturbance and have no information to indicate that the approach is biased either negatively or positively. SWFSC used an effective strip width of 200 m (*i.e.,* 100 m on either side of a passing vessel) to be consistent with the regional marine mammal viewing guidelines that NMFS has established for Alaska, which restrict approaches to marine mammals to a distance of 100 m or greater in order to reduce the potential to cause inadvertent harm. Alaska is believed to have the most similar environment to the Antarctic of all regions for which NMFS has established viewing guidelines. Each estimate is the product of the species-specific density, annual line-kilometers, and the effective strip-width.

TABLE 27—ESTIMATED ANNUAL LEVEL B HARASSMENT OF PINNIPEDS ASSOCIATED WITH AMLR VESSEL TRANSECTS

| Species | Density (animals/km$^2$) | Estimated Level B harassment |
|---|---|---|
| Antarctic fur seal | 0.09996 | 417 |
| Southern elephant seal | 0.0006 | 3 |
| Weddell seal | 0.0007 | 3 |
| Crabeater seal | 0.0013 | 5 |
| Leopard seal | 0.0009 | 4 |

*Summary of Estimated Incidental Take*

Here we provide summary tables detailing the total proposed incidental take authorization on an annual basis for each specified geographical region, as well as other information relevant to the negligible impact analyses.

TABLE 28—SUMMARY INFORMATION RELATED TO PROPOSED ANNUAL TAKE AUTHORIZATION IN THE CCE, 2015–19

| Species [1] | Proposed total annual Level B harassment authorization | Percent of estimated population | Proposed total M/SI + Level A authorization, 2015–19 | Estimated maximum annual M/SI + Level A [2] | PBR [3] | % PBR [4] | Stock trend [5] |
|---|---|---|---|---|---|---|---|
| Gray whale | 346 | 1.8 | 0 | 0 | n/a | ..... | ↑ |
| Humpback whale | 14 | 0.7 | 0 | 0 | n/a | ..... | ↑ |
| Minke whale | 13 | 2.7 | 0 | 0 | n/a | ..... | ? |
| Sei whale | 1 | 0.8 | 0 | 0 | n/a | ..... | ? |
| Fin whale | 33 | 1.1 | 0 | 0 | n/a | ..... | ↑ |
| Blue whale | 24 | 1.5 | 0 | 0 | n/a | ..... | ? |
| Sperm whale | 65 | 6.7 | 0 | 0 | n/a | ..... | ? |
| *Kogia* spp. | 42 | 7.3 | 1 | 0.2 | 2.7 | 7.4 | ? |
| Cuvier's beaked whale | 146 | 2.2 | 0 | 0 | n/a | ..... | ↓ |
| Baird's beaked whale | 34 | 4.0 | 0 | 0 | n/a | ..... | ? |
| Mesoplodont beaked whales | 40 | 5.7 | 0 | 0 | n/a | ..... | ↓ |
| Bottlenose dolphin (all stocks) [6] | 32 | n/a | 1 | n/a | n/a | ..... | n/a |
| Bottlenose dolphin (CA/OR/WA offshore) [6] | ..... | [9]3.2 | 8 | 2 | 5.5 | 36.4 | ? |
| Bottlenose dolphin (CA coastal) [6] | ..... | [9]9.9 | 3 | 1 | 2.4 | 41.7 | → |
| Striped dolphin | 301 | 2.8 | 12 | 2.6 | 82 | 3.2 | ? |
| Long-beaked common dolphin | 348 | 0.3 | 12 | 2.6 | 610 | 0.4 | ↑ |
| Short-beaked common dolphin | 5,592 | 1.4 | 12 | 2.6 | 3,440 | 0.1 | ? |
| Pacific white-sided dolphin | 378 | 1.4 | 35 | 7.2 | 171 | 4.2 | ? |
| Northern right whale dolphin | 176 | 2.1 | 10 | 2.2 | 48 | 4.6 | ? |
| Risso's dolphin | 188 | 3.0 | 12 | 2.6 | 39 | 6.7 | ? |
| Killer whale [7] | 13 | 15.3 | 0 | 0 | n/a | ..... | ? |
| Short-finned pilot whale | 12 | 1.6 | 1 | 0.2 | 4.6 | 4.3 | ? |
| Harbor porpoise [7] | 682 | 23.4 | 5 | 1.2 | 21 | 5.7 | ? |
| Dall's porpoise | 1,365 | 3.3 | 5 | 1.2 | 257 | 0.5 | ? |
| Guadalupe fur seal | 134 | 1.8 | 0 | 0 | n/a | ..... | ↑ |

TABLE 28—SUMMARY INFORMATION RELATED TO PROPOSED ANNUAL TAKE AUTHORIZATION IN THE CCE, 2015–19—Continued

| Species [1] | Proposed total annual Level B harassment authorization | Percent of estimated population | Proposed total M/SI + Level A authorization, 2015–19 | Estimated maximum annual M/SI + Level A [2] | PBR [3] | % PBR [4] | Stock trend [5] |
|---|---|---|---|---|---|---|---|
| Northern fur seal [7] (PI/EP) | [8] 11,555 | 1.8 | 5 | 1.2 | 403 | 0.3 | ↑ |
| Northern fur seal [7] (CA) | [8] 236 | 1.8 | 5 | 1.2 | 403 | 0.3 | ↑ |
| California sea lion | 5,363 | 1.8 | 25 | 5.4 | 9,200 | 0.1 | ↑ |
| Steller sea lion | 1,141 | [10] 1.8 | 10 | 2.4 | 1,552 | 0.2 | ↑ |
| Harbor seal [7] | 993 | 4.0 | 9 | 2 | 1,343 | 0.1 | ↑/→ |
| Northern elephant seal | 4,743 | 3.8 | 5 | 1.2 | 4,382 | 0.03 | ↑ |
| Unidentified cetacean | n/a | n/a | 1 | n/a | n/a | ..... | n/a |
| Unidentified pinniped | n/a | n/a | 2 | n/a | n/a | ..... | n/a |

Please see Tables 14 and 19 and preceding text for details.

[1] For species with multiple stocks in CCE or for species groups (*Kogia* spp. and Mesoplodont beaked whales), indicated level of take could occur to individuals from any stock or species (not including Washington inland waters stocks of harbor porpoise and harbor seal).

[2] This column represents the total number of incidents of M/SI + Level A that could potentially accrue to the specified species or stock and is the number carried forward for evaluation in the negligible impact analysis (later in this document). To reach this total, we add one to the total for each pinniped or cetacean that may be captured in trawl gear and one to the total for each pinniped that may be captured in longline gear. This represents the potential that the take of an unidentified pinniped or small cetacean could accrue to any given stock captured in that gear. The proposed take authorization is formulated as a five-year total; the annual average is used only for purposes of negligible impact analysis. We recognize that portions of an animal may not be taken in a given year.

[3] See Table 3 and following discussion for more detail regarding PBR.

[4] Estimated maximum annual M/SI + Level A expressed as a percentage of PBR.

[5] See relevant SARs for more information regarding stock status and trends. Interannual increases may not be interpreted as evidence of a trend. For harbor seals, the CA stock is increasing, while the OR/WA coastal stock may have reached carrying capacity and appears stable. There are no evident trends for any harbor porpoise stock or for offshore killer whales.

[6] Total potential take of bottlenose dolphins in trawl gear has been apportioned by stock according to typical occurrence of that stock relative to SWFSC survey locations. We assume that only one total take of a bottlenose dolphin from either stock may occur in longline gear; therefore the estimated annual maximum numbers for bottlenose dolphin reflect the stock-specific trawl estimate plus one for the longline take plus one for the potential take of an unidentified cetacean.

[7] These species have multiple stocks in the CCE. Values for ''percent of estimated population'' and ''PBR'' (where relevant) calculated for the stock with the lowest population abundance and/or PBR (as appropriate). This approach assumes that all indicated takes would accrue to the stock in question, which is a very conservative assumption. Stocks in question are the southern resident killer whale, Morro Bay harbor porpoise, California northern fur seal, and OR/WA coastal harbor seal.

[8] Calculated on the basis of relative abundance; *i.e.,* of 6,083 total estimated incidents of Level B harassment, we would expect on the basis of relative abundance in the study area that 98 percent would accrue to the Pribilof Islands/Eastern Pacific stock and two percent would accrue to the California stock.

[9] Calculated assuming that all 32 estimated annual incidents of Level B harassment occur to a given stock.

[10] A range is provided for Steller sea lion abundance. We have used the lower bound of the given range for calculation of this value.

TABLE 29—PROPOSED ANNUAL TAKE AUTHORIZATION IN THE ETP, 2015–19

| Species [1] | Proposed total annual Level B harassment authorization | Percent of estimated population [1] | Proposed total M/SI + Level A authorization, 2015–19 | Estimated maximum annual M/SI + Level A [2] | PBR [3] | % PBR [4] |
|---|---|---|---|---|---|---|
| Humpback whale | 1 | 0.04 | 0 | 0 | n/a | ..... |
| Minke whale | 0 | 0 | 0 | 0 | n/a | ..... |
| Bryde's whale | 4 | 0.04 | 0 | 0 | n/a | ..... |
| Sei whale | 0 | 0 | 0 | 0 | n/a | ..... |
| Fin whale | 0 | 0 | 0 | 0 | n/a | ..... |
| Blue whale | 2 | 0.1 | 0 | 0 | n/a | ..... |
| Sperm whale | 4 | 0.1 | 0 | 0 | n/a | ..... |
| Dwarf sperm whale | 14 | 0.1 | 1 | 0.2 | 88 (0.2) | 0.2 |
| Cuvier's beaked whale | 24 | 0.1 | 0 | 0 | n/a | ..... |
| Longman's beaked whale | 1 | 0.1 | 0 | 0 | n/a | ..... |
| Mesoplodont beaked whales | 30 | 0.1 | 0 | 0 | n/a | ..... |
| Rough-toothed dolphin | 45 | 0.04 | 1 | 0.2 | 897 (0.02) | 0.02 |
| Bottlenose dolphin | 139 | 0.04 | 1 | 0.2 | 2,850 (0.01) | 0.01 |
| Striped dolphin | 401 | 0.04 | 1 | 0.2 | 8,116 (0.002) | 0.002 |
| Pantropical spotted dolphin | 1,088 | [5] 0.4 | 1 | 0.2 | 12,334 (0.002) | 0.002 |
| Spinner dolphin | 442 | [5] 0.1 | 0 | 0 | n/a | ..... |
| Long-beaked common dolphin | 173 | 0.05 | 1 | 0.2 | 2,787 (0.01) | 0.01 |
| Short-beaked common dolphin | 1,300 | 0.04 | 1 | 0.2 | 25,133 (0.001) | 0.001 |
| Fraser's dolphin | 121 | 0.04 | 0 | 0 | n/a | ..... |
| Dusky dolphin | 18 | 0.04 | 0 | 0 | n/a | ..... |
| Risso's dolphin | 46 | 0.04 | 1 | 0.2 | 831 (0.02) | 0.02 |
| Melon-headed whale | 19 | 0.04 | 0 | 0 | n/a | ..... |
| Pygmy killer whale | 17 | 0.04 | 0 | 0 | n/a | ..... |
| False killer whale | 17 | 0.04 | 1 | 0.2 | 244 (0.1) | 0.1 |
| Killer whale | 3 | 0.04 | 0 | 0 | n/a | ..... |
| Short-finned pilot whale | 723 | 0.1 | 1 | 0.2 | 4,751 (0.004) | 0.004 |

TABLE 29—PROPOSED ANNUAL TAKE AUTHORIZATION IN THE ETP, 2015–19—Continued

| Species [1] | Proposed total annual Level B harassment authorization | Percent of estimated population [1] | Proposed total M/SI + Level A authorization, 2015–19 | Estimated maximum annual M/SI + Level A [2] | PBR [3] | % PBR [4] |
|---|---|---|---|---|---|---|
| Guadalupe fur seal | 66 | [6]0.9 | 0 | 0 | n/a | ..... |
| California sea lion | 1,442 | 1.4 | 5 | 1.2 | 1,050 (0.1) | 0.1 |
| South American sea lion | 1,442 | 1.0 | 5 | 1.2 | 1,500 (0.1) | 0.1 |
| Northern elephant seal | 3,248 | [6]2.6 | 0 | 0 | n/a | ..... |
| Unidentified pinniped | n/a | n/a | 1 | n/a | n/a | ..... |

Please see Tables 15 and 22 and preceding text for details.
[1] For species with multiple stocks in ETP or for species groups (Mesoplodont beaked whales), indicated level of take could occur to individuals from any stock or species.
[2] This column represents the total number of incidents of M/SI + Level A that could potentially accrue to the specified species and is the number carried forward for evaluation in the negligible impact analysis (later in this document). To reach this total, we add one to the total for each pinniped that may be captured in longline gear. This represents the potential that the take of an unidentified pinniped could accrue to any given species captured in that gear. The proposed take authorization is formulated as a five-year total; the annual average is used only for purposes of negligible impact analysis. We recognize that portions of an animal may not be taken in a given year.
[3] PBR values calculated by SWFSC; a pooled PBR was calculated for all stocks of the pantropical spotted dolphin (see Table 4).
[4] Estimated maximum annual M/SI + Level A expressed as a percentage of PBR.
[5] Evaluated against the stock with the lowest estimated abundance. For spinner dolphin, there is no abundance estimate for the Central American stock.
[6] There are no abundance estimates for these species in the ETP. We use the CCE abundance estimates as proxies in these calculations.

TABLE 30—PROPOSED ANNUAL TAKE AUTHORIZATION IN THE AMLR, 2015–19

| Species | Estimated annual Level B harassment (acoustic exposure) | Estimated annual Level B harassment (on-ice disturbance) | Proposed total annual Level B harassment authorization | Percent of estimated population [1] |
|---|---|---|---|---|
| Southern right whale | 1 | 0 | 1 | 0.1 |
| Humpback whale | 92 | 0 | 92 | 1.0 |
| Antarctic minke whale | 6 | 0 | 6 | 0.03 |
| Fin whale | 114 | 0 | 114 | 2.4 |
| Blue whale | 0 | 0 | 0 | 0 |
| Sperm whale | 3 | 0 | 3 | 0.02 |
| Arnoux' beaked whale [2] | 37 | 0 | 37 | n/a |
| Southern bottlenose whale | 37 | 0 | 37 | 0.1 |
| Hourglass dolphin | 12 | 0 | 12 | 0.01 |
| Killer whale | 11 | 0 | 11 | 0.04 |
| Long-finned pilot whale | 43 | 0 | 43 | 0.02 |
| Spectacled porpoise [2] | 12 | 0 | 12 | n/a |
| Antarctic fur seal | 136 | 417 | 553 | 0.02 |
| Southern elephant seal | 3 | 3 | 6 | 0.001 |
| Weddell seal | 1 | 3 | 4 | [3]0.001 |
| Crabeater seal | 2 | 5 | 7 | [3]0.0001 |
| Leopard seal | 1 | 4 | 5 | [3]0.002 |

Please see Tables 25 and 27 and preceding text for details.
[1] See Table 5 for abundance information.
[2] There is no available abundance information for these species. See "Small Numbers Analyses" below for further discussion.
[3] A range is provided for these species' abundance. We have used the lower bound of the given range for calculation of these values.

## Analyses and Preliminary Determinations

Here we provide separate negligible impact analyses and small numbers analyses for each of the three specified geographical regions for which we propose rulemaking.

*Negligible Impact Analyses*

NMFS has defined "negligible impact" in 50 CFR 216.103 as ". . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" by mortality, serious injury, and Level A or Level B harassment, we consider other factors, such as the likely nature of any behavioral responses (*e.g.,* intensity, duration), the context of any such responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat. We also evaluate the number, intensity, and context of estimated takes by evaluating this information relative to population status. The impacts from other past and ongoing anthropogenic activities are incorporated into these analyses via their impacts on the environmental baseline (*e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate).

In 1988, Congress amended the MMPA, with provisions for the

incidental take of marine mammals in commercial fishing operations. Congress directed NMFS to develop and recommend a new long-term regime to govern such incidental taking (see MMC, 1994). The need to set allowable take levels incidental to commercial fishing operations led NMFS to suggest a new and simpler conceptual means for assuring that incidental take does not cause any marine mammal species or stock to be reduced or to be maintained below the lower limit of its Optimum Sustainable Population (OSP) level. That concept (PBR) was incorporated in the 1994 amendments to the MMPA, wherein Congress enacted MMPA sections 117 and 118, establishing a new regime governing the incidental taking of marine mammals in commercial fishing operations and stock assessments.

PBR, which is defined by the MMPA (16 U.S.C. 1362(20)) as ''the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population,'' is one tool that can be used to help evaluate the effects of M/SI on a marine mammal stock. OSP is defined by the MMPA (16 U.S.C. 1362(9)) as ''the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.'' A primary goal of the MMPA is to ensure that each stock of marine mammal either does not have a level of human-caused M/SI that is likely to cause the stock to be reduced below its OSP level or, if the stock is depleted (*i.e.,* below its OSP level), does not have a level of human-caused mortality and serious injury that is likely to delay restoration of the stock to OSP level by more than ten percent in comparison with recovery time in the absence of human-caused M/SI.

PBR appears within the MMPA only in section 117 (relating to periodic stock assessments) and in portions of section 118 describing requirements for take reduction plans for reducing marine mammal bycatch in commercial fisheries. PBR was not designed as an absolute threshold limiting human activities, but as a means to evaluate the relative impacts of those activities on marine mammal stocks. Specifically, assessing M/SI relative to a stock's PBR may signal to NMFS the need to establish take reduction teams in commercial fisheries and may assist NMFS and existing take reduction teams in the identification of measures to reduce and/or minimize the taking of marine mammals by commercial fisheries to a level below a stock's PBR. That is, where the total annual human-caused M/SI exceeds PBR, NMFS is not required to halt fishing activities contributing to total M/SI but rather may prioritize working with a take reduction team to further mitigate the effects of fishery activities via additional bycatch reduction measures.

Since the introduction of PBR, NMFS has used the concept almost entirely within the context of implementing sections 117 and 118 and other commercial fisheries management-related provisions of the MMPA, including those within section 101(a)(5)(E) related to the taking of ESA-listed marine mammals incidental to commercial fisheries (64 FR 28800; May 27, 1999). The MMPA requires that PBR be estimated in stock assessment reports and that it be used in applications related to the management of take incidental to commercial fisheries (*i.e.,* the take reduction planning process described in section 118 of the MMPA), but nothing in the MMPA requires the application of PBR outside the management of commercial fisheries interactions with marine mammals. Although NMFS has not historically applied PBR outside the context of sections 117 and 118, NMFS recognizes that as a quantitative tool, PBR may be useful in certain instances for evaluating the impacts of other human-caused activities on marine mammal stocks. In this analysis, we consider incidental M/SI relative to PBR for each affected stock, in addition to considering the interaction of those removals with incidental taking of that stock by harassment, within our evaluation of the likely impacts of the proposed activities on marine mammal stocks and in determining whether those impacts are likely to be negligible. Our use of PBR in this case does not make up the entirety of our impact assessment, but rather is being utilized as a known, quantitative metric for evaluating whether the proposed activities are likely to have a population-level effect on the affected marine mammal stocks. For the purposes of analyzing this specified activity, NMFS acknowledges that some of the fisheries research activities use similar gear and may have similar effects, but on a smaller scale, as marine mammal take by commercial fisheries. The application of PBR for this specified activity of fisheries research allows NMFS to inform the take reduction team process which uses PBR to evaluate marine mammal bycatch in commercial fisheries due to the similarities of both activities.

*California Current Ecosystem*—Please refer to Table 28 for information relating to this analysis. As described in greater depth previously (see ''Acoustic Effects''), we do not believe that SWFSC use of active acoustic sources has the likely potential to cause any effect exceeding Level B harassment of marine mammals. In addition, for the majority of species, the proposed annual take by Level B harassment is very low in relation to the population abundance estimate (less than ten percent) for each stock.

We have produced what we believe to be conservative estimates of potential incidents of Level B harassment. The procedure for producing these estimates, described in detail in ''Estimated Take Due to Acoustic Harassment,'' represents NMFS' best effort towards balancing the need to quantify the potential for occurrence of Level B harassment due to production of underwater sound with a general lack of information related to the specific way that these acoustic signals, which are generally highly directional and transient, interact with the physical environment and to a meaningful understanding of marine mammal perception of these signals and occurrence in the areas where SWFSC operates. The sources considered here have moderate to high output frequencies (10 to 180 kHz), generally short ping durations, and are typically focused (highly directional) to serve their intended purpose of mapping specific objects, depths, or environmental features. In addition, some of these sources can be operated in different output modes (*e.g.,* energy can be distributed among multiple output beams) that may lessen the likelihood of perception by and potential impacts on marine mammals in comparison with the quantitative estimates that guide our proposed take authorization.

In particular, low-frequency hearing specialists (*i.e.,* mysticetes) and certain pinnipeds (*i.e.,* otariids) are less likely to perceive or, given perception, to react to these signals than the quantitative estimates indicate. These groups have reduced functional hearing at the higher frequencies produced by active acoustic sources considered here (*e.g.,* primary operating frequencies of 40–180 kHz) and, based purely on their auditory capabilities, the potential impacts are likely much less (or non-existent) than we have calculated as these relevant factors are not taken into account.

However, for purposes of this analysis, we assume that the take levels

proposed for authorization will occur. As described previously, there is some minimal potential for temporary effects to hearing for certain marine mammals (*i.e.,* odontocete cetaceans), but most effects would likely be limited to temporary behavioral disturbance. Effects on individuals that are taken by Level B harassment will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring), reactions that are considered to be of low severity (*e.g.,* Southall *et al.,* 2007). There is the potential for behavioral reactions of greater severity, including displacement, but because of the directional nature of the sources considered here and because the source is itself moving, these outcomes are unlikely and would be of short duration if they did occur. Although there is no information on which to base any distinction between incidents of harassment and individuals harassed, the same factors, in conjunction with the fact that SWFSC survey effort is widely dispersed in space and time, indicate that repeated exposures of the same individuals would be very unlikely.

We now consider the level of taking by M/SI + Level A proposed for authorization. First, it is likely that required injury determinations will show some undetermined number of gear interactions to result in Level A harassment rather than serious injury and that, therefore, our authorized take numbers are overestimates with regard solely to M/SI. In addition, we note that these proposed take levels are likely precautionary overall when considering that: (1) Estimates for historically taken species were developed assuming that the annual average number of takes from 2008–12, which is heavily influenced by inclusion of a year where dramatically more marine mammals were incidentally taken than any other year on record, would occur in each year from 2015–19; and that (2) the majority of species for which take authorization is proposed have never been taken in SWFSC surveys.

However, assuming that all of the takes proposed for authorization actually occur, we assess these quantitatively by comparing to the calculated PBR for each stock. Estimated M/SI for all stocks is significantly less than PBR (below ten percent, even when making the unlikely assumption that all takes for species with multiple stocks would accrue to the stock with the lowest PBR) with the exception of the two bottlenose dolphin stocks. The annual average take by M/SI + Level A for these stocks—which for each assumes that the single take of a bottlenose dolphin in longline gear that is proposed for authorization occurs for that stock, as well as that the single take of an unidentified cetacean proposed for authorization occurs—is, however, well below the PBR (takes representing 36 and 42 percent). We also note that, for the California coastal stock, the PBR is likely biased low because the population abundance estimate, which is based on photographic mark-recapture surveys, does not reflect that approximately 35 percent of dolphins encountered lack identifiable dorsal fin marks (Defran and Weller, 1999). If 35 percent of all animals lack distinguishing marks, then the true population size (and therefore PBR) would be approximately 450–500 animals (*i.e.,* approximately forty-fifty percent larger than the current estimate) (Carretta *et al.,* 2014). The California coastal stock is believed to be stable, based on abundance estimates from 1987–89, 1996–98, and 2004–05 (Dudzik *et al.,* 2006), and current annual human-caused M/SI is considered to be insignificant and approaching zero (Carretta *et al.,* 2014). No population trends are known for the offshore stock. However, these proposed levels of take do not take into consideration the potential efficacy of the mitigation measures proposed by the SWFSC. Although potentially confounded by other unknown factors, incidental take of marine mammals in SWFSC survey gear (particularly trawl nets) has decreased significantly from the high in 2008 since the measures proposed here were implemented in 2009. We believe this demonstrates the likely potential for reduced takes of any species, including bottlenose dolphins, relative to these take estimates which are formulated based on the level of taking that occurred in 2008.

For certain species of greater concern, we also evaluate the proposed take authorization for Level B harassment in conjunction with that proposed for M/SI + Level A. For the bottlenose dolphin, if all acoustic takes occurred to a single stock, it would comprise 9.9 percent of the California coastal stock and only 3.2 percent of the offshore stock. However, it is unlikely that all of these takes would accrue to a single stock and the significance of this magnitude of Level B harassment is even lower. We do not consider the proposed level of acoustic take for bottlenose dolphin to represent a significant additional population stressor when considered in context with the proposed level of take by M/SI + Level A. Harbor porpoise are known to demonstrate increased sensitivity to acoustic signals in the frequency range produced by some SWFSC active acoustic sources (see discussion above under ''Acoustic Effects''). The total annual taking by Level B harassment proposed for authorization for harbor porpoise would likely be distributed across all five stocks of this species that occur in the CCE. Moreover, because the SWFSC does not regularly operate the surveys described above within the confines of Morro Bay, Monterey Bay, or San Francisco Bay, and because SWFSC survey effort is sparsely distributed in space and time, we would expect any incidents of take occurring to animals of those stocks to be transient events, largely occurring to individuals of those populations occurring outside those bays but within the general limit of harbor porpoise occurrence (*i.e.,* the 200-m isobath). Finally, approximately 95 percent of annual SWFSC line-kilometers traveled using active acoustic sources (see Table 17) are beyond the 200-m isobaths. This was not taken into account in the calculation of acoustic take estimates; therefore, these estimates are likely substantial overestimates of the number of incidents of Level B harassment that may occur for harbor porpoise.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned mitigation measures, we preliminarily find that the total marine mammal take from SWFSC's fisheries research activities will have a negligible impact on the affected marine mammal species or stocks in the California Current Ecosystem. In summary, this finding of negligible impact is founded on the following factors: (1) The possibility of injury, serious injury, or mortality from the use of active acoustic devices may reasonably be considered discountable; (2) the anticipated incidents of Level B harassment from the use of active acoustic devices consist of, at worst, temporary and relatively minor modifications in behavior; (3) the predicted number of incidents of combined Level A harassment, serious injury, and mortality are at insignificant levels relative to all affected stocks but two; (4) the predicted number of incidents of both Level B harassment and potential M/SI likely represent overestimates; and (5) the presumed efficacy of the planned mitigation measures in reducing the effects of the specified activity to the

level of least practicable adverse impact. In addition, no M/SI is proposed for authorization for any species or stock that is listed under the ESA or considered depleted under the MMPA. In combination, we believe that these factors demonstrate that the specified activity will have only short-term effects on individuals (resulting from Level B harassment) and that the total level of taking will not impact rates of recruitment or survival sufficiently to result in population-level impacts.

*Eastern Tropical Pacific*—Please refer to Table 29 for information relating to this analysis. The entirety of the qualitative discussion provided above for the California Current Ecosystem is applicable to SWFSC use of active acoustic sources in the ETP, and is not repeated here. As for the CCE, we compare the maximum annual take estimate to the calculated PBR level. However, proposed take by M/SI + Level A is substantially less than one percent (in most cases, less than a tenth of a percent) of population abundance for all species for which such take is proposed to be authorized and, as for the CCE, these proposed levels of take are likely overestimates. We do propose to authorize one occurrence of M/SI over five years for the pantropical spotted dolphin; two of the three stocks of this species in the ETP are considered depleted under the MMPA. Therefore, although the maximum annual take estimate for this species is extremely low relative to the PBR level (0.002 percent), we provide additional discussion.

In the ETP, yellowfin tuna are known to associate with several species of dolphin, including spinner, spotted, and common dolphins. As the ETP tuna purse-seine fishery began in the late 1950s, incidental take of dolphins increased to very high levels and continued through the 1960s and into the 1970s (Perrin, 1969). Through a series of combined actions, including passage of the MMPA in 1972, subsequent amendments, regulations, and mitigation measures, dolphin bycatch in the ETP has since decreased 99 percent in the international fishing fleet, and was eliminated by the U.S. fleet (Gerrodette and Forcada, 2005). However, the northeastern offshore and coastal stocks of spotted dolphin are believed to have declined roughly eighty and sixty percent, respectively, from pre-exploitation abundance estimates (Perrin, 2009). Although incidental take by the international fishing fleet is believed to have declined to the low hundreds of individuals annually (Perrin, 2009), the populations have not grown toward recovery as rapidly as expected (*e.g.,* the population trend for the northeastern offshore stock is flat; Wade *et al.,* 2007). Continued (non-lethal) chase and capture in the fishery may have an indirect effect on fecundity or survival, or there may have been a change in carrying capacity of the ecosystem for this species (Archer *et al.,* 2004; Gerrodette and Forcada, 2005; Wade *et al.,* 2007; Perrin, 2009). Nevertheless, the proposed authorized take of a single pantropical spotted dolphin over five years—which could occur to either the northeastern offshore or coastal stocks, or the non-depleted western and southern offshore stock—represents a negligible impact to any of these stocks, even when considered in context with incidental take in international commercial fisheries (the total taking, which is known only approximately would likely be around one percent of the total abundance). The taking proposed here represents an insignificant incremental increase over any incidental take occurring in commercial fisheries.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned mitigation measures, we preliminarily find that the total marine mammal take from SWFSC's fisheries research activities will have a negligible impact on the affected marine mammal species or stocks in the Eastern Tropical Pacific. In summary, this finding of negligible impact is founded on the following factors: (1) The possibility of injury, serious injury, or mortality from the use of active acoustic devices may reasonably be considered discountable; (2) the anticipated incidents of Level B harassment from the use of active acoustic devices consist of, at worst, temporary and relatively minor modifications in behavior; (3) the predicted number of incidents of combined Level A harassment, serious injury, and mortality are at insignificant levels relative to all affected stocks; (4) the predicted number of incidents of both Level B harassment and potential M/SI likely represent overestimates; and (5) the presumed efficacy of the planned mitigation measures in reducing the effects of the specified activity to the level of least practicable adverse impact. In addition, no M/SI is proposed for authorization for any species or stock that is listed under the ESA. In combination, we believe that these factors demonstrate that the specified activity will have only short-term effects on individuals (resulting from Level B harassment) and that the total level of taking will not impact rates of recruitment or survival sufficiently to result in population-level impacts.

*Antarctic Marine Living Resources Ecosystem*—Please refer to Table 30 for information relating to this analysis. No take by Level A harassment, serious injury, or mortality is proposed for authorization in the AMLR. The entirety of the qualitative discussion provided above for the California Current Ecosystem is applicable to SWFSC use of active acoustic sources in the AMLR, and is not repeated here. Given the limited spatio-temporal footprint of SWFSC survey activity in the Antarctic—survey activity only occurs within a limited area of Antarctic waters and only for a few months in any given year—we believe that the level of taking by Level B harassment proposed for authorization represents a negligible impact to these species.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned mitigation measures, we preliminarily find that the total marine mammal take from SWFSC's fisheries research activities will have a negligible impact on the affected marine mammal species or stocks in the Antarctic Marine Living Resources Ecosystem. In summary, this finding of negligible impact is founded on the following factors: (1) The possibility of injury, serious injury, or mortality from the use of active acoustic devices may reasonably be considered discountable; (2) the anticipated incidents of Level B harassment from the use of active acoustic devices consist of, at worst, temporary and relatively minor modifications in behavior; (3) no incidental take by Level A harassment, serious injury, or mortality is proposed; (4) the predicted number of incidents of Level B harassment likely represent overestimates; and (5) the presumed efficacy of the planned mitigation measures in reducing the effects of the specified activity to the level of least practicable adverse impact. In combination, we believe that these factors demonstrate that the specified activity will have only short-term effects on individuals. The specified activity is not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

*Small Numbers Analyses*

*California Current Ecosystem*—Please see Table 28 for information relating to this small numbers analysis. The total amount of taking proposed for

authorization is less than ten percent for all stocks, with the exception of certain species-wide totals when evaluated against the stock with the smallest abundance. The total taking for killer whales represents approximately fifteen percent of the southern resident stock; however, given the limited range of this stock relative to SWFSC survey operations, it is extremely unlikely that all takes would accrue to that stock. The total taking represents less than ten percent of the population abundance for other stocks of killer whale. The total species-wide taking by Level B harassment for harbor porpoise represents approximately 23 percent of the Morro Bay stock of harbor porpoise, which has the smallest population abundance of five harbor porpoise stocks in the CCE. Although this value is within the bounds of takings that NMFS has considered to be small in the past, it is likely that the taking will be distributed in some fashion across the five stocks; and therefore, the amount of take occurring for any one stock would be much less than 23 percent.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed mitigation measures, we preliminarily find that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks in the California Current Ecosystem.

*Eastern Tropical Pacific*—Please refer to Table 29 for information relating to this analysis. The total amount of taking proposed for authorization is less than three percent for all stocks.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed mitigation measures, we preliminarily find that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks in the Eastern Tropical Pacific.

*Antarctic Marine Living Resources Ecosystem*—Please refer to Table 30 for information relating to this analysis. The total amount of taking proposed for authorization is less than three percent for all stocks.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed mitigation measures, we preliminarily find that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks in the Antarctic Marine Living Resources Ecosystem.

**Proposed Monitoring and Reporting**

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

Any monitoring requirement we prescribe should improve our understanding of one or more of the following:

- Occurrence of marine mammal species in action area (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving, or feeding areas).
- Individual responses to acute stressors, or impacts of chronic exposures (behavioral or physiological).
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of an individual; or (2) population, species, or stock.
- Effects on marine mammal habitat and resultant impacts to marine mammals.
- Mitigation and monitoring effectiveness.

SWFSC plans to make more systematic its training, operations, data collection, animal handling and sampling protocols, etc. in order to improve its ability to understand how mitigation measures influence interaction rates and ensure its research operations are conducted in an informed manner and consistent with lessons learned from those with experience operating these gears in close proximity to marine mammals. It is in this spirit that we propose the monitoring requirements described below.

*Visual Monitoring*

Marine mammal watches are a standard part of conducting fisheries research activities, and are implemented as described previously in ''Proposed Mitigation.'' Dedicated marine mammal visual monitoring occurs as described (1) for a minimum of thirty minutes prior to deployment of midwater trawl and pelagic longline gear; (2) throughout deployment and active fishing of all research gears; (3) for a minimum of thirty minutes prior to retrieval of pelagic longline gear; and (4) throughout retrieval of all research gear. This visual monitoring is performed by trained SWFSC personnel with no other responsibilities during the monitoring period. Observers record the species and estimated number of animals present and their behaviors, which may be valuable information towards an understanding of whether certain species may be attracted to vessels or certain survey gears. Separately, marine mammal watches are conducted by watch-standers (those navigating the vessel and other crew; these will typically not be SWFSC personnel) at all times when the vessel is being operated. The primary focus for this type of watch is to avoid striking marine mammals and to generally avoid navigational hazards. These watch-standers typically have other duties associated with navigation and other vessel operations and are not required to record or report to the scientific party data on marine mammal sightings, except when gear is being deployed or retrieved.

In the Antarctic only, the SWFSC will monitor any potential disturbance of pinnipeds on ice, paying particular attention to the distance at which different species of pinniped are disturbed. Disturbance will be recorded according to the three-point scale, representing increasing seal response to disturbance, shown in Table 26.

*Acoustic Monitoring*

SWFSC will log passive acoustic data before and during the conduct of each trawl (either pelagic trawl in the CCE or bottom trawl in the AMLR). These data would not be used to decide whether to trawl but may be useful in comparing the level of vocalization present in the event of a marine mammal interaction for post hoc analyses of patterns that may indicate when marine mammal interactions are likely.

*Marine Mammal Excluder Device*

The SWFSC proposes to evaluate development of an MMED suitable for use in the modified-Cobb midwater trawl. Modified-Cobb trawl nets are

considerably smaller than Nordic 264 trawl nets, are fished at slower speeds, and have a different shape and functionality than the Nordic 264. Due to the smaller size of the modified-Cobb net, this gear does not yet have a suitable marine mammal excluder device but research and design work are currently being performed to develop effective excluders that will not appreciably affect the catchability of the net and therefore maintain continuity of the fisheries research dataset.

A reduction in target catch rates is an issue that has arisen from preliminary analyses of MMED use in Nordic 264 gear. Although sample sizes are small, these results have cast some doubt as to whether the MMED would be suitable for surveys with a primary objective of estimating abundance, as opposed to collecting biological samples. If data collected during testing of the modified-Cobb MMED continues to indicate reduced catch rates, SWFSC would continue testing to explore whether it is possible to calculate reliable conversion factors to equate catches when using the MMED to catches when it was not. If this is not possible, then use of the MMED for certain surveys may compromise primary research objectives. Therefore, use of the MMED may be considered not practicable.

*Analysis of Bycatch Patterns*

In addition, SWFSC plans to explore patterns in past marine mammal bycatch in its fisheries research surveys to better understand what factors (*e.g.,* oceanographic conditions) might increase the likelihood of take. SWFSC staff have been using predictive machine-learning methods (classification trees) for various applications; using similar methods, the SWFSC plans to examine research trawl data for any link between trawl variables and observed marine mammal bycatch. Some of the variables SWFSC is currently considering for this analysis are: Moon phase, sky cover, pinger presence, trawl speed, vessel sonar use during trawl, use of deck lights, etc. SWFSC staff will also review historical fisheries research data to determine whether sufficient data exist for similar analysis. If take patterns emerge, the SWFSC will focus future research on reducing or eliminating high-risk factors in ways that enable scientifically important surveys to continue with minimized environmental impact.

*Training*

SWFSC anticipates that additional information on practices to avoid marine mammal interactions can be gleaned from training sessions and more systematic data collection standards. The SWFSC will conduct annual trainings for all chief scientists and other personnel who may be responsible for conducting dedicated marine mammal visual observations to explain mitigation measures and monitoring and reporting requirements, mitigation and monitoring protocols, marine mammal identification, recording of count and disturbance observations (relevant to AMLR surveys), completion of datasheets, and use of equipment. Some of these topics may be familiar to SWFSC staff, who may be professional biologists; the SWFSC shall determine the agenda for these trainings and ensure that all relevant staff have necessary familiarity with these topics.

SWFSC will also dedicate a portion of training to discussion of best professional judgment (which is recognized as an integral component of mitigation implementation; see ''Proposed Mitigation''), including use in any incidents of marine mammal interaction and instructive examples where use of best professional judgment was determined to be successful or unsuccessful. We recognize that many factors come into play regarding decision-making at sea and that it is not practicable to simplify what are inherently variable and complex situational decisions into rules that may be defined on paper. However, it is our intent that use of best professional judgment be an iterative process from year to year, in which any at-sea decision-maker (*i.e.,* responsible for decisions regarding the avoidance of marine mammal interactions with survey gear through the application of best professional judgment) learns from the prior experience of all relevant SWFSC personnel (rather than from solely their own experience). The outcome should be increased transparency in decision-making processes where best professional judgment is appropriate and, to the extent possible, some degree of standardization across common situations, with an ultimate goal of reducing marine mammal interactions. It is the responsibility of the SWFSC to facilitate such exchange.

*Handling Procedures and Data Collection*

Improved standardization of handling procedures were discussed previously in ''Proposed Mitigation.'' In addition to the benefits implementing these protocols are believed to have on the animals through increased post-release survival, SWFSC believes adopting these protocols for data collection will also increase the information on which ''serious injury'' determinations (NMFS, 2012a, b) are based and improve scientific knowledge about marine mammals that interact with fisheries research gears and the factors that contribute to these interactions. SWFSC personnel will be provided standard guidance and training regarding handling of marine mammals, including how to identify different species, bring an individual aboard a vessel, assess the level of consciousness, remove fishing gear, return an individual to water and log activities pertaining to the interaction.

SWFSC will record interaction information on either existing data forms created by other NMFS programs (*e.g.,* see Appendix B.2 of SWFSC's application) or will develop their own standardized forms. To aid in serious injury determinations and comply with the current NMFS Serious Injury Guidelines (NMFS, 2012a, b), researchers will also answer a series of supplemental questions on the details of marine mammal interactions (see Appendix B.3 of SWFSC's application).

Finally, for any marine mammals that are killed during fisheries research activities, scientists will collect data and samples pursuant to the SWFSC MMPA and ESA research and salvage permit and to the ''Detailed Sampling Protocol for Marine Mammal and Sea Turtle Incidental Takes on SWFSC Research Cruises'' (see Appendix B.4 of SWFSC's application).

*Reporting*

As is normally the case, SWFSC will coordinate with the relevant stranding coordinators for any unusual marine mammal behavior and any stranding, beached live/dead, or floating marine mammals that are encountered during field research activities. The SWFSC will follow a phased approach with regard to the cessation of its activities and/or reporting of such events, as described in the proposed regulatory texts following this preamble. In addition, Chief Scientists (or cruise leader, CS) will provide reports to SWFSC leadership and to the Office of Protected Resources (OPR) by event, survey leg, and cruise. As a result, when marine mammals interact with survey gear, whether killed or released alive, a report provided by the CS will fully describe any observations of the animals, the context (vessel and conditions), decisions made and rationale for decisions made in vessel and gear handling. The circumstances of these events are critical in enabling SWFSC and OPR to better evaluate the conditions under which takes are most likely occur. We believe in the long term

this will allow the avoidance of these types of events in the future.

The SWFSC will submit annual summary reports to OPR including: (1) Annual line-kilometers surveyed during which the EK60, ME70, SX90 (or equivalent sources) were predominant (see ''Estimated Take by Acoustic Harassment'' for further discussion), specific to each region; (2) summary information regarding use of all longline (including bottom and vertical lines) and trawl (including bottom trawl) gear, including number of sets, hook hours, tows, etc., specific to each region and gear; (3) accounts of all incidents of marine mammal interactions, including circumstances of the event and descriptions of any mitigation procedures implemented or not implemented and why; (4) summary information related to any on-ice disturbance of pinnipeds, including event-specific total counts of animals present, counts of reactions according to the three-point scale shown in Table 26, and distance of closest approach; (5) a written evaluation of the effectiveness of SWFSC mitigation strategies in reducing the number of marine mammal interactions with survey gear, including best professional judgment and suggestions for changes to the mitigation strategies, if any; and (6) updates as appropriate regarding the development/implementation of MMEDs and analysis of bycatch patterns. The period of reporting will be a calendar year and the report must be submitted not less than ninety days following the end of a calendar year. Submission of this information is in service of an adaptive management framework allowing NMFS to make appropriate modifications to mitigation and/or monitoring strategies, as necessary, during the proposed five-year period of validity for these regulations.

NMFS has established a formal incidental take reporting system, the Protected Species Incidental Take (PSIT) database, requiring that incidental takes of protected species be reported within 48 hours of the occurrence. The PSIT generates automated messages to NMFS leadership and other relevant staff, alerting them to the event and to the fact that updated information describing the circumstances of the event has been inputted to the database. The PSIT and CS reports represent not only valuable real-time reporting and information dissemination tools, but also serve as an archive of information that may be mined in the future to study why takes occur by species, gear, region, etc.

SWFSC will also collect and report all necessary data, to the extent practicable given the primacy of human safety and the well-being of captured or entangled marine mammals, to facilitate serious injury (SI) determinations for marine mammals that are released alive. SWFSC will require that the CS complete data forms (already developed and used by commercial fisheries observer programs) and address supplemental questions, both of which have been developed to aid in SI determinations. SWFSC understands the critical need to provide as much relevant information as possible about marine mammal interactions to inform decisions regarding SI determinations. In addition, the SWFSC will perform all necessary reporting to ensure that any incidental M/SI is incorporated as appropriate into relevant SARs.

**Adaptive Management**

The final regulations governing the take of marine mammals incidental to SWFSC fisheries research survey operations in three specified geographical regions would contain an adaptive management component. The inclusion of an adaptive management component will be both valuable and necessary within the context of five-year regulations for activities that have been associated with marine mammal mortality.

The reporting requirements associated with these proposed rules are designed to provide OPR with monitoring data from the previous year to allow consideration of whether any changes are appropriate. OPR and the SWFSC will meet annually to discuss the monitoring reports and current science and whether mitigation or monitoring modifications are appropriate. The use of adaptive management allows OPR to consider new information from different sources to determine (with input from the SWFSC regarding practicability) on an annual or biennial basis if mitigation or monitoring measures should be modified (including additions or deletions). Mitigation measures could be modified if new data suggests that such modifications would have a reasonable likelihood of reducing adverse effects to marine mammals and if the measures are practicable.

The following are some of the possible sources of applicable data to be considered through the adaptive management process: (1) Results from monitoring reports, as required by MMPA authorizations; (2) results from general marine mammal and sound research; and (3) any information which reveals that marine mammals may have been taken in a manner, extent, or number not authorized by these regulations or subsequent LOAs.

**Impact on Availability of Affected Species for Taking for Subsistence Uses**

There are no relevant subsistence uses of marine mammals implicated by these actions, in any of the three specified geographical regions for which we propose rulemakings. Therefore, we have determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

**Endangered Species Act (ESA)**

There are multiple marine mammal species listed under the ESA with confirmed or possible occurrence in the proposed specified geographical regions (see Tables 3–5). The proposed authorization of incidental take pursuant to the SWFSC's specified activity would not affect any designated critical habitat. OPR has initiated consultation with NMFS' West Coast Regional Office under section 7 of the ESA on the promulgation of five-year regulations and the subsequent issuance of LOAs to SWFSC under section 101(a)(5)(A) of the MMPA. This consultation will be concluded prior to issuing any final rule.

**National Environmental Policy Act (NEPA)**

The SWFSC has prepared a Draft Environmental Assessment (EA; *Draft Programmatic Environmental Assessment for Fisheries Research Conducted and Funded by the Southwest Fisheries Science Center*) in accordance with NEPA and the regulations published by the Council on Environmental Quality. It is posted on the Internet at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.* We have independently evaluated the Draft EA and are proposing to adopt it. We may prepare a separate NEPA analysis and incorporate relevant portions of SWFSC's EA by reference. Information in SWFSC's application, EA and this notice collectively provide the environmental information related to proposed issuance of these regulations for public review and comment. We will review all comments submitted in response to this notice as we complete the NEPA process, including a decision of whether to sign a Finding of No Significant Impact, prior to a final decision on the incidental take authorization request.

**Request for Information**

NMFS requests interested persons to submit comments, information, and suggestions concerning the SWFSC request and the proposed regulations (see **ADDRESSES**). All comments will be

reviewed and evaluated as we prepare final rules and make final determinations on whether to issue the requested authorizations. This notice and referenced documents provide all environmental information relating to our proposed action for public review.

**Classification**

Pursuant to the procedures established to implement Executive Order 12866, the Office of Management and Budget has determined that this proposed rule is not significant.

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), the Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. NMFS is the sole entity that would be subject to the requirements in these proposed regulations, and NMFS is not a small governmental jurisdiction, small organization, or small business, as defined by the RFA. Because of this certification, a regulatory flexibility analysis is not required and none has been prepared.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number. This proposed rule contains collection-of-information requirements subject to the provisions of the PRA. These requirements have been approved by OMB under control number 0648–0151 and include applications for regulations, subsequent LOAs, and reports. Send comments regarding any aspect of this data collection, including suggestions for reducing the burden, to NMFS and the OMB Desk Officer (see **ADDRESSES**).

**List of Subjects in 50 CFR Part 219**

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

Dated: February 5, 2015.

**Samuel D. Rauch III,**

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

For reasons set forth in the preamble, 50 CFR part 219 is proposed to be added as follows:

## PART 219—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

**Subpart A—Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research in the California Current**

Sec.

219.1 Specified activity and specified geographical region.
219.2 [Reserved]
219.3 Permissible methods of taking.
219.4 Prohibitions.
219.5 Mitigation requirements.
219.6 Requirements for monitoring and reporting.
219.7 Letters of Authorization.
219.8 Renewals and modifications of Letters of Authorization.
219.9 [Reserved]
219.10 [Reserved]

**Subpart B—Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research in the Eastern Tropical Pacific**

Sec.

219.11 Specified activity and specified geographical region.
219.12 [Reserved]
219.13 Permissible methods of taking.
219.14 Prohibitions.
219.15 Mitigation requirements.
219.16 Requirements for monitoring and reporting.
219.17 Letters of Authorization.
219.18 Renewals and modifications of Letters of Authorization.
219.19 [Reserved]
219.20 [Reserved]

**Subpart C—Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research in the Antarctic**

Sec.

219.21 Specified activity and specified geographical region.
219.22 [Reserved]
219.23 Permissible methods of taking.
219.24 Prohibitions.
219.25 Mitigation requirements.
219.26 Requirements for monitoring and reporting.
219.27 Letters of Authorization.
219.28 Renewals and modifications of Letters of Authorization.
219.29 [Reserved]
219.30 [Reserved]

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

## Subpart A—Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research in the California Current

### § 219.1 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the National Marine Fisheries Service's (NMFS) Southwest Fisheries Science Center (SWFSC) and those persons it authorizes or funds to conduct activities on its behalf for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to research survey program operations.

(b) The taking of marine mammals by SWFSC may be authorized in a Letter of Authorization (LOA) only if it occurs within the California Current Ecosystem.

### § 219.2 [Reserved]

### § 219.3 Permissible methods of taking.

(a) Under LOAs issued pursuant to §§ 216.106 and 219.7 of this chapter, the Holder of the LOA (hereinafter ''SWFSC'') may incidentally, but not intentionally, take marine mammals within the area described in § 219.1(b) of this chapter, provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate LOA.

(b) The incidental take of marine mammals under the activities identified in § 219.1(a) of this chapter is limited to the indicated number of takes on an annual basis (by Level B harassment) or over the five-year period of validity of these regulations (by mortality) of the following species:

(1) Level B harassment:

(i) Cetaceans:

(A) Gray whale (*Eschrichtius robustus*)—346;

(B) Humpback whale (*Megaptera novaeangliae*)—14;

(C) Minke whale (*Balaenoptera acutorostrata*)—13;

(D) Sei whale (*Balaenoptera borealis*)—1;

(E) Fin whale (*Balaenoptera physalus*)—33;

(F) Blue whale (*Balaenoptera musculus*)—24;

(G) Sperm whale (*Physeter macrocephalus*)—65;

(H) Pygmy or dwarf sperm whale (*Kogia* spp.)—42;

(I) Cuvier's beaked whale (*Ziphius cavirostris*)—146;

(J) Baird's beaked whale (*Berardius bairdii*)—34;

(K) Hubbs', Blainville's, ginkgo-toothed, Perrin's, lesser, or Stejneger's beaked whales (*Mesoplodon spp.*)—40;

(L) Bottlenose dolphin (*Tursiops truncatus*)—32;

(M) Striped dolphin (*Stenella coeruleoalba*)—301;

(N) Long-beaked common dolphin (*Delphinis capensis*)—348;

(O) Short-beaked common dolphin (*Delphinis delphis*)—5,592;

(P) Pacific white-sided dolphin (*Lagenorhynchus obliquidens*)—378;

(Q) Northern right whale dolphin (*Lissodelphis borealis*)—176;

(R) Risso's dolphin (*Grampus griseus*)—188;
(S) Killer whale (*Orcinus orca*)—13;
(T) Short-finned pilot whale (*Globicephala macrorhynchus*)—12;
(U) Harbor porpoise (*Phocoena phocoena*)—682; and
(V) Dall's porpoise (*Phocoenoides dalli*)—1,365.
(ii) Pinnipeds:
(A) Guadalupe fur seal (*Arctocephalus philippii townsendi*)—134;
(B) Northern fur seal (*Callorhinus ursinus*), California stock—236;
(C) Northern fur seal, Pribilof Islands/Eastern Pacific stock—11,555;
(D) California sea lion (*Zalophus californianus*)—4,302;
(E) Steller sea lion (*Eumetopias jubatus*)—1,055;
(F) Harbor seal (*Phoca vitulina*)—910; and
(G) Northern elephant seal (*Mirounga angustirostris*)—4,743.
(2) Mortality (midwater trawl gear only):
(i) Cetaceans:
(A) Bottlenose dolphin (California, Oregon, and Washington offshore stock)—8;
(B) Bottlenose dolphin (California coastal stock)—3;
(C) Striped dolphin—11;
(D) Long-beaked common dolphin—11;
(E) Short-beaked common dolphin—11;
(F) Pacific white-sided dolphin—35;
(G) Northern right whale dolphin—10;
(H) Risso's dolphin—11;
(I) Harbor porpoise—5;
(J) Dall's porpoise—5;
(K) Unidentified cetacean (Family Delphinidae or Family Phocoenidae)—1.
(ii) Pinnipeds:
(A) Northern fur seal—5;
(B) California sea lion—20;
(C) Steller sea lion—9;
(D) Harbor seal—9;
(E) Northern elephant seal—5; and
(F) Unidentified pinniped—1.
(3) Mortality (pelagic longline gear only):
(i) Cetaceans:
(A) Pygmy or dwarf sperm whale—1;
(B) Bottlenose dolphin—1;
(C) Striped dolphin—1;
(D) Long-beaked common dolphin—1;
(E) Short-beaked common dolphin—1;
(F) Risso's dolphin—1; and
(G) Short-finned pilot whale—1.
(ii) Pinnipeds:
(A) California sea lion—5;
(B) Steller sea lion—1; and
(C) Unidentified pinniped—1.

**§ 219.4 Prohibitions.**

Notwithstanding takings contemplated in § 219.1 of this chapter and authorized by a LOA issued under §§ 216.106 and 219.7 of this chapter, no person in connection with the activities described in § 219.1 of this chapter may:

(a) Take any marine mammal not specified in § 219.3(b) of this chapter;

(b) Take any marine mammal specified in § 219.3(b) of this chapter in any manner other than as specified;

(c) Take a marine mammal specified in § 219.3(b) of this chapter if NMFS determines such taking results in more than a negligible impact on the species or stocks of such marine mammal;

(d) Take a marine mammal specified in § 219.3(b) of this chapter if NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses; or

(e) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or a LOA issued under §§ 216.106 and 219.7 of this chapter.

**§ 219.5 Mitigation requirements.**

When conducting the activities identified in § 219.1(a) of this chapter, the mitigation measures contained in any LOA issued under §§ 216.106 and 219.7 of this chapter must be implemented. These mitigation measures shall include but are not limited to:

(a) General conditions:

(1) SWFSC shall take all necessary measures to coordinate and communicate in advance of each specific survey with the National Oceanic and Atmospheric Administration's (NOAA) Office of Marine and Aviation Operations (OMAO) or other relevant parties on non-NOAA platforms to ensure that all mitigation measures and monitoring requirements described herein, as well as the specific manner of implementation and relevant event-contingent decision-making processes, are clearly understood and agreed upon.

(2) SWFSC shall coordinate and conduct briefings at the outset of each survey and as necessary between ship's crew (Commanding Officer/master or designee(s), as appropriate) and scientific party in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

(3) SWFSC shall coordinate as necessary on a daily basis during survey cruises with OMAO personnel or other relevant personnel on non-NOAA platforms to ensure that requirements, procedures, and decision-making processes are understood and properly implemented.

(4) When deploying any type of sampling gear at sea, SWFSC shall at all times monitor for any unusual circumstances that may arise at a sampling site and use best professional judgment to avoid any potential risks to marine mammals during use of all research equipment.

(5) SWFSC shall implement handling and/or disentanglement protocols as specified in the guidance provided to SWFSC survey personnel (''Identification, Handling and Release of Protected Species'').

(b) Midwater trawl survey protocols:

(1) SWFSC shall conduct trawl operations as soon as is practicable upon arrival at the sampling station.

(2) SWFSC shall initiate marine mammal watches (visual observation) no less than thirty minutes prior to sampling. Marine mammal watches shall be conducted by scanning the surrounding waters with the naked eye and rangefinding binoculars (or monocular). During nighttime operations, visual observation shall be conducted using the naked eye and available vessel lighting.

(3) SWFSC shall implement the ''move-on rule.'' If one or more marine mammals are observed within 1 nm of the planned location in the thirty minutes before setting the trawl gear, SWFSC shall transit to a different section of the sampling area to maintain a minimum set distance of 1 nm from the observed marine mammals. If, after moving on, marine mammals remain within 1 nm, SWFSC may decide to move again or to skip the station. SWFSC may use best professional judgment in making this decision but may not elect to conduct midwater trawl survey activity when animals remain within the 1-nm zone.

(4) SWFSC shall maintain visual monitoring effort during the entire period of time that midwater trawl gear is in the water (*i.e.,* throughout gear deployment, fishing, and retrieval). If marine mammals are sighted before the gear is fully removed from the water, SWFSC shall take the most appropriate action to avoid marine mammal interaction. SWFSC may use best professional judgment in making this decision.

(5) If trawling operations have been suspended because of the presence of marine mammals, SWFSC may resume trawl operations when practicable only when the animals are believed to have departed the 1 nm area. SWFSC may use best professional judgment in making this determination.

(6) SWFSC shall implement standard survey protocols, including maximum tow durations of thirty minutes at target depth and maximum tow distance of 3 nm and shall carefully empty the trawl

as quickly as possible upon retrieval. Trawl nets must be cleaned prior to deployment.

(7) SWFSC must install and use a marine mammal excluder device at all times when the Nordic 264 trawl net or other net for which the device is appropriate is used.

(8) SWFSC must install and use acoustic deterrent devices whenever any midwater trawl net is used, with two to four devices placed along the footrope and/or headrope of the net. SWFSC must ensure that the devices are operating properly before deploying the net.

(c) Pelagic longline survey protocols:

(1) SWFSC shall deploy longline gear as soon as is practicable upon arrival at the sampling station.

(2) SWFSC shall initiate marine mammal watches (visual observation) no less than thirty minutes prior to both deployment and retrieval of the longline gear. Marine mammal watches shall be conducted by scanning the surrounding waters with the naked eye and rangefinding binoculars (or monocular). During nighttime operations, visual observation shall be conducted using the naked eye and available vessel lighting.

(3) SWFSC shall implement the ''move-on rule.'' If one or more marine mammals are observed within 1 nm of the planned location in the thirty minutes before gear deployment, SWFSC shall transit to a different section of the sampling area to maintain a minimum set distance of 1 nm from the observed marine mammals. If, after moving on, marine mammals remain within 1 nm, SWFSC may decide to move again or to skip the station. SWFSC may use best professional judgment in making this decision but may not elect to conduct pelagic longline survey activity when animals remain within the 1-nm zone. Implementation of the ''move-on rule'' is not required upon observation of five or fewer California sea lions.

(4) SWFSC shall maintain visual monitoring effort during the entire period of gear deployment or retrieval. If marine mammals are sighted before the gear is fully deployed or retrieved, SWFSC shall take the most appropriate action to avoid marine mammal interaction. SWFSC may use best professional judgment in making this decision.

(5) If deployment or retrieval operations have been suspended because of the presence of marine mammals, SWFSC may resume such operations when practicable only when the animals are believed to have departed the 1 nm area. SWFSC may use best professional judgment in making this decision.

(6) SWFSC shall implement standard survey protocols, including maximum soak duration of four hours and a prohibition on chumming.

**§ 219.6 Requirements for monitoring and reporting.**

(a) Visual monitoring program:

(1) Dedicated marine mammal visual monitoring, conducted by trained SWFSC personnel with no other responsibilities during the monitoring period, shall occur (1) for a minimum of thirty minutes prior to deployment of midwater trawl and pelagic longline gear; (2) throughout deployment of gear and active fishing of all research gears; (3) for a minimum of thirty minutes prior to retrieval of pelagic longline gear; and (4) throughout retrieval of all research gear.

(2) Marine mammal watches shall be conducted by watch-standers (those navigating the vessel and/or other crew) at all times when the vessel is being operated.

(b) Acoustic monitoring—SWFSC shall log passive acoustic data before and during the conduct of each midwater trawl.

(c) Marine mammal excluder device (MMED)—SWFSC shall conduct an evaluation of the feasibility of MMED development for the modified-Cobb midwater trawl net.

(d) Analysis of bycatch patterns—SWFSC shall conduct an analysis of past bycatch patterns in order to better understand what factors might increase the likelihood of incidental take in research survey gear. This shall include an analysis of research trawl data for any link between trawl variables and observed marine mammal bycatch, as well as a review of historical fisheries research data to determine whether sufficient data exist for similar analysis.

(e) Training:

(1) SWFSC must conduct annual training for all chief scientists and other personnel who may be responsible for conducting dedicated marine mammal visual observations to explain mitigation measures and monitoring and reporting requirements, mitigation and monitoring protocols, marine mammal identification, completion of datasheets, and use of equipment. SWFSC may determine the agenda for these trainings.

(2) SWFSC shall also dedicate a portion of training to discussion of best professional judgment, including use in any incidents of marine mammal interaction and instructive examples where use of best professional judgment was determined to be successful or unsuccessful.

(f) Handling procedures and data collection:

(1) SWFSC must develop and implement standardized marine mammal handling, disentanglement, and data collection procedures. These standard procedures will be subject to approval by NMFS' Office of Protected Resources (OPR).

(2) When practicable, for any marine mammal interaction involving the release of a live animal, SWFSC shall collect necessary data to facilitate a serious injury determination.

(3) SWFSC shall provide its relevant personnel with standard guidance and training regarding handling of marine mammals, including how to identify different species, bring an individual aboard a vessel, assess the level of consciousness, remove fishing gear, return an individual to water, and log activities pertaining to the interaction.

(4) SWFSC shall record such data on standardized forms, which will be subject to approval by OPR. SWFSC shall also answer a standard series of supplemental questions regarding the details of any marine mammal interaction.

(g) Reporting:

(1) SWFSC shall report all incidents of marine mammal interaction to NMFS' Protected Species Incidental Take database within 48 hours of occurrence.

(2) SWFSC shall provide written reports to OPR following any marine mammal interaction (animal captured or entangled in research gear) and/or survey leg or cruise, summarizing survey effort on the leg or cruise. In the event of a marine mammal interaction, these reports shall include full descriptions of any observations of the animals, the context (vessel and conditions), decisions made and rationale for decisions made in vessel and gear handling.

(3) Annual reporting:

(i) SWFSC shall submit an annual summary report to OPR not later than ninety days following the end of a calendar year, with the reporting period being a given calendar year.

(ii) These reports shall contain, at minimum, the following:

(A) Annual line-kilometers surveyed during which the EK60, ME70, SX90 (or equivalent sources) were predominant;

(B) Summary information regarding use of all longline (including bottom and vertical lines) and trawl (including bottom trawl) gear, including number of sets, hook hours, tows, etc., specific to each gear;

(C) Accounts of all incidents of marine mammal interactions, including

circumstances of the event and descriptions of any mitigation procedures implemented or not implemented and why;

(D) A written evaluation of the effectiveness of SWFSC mitigation strategies in reducing the number of marine mammal interactions with survey gear, including best professional judgment and suggestions for changes to the mitigation strategies, if any;

(E) Final outcome of serious injury determinations for all incidents of marine mammal interactions where the animal(s) were released alive; and

(F) Updates as appropriate regarding the development/implementation of MMEDs and analysis of bycatch patterns.

(h) Reporting of injured or dead marine mammals:

(1) In the unanticipated event that the activity defined in § 219.1(a) of this chapter clearly causes the take of a marine mammal in a prohibited manner, SWFSC shall immediately cease the specified activities and report the incident to OPR and the West Coast Regional Stranding Coordinator, NMFS. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) Description of the incident;

(iii) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility);

(iv) Description of all marine mammal observations in the 24 hours preceding the incident;

(v) Species identification or description of the animal(s) involved;

(vi) Status of all sound source use in the 24 hours preceding the incident;

(vii) Water depth;

(viii) Fate of the animal(s); and

(ix) Photographs or video footage of the animal(s).

Activities shall not resume until OPR is able to review the circumstances of the prohibited take. OPR shall work with SWFSC to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SWFSC may not resume their activities until notified by OPR.

(2) In the event that SWFSC discovers an injured or dead marine mammal and determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), SWFSC shall immediately report the incident to OPR and the West Coast Regional Stranding Coordinator, NMFS. The report must include the information identified in § 219.6(h)(1) of this section. Activities may continue while OPR reviews the circumstances of the incident. OPR will work with SWFSC to determine whether additional mitigation measures or modifications to the activities are appropriate.

(3) In the event that SWFSC discovers an injured or dead marine mammal and determines that the injury or death is not associated with or related to the activities defined in § 219.1(a) of this chapter (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), SWFSC shall report the incident to OPR and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. SWFSC shall provide photographs or video footage or other documentation of the stranded animal sighting to OPR.

### § 219.7 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, SWFSC must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) If an LOA expires prior to the expiration date of these regulations, SWFSC may apply for and obtain a renewal of the LOA.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, SWFSC must apply for and obtain a modification of the LOA as described in § 219.18 of this chapter.

(e) The LOA shall set forth:

(1) Permissible methods of incidental taking;

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

(3) Requirements for monitoring and reporting.

(f) Issuance of the LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations.

(g) Notice of issuance or denial of an LOA shall be published in the **Federal Register** within thirty days of a determination.

### § 219.8 Renewals and modifications of Letters of Authorization.

(a) An LOA issued under §§ 216.106 and 219.7 of this chapter for the activity identified in § 219.1(a) of this chapter shall be renewed or modified upon request by the applicant, provided that:

(1) The proposed specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in § 219.8(c)(1) of this chapter), and

(2) OPR determines that the mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented.

(b) For an LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in § 219.8(c)(1) of this chapter) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), OPR may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under §§ 216.106 and 219.7 of this chapter for the activity identified in § 219.11(a) of this chapter may be modified by OPR under the following circumstances:

(1) Adaptive Management—OPR may modify (including augment) the existing mitigation, monitoring, or reporting measures (after consulting with SWFSC regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in the preamble for these regulations.

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA:

(A) Results from SWFSC's monitoring from the previous year(s).

(B) Results from other marine mammal and/or sound research or studies.

(C) Any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by these regulations or subsequent LOAs.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, OPR will publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(2) Emergencies—If OPR determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 219.12(b) of this chapter, an LOA may be modified without prior

notice or opportunity for public comment. Notice would be published in the **Federal Register** within thirty days of the action.

**§ 219.9 [Reserved]**

**§ 219.10 [Reserved]**

## Subpart B—Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research in the Eastern Tropical Pacific

**§ 219.11 Specified activity and specified geographical region.**

(a) Regulations in this subpart apply only to the National Marine Fisheries Service's (NMFS) Southwest Fisheries Science Center (SWFSC) and those persons it authorizes or funds to conduct activities on its behalf for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to research survey program operations.

(b) The taking of marine mammals by SWFSC may be authorized in a Letter of Authorization (LOA) only if it occurs within the Eastern Tropical Pacific.

**§ 219.12 [Reserved]**

**§ 219.13 Permissible methods of taking.**

(a) Under LOAs issued pursuant to §§ 216.106 and 219.17 of this chapter, the Holder of the LOA (hereinafter ''SWFSC'') may incidentally, but not intentionally, take marine mammals within the area described in § 219.11(b) of this chapter, provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate LOA.

(b) The incidental take of marine mammals under the activities identified in § 219.11(a) of this chapter is limited to the indicated number of takes on an annual basis (by Level B harassment) or over the five-year period of validity of these regulations (by mortality) of the following species:

(1) Level B harassment:

(i) Cetaceans:

(A) Humpback whale (*Megaptera novaeangliae*)—1;

(B) Bryde's whale (*Balaenoptera edeni*)—4;

(C) Blue whale (*Balaenoptera musculus*)—2;

(D) Sperm whale (*Physeter macrocephalus*)—4;

(E) Dwarf sperm whale (*Kogia sima*)—14;

(F) Cuvier's beaked whale (*Ziphius cavirostris*)—24;

(G) Longman's beaked whale (*Indopacetus pacificus*)—1;

(H) Blainville's, ginkgo-toothed, or lesser beaked whales (*Mesoplodon spp.*)—30;

(I) Rough-toothed dolphin (*Steno bredanensis*)—45;

(J) Bottlenose dolphin (*Tursiops truncatus*)—139;

(K) Striped dolphin (*Stenella coeruleoalba*)—401;

(L) Pantropical spotted dolphin (*Stenella attenuata*)—1,088;

(M) Spinner dolphin (*Stenella longirostris*)—442;

(N) Long-beaked common dolphin (*Delphinis capensis*)—173;

(O) Short-beaked common dolphin (*Delphinis delphis*)—1,300;

(P) Fraser's dolphin (*Lagenodelphis hosei*)—121;

(Q) Dusky dolphin (*Lagenorhynchus obscurus*)—18;

(R) Risso's dolphin (*Grampus griseus*)—46;

(S) Melon-headed whale (*Peponocephala electra*)—19;

(T) Pygmy killer whale (*Feresa attenuata*)—17;

(U) False killer whale (*Pseudorca crassidens*)—17;

(V) Killer whale (*Orcinus orca*)—3; and

(W) Short-finned pilot whale (*Globicephala macrorhynchus*)—723.

(ii) Pinnipeds:

(A) Guadalupe fur seal (*Arctocephalus philippii townsendi*)—66;

(B) California sea lion (*Zalophus californianus*)—1,442;

(C) South American sea lion (*Otaria byronia*)—1,442; and

(D) Northern elephant seal (*Mirounga angustirostris*)—3,248.

(2) Mortality (pelagic longline gear only):

(i) Cetaceans:

(A) Dwarf sperm whale—1;

(B) Rough-toothed dolphin—1;

(C) Bottlenose dolphin—1;

(D) Striped dolphin—1;

(E) Pantropical spotted dolphin—1;

(F) Long-beaked common dolphin—1;

(G) Short-beaked common dolphin—1;

(H) Risso's dolphin—1;

(I) False killer whale—1; and

(J) Short-finned pilot whale—1.

(ii) Pinnipeds:

(A) California sea lion—5;

(B) South American sea lion—5; and

(C) Unidentified pinniped—1.

**§ 219.14 Prohibitions.**

Notwithstanding takings contemplated in § 219.11 of this chapter and authorized by a LOA issued under §§ 216.106 and 219.17 of this chapter, no person in connection with the activities described in § 219.11 of this chapter may:

(a) Take any marine mammal not specified in § 219.13(b) of this chapter;

(b) Take any marine mammal specified in § 219.13(b) in any manner other than as specified;

(c) Take a marine mammal specified in § 219.13(b) of this chapter if NMFS determines such taking results in more than a negligible impact on the species or stocks of such marine mammal;

(d) Take a marine mammal specified in § 219.13(b) if NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses; or

(e) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or a LOA issued under §§ 216.106 and 219.17 of this chapter.

**§ 219.15 Mitigation requirements.**

When conducting the activities identified in § 219.11(a), the mitigation measures contained in any LOA issued under §§ 216.106 and 219.17 of this chapter must be implemented. These mitigation measures shall include but are not limited to:

(a) General conditions:

(1) SWFSC shall take all necessary measures to coordinate and communicate in advance of each specific survey with the National Oceanic and Atmospheric Administration's (NOAA) Office of Marine and Aviation Operations (OMAO) or other relevant parties on non-NOAA platforms to ensure that all mitigation measures and monitoring requirements described herein, as well as the specific manner of implementation and relevant event-contingent decision-making processes, are clearly understood and agreed upon.

(2) SWFSC shall coordinate and conduct briefings at the outset of each survey and as necessary between ship's crew (Commanding Officer/master or designee(s), as appropriate) and scientific party in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

(3) SWFSC shall coordinate as necessary on a daily basis during survey cruises with OMAO personnel or other relevant personnel on non-NOAA platforms to ensure that requirements, procedures, and decision-making processes are understood and properly implemented.

(4) When deploying any type of sampling gear at sea, SWFSC shall at all times monitor for any unusual circumstances that may arise at a sampling site and use best professional judgment to avoid any potential risks to

marine mammals during use of all research equipment.

(5) SWFSC shall implement handling and/or disentanglement protocols as specified in the guidance provided to SWFSC survey personnel (''Identification, Handling and Release of Protected Species'').

(b) Pelagic longline survey protocols:

(1) SWFSC shall deploy longline gear as soon as is practicable upon arrival at the sampling station.

(2) SWFSC shall initiate marine mammal watches (visual observation) no less than thirty minutes prior to both deployment and retrieval of the longline gear. Marine mammal watches shall be conducted by scanning the surrounding waters with the naked eye and rangefinding binoculars (or monocular). During nighttime operations, visual observation shall be conducted using the naked eye and available vessel lighting.

(3) SWFSC shall implement the ''move-on rule.'' If one or more marine mammals are observed within 1 nm of the planned location in the thirty minutes before gear deployment, SWFSC shall transit to a different section of the sampling area to maintain a minimum set distance of 1 nm from the observed marine mammals. If, after moving on, marine mammals remain within 1 nm, SWFSC may decide to move again or to skip the station. SWFSC may use best professional judgment in making this decision but may not elect to conduct pelagic longline survey activity when animals remain within the 1-nm zone.

(4) SWFSC shall maintain visual monitoring effort during the entire period of gear deployment or retrieval. If marine mammals are sighted before the gear is fully deployed or retrieved, SWFSC shall take the most appropriate action to avoid marine mammal interaction. SWFSC may use best professional judgment in making this decision.

(5) If deployment or retrieval operations have been suspended because of the presence of marine mammals, SWFSC may resume such operations when practicable only when the animals are believed to have departed the 1 nm area. SWFSC may use best professional judgment in making this determination.

(6) SWFSC shall implement standard survey protocols, including maximum soak duration of four hours and a prohibition on chumming.

**§ 219.16 Requirements for monitoring and reporting.**

(a) Visual monitoring program:

(1) Dedicated marine mammal visual monitoring, conducted by trained SWFSC personnel with no other responsibilities during the monitoring period, shall occur (1) for a minimum of thirty minutes prior to deployment of pelagic longline gear; (2) throughout deployment of gear and active fishing of all research gears; (3) for a minimum of thirty minutes prior to retrieval of pelagic longline gear; and (4) throughout retrieval of all research gear.

(2) Marine mammal watches shall be conducted by watch-standers (those navigating the vessel and/or other crew) at all times when the vessel is being operated.

(b) Training:

(1) SWFSC must conduct annual training for all chief scientists and other personnel who may be responsible for conducting dedicated marine mammal visual observations to explain mitigation measures and monitoring and reporting requirements, mitigation and monitoring protocols, marine mammal identification, completion of datasheets, and use of equipment. SWFSC may determine the agenda for these trainings.

(2) SWFSC shall also dedicate a portion of training to discussion of best professional judgment, including use in any incidents of marine mammal interaction and instructive examples where use of best professional judgment was determined to be successful or unsuccessful.

(c) Handling procedures and data collection:

(1) SWFSC must develop and implement standardized marine mammal handling, disentanglement, and data collection procedures. These standard procedures will be subject to approval by NMFS' Office of Protected Resources (OPR).

(2) When practicable, for any marine mammal interaction involving the release of a live animal, SWFSC shall collect necessary data to facilitate a serious injury determination.

(3) SWFSC shall provide its relevant personnel with standard guidance and training regarding handling of marine mammals, including how to identify different species, bring an individual aboard a vessel, assess the level of consciousness, remove fishing gear, return an individual to water, and log activities pertaining to the interaction.

(4) SWFSC shall record such data on standardized forms, which will be subject to approval by NMFS' Office of Protected Resources (OPR). SWFSC shall also answer a standard series of supplemental questions regarding the details of any marine mammal interaction.

(d) Reporting:

(1) SWFSC shall report all incidents of marine mammal interaction to NMFS' Protected Species Incidental Take database within 48 hours of occurrence.

(2) SWFSC shall provide written reports to OPR following any marine mammal interaction (animal captured or entangled in research gear) and/or survey leg or cruise, summarizing survey effort on the leg or cruise. In the event of a marine mammal interaction, these reports shall include full descriptions of any observations of the animals, the context (vessel and conditions), decisions made and rationale for decisions made in vessel and gear handling.

(3) Annual reporting:

(i) SWFSC shall submit an annual summary report to OPR not later than ninety days following the end of a calendar year, with the reporting period being a given calendar year.

(ii) These reports shall contain, at minimum, the following:

(A) Annual line-kilometers surveyed during which the EK60, ME70, SX90 (or equivalent sources) were predominant;

(B) Summary information regarding use of all longline gear, including number of sets, hook hours, etc.;

(C) Accounts of all incidents of marine mammal interactions, including circumstances of the event and descriptions of any mitigation procedures implemented or not implemented and why;

(D) A written evaluation of the effectiveness of SWFSC mitigation strategies in reducing the number of marine mammal interactions with survey gear, including best professional judgment and suggestions for changes to the mitigation strategies, if any; and

(E) Final outcome of serious injury determinations for all incidents of marine mammal interactions where the animal(s) were released alive.

(e) Reporting of injured or dead marine mammals:

(1) In the unanticipated event that the activity defined in § 219.11(a) of this chapter clearly causes the take of a marine mammal in a prohibited manner, SWFSC shall immediately cease the specified activities and report the incident to OPR. Activities shall not resume until OPR is able to review the circumstances of the prohibited take. OPR shall work with SWFSC to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SWFSC may not resume their activities until notified by OPR. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) Description of the incident;

(iii) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility);

(iv) Description of all marine mammal observations in the 24 hours preceding the incident;

(v) Species identification or description of the animal(s) involved;

(vi) Status of all sound source use in the 24 hours preceding the incident;

(vii) Water depth;

(viii) Fate of the animal(s); and

(ix) Photographs or video footage of the animal(s).

(2) In the event that SWFSC discovers an injured or dead marine mammal and determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), SWFSC shall immediately report the incident to OPR. The report must include the same information identified in § 219.16(e)(1) of this section. Activities may continue while OPR reviews the circumstances of the incident. OPR will work with SWFSC to determine whether additional mitigation measures or modifications to the activities are appropriate.

(3) In the event that SWFSC discovers an injured or dead marine mammal and determines that the injury or death is not associated with or related to the activities defined in § 219.11(a) of this chapter (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), SWFSC shall report the incident to OPR within 24 hours of the discovery. SWFSC shall provide photographs or video footage or other documentation of the stranded animal sighting to OPR.

**§ 219.17 Letters of Authorization.**

(a) To incidentally take marine mammals pursuant to these regulations, SWFSC must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) If an LOA expires prior to the expiration date of these regulations, SWFSC may apply for and obtain a renewal of the LOA.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, SWFSC must apply for and obtain a modification of the LOA as described in § 219.18 of this chapter.

(e) The LOA shall set forth:

(1) Permissible methods of incidental taking;

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

(3) Requirements for monitoring and reporting.

(f) Issuance of the LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations.

(g) Notice of issuance or denial of an LOA shall be published in the **Federal Register** within thirty days of a determination.

**§ 219.18 Renewals and modifications of Letters of Authorization.**

(a) An LOA issued under §§ 216.106 and 219.17 of this chapter for the activity identified in § 219.11(a) of this chapter shall be renewed or modified upon request by the applicant, provided that:

(1) The proposed specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in § 219.18(c)(1) of this chapter), and

(2) OPR determines that the mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented.

(b) For an LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in § 219.18(c)(1) of this chapter) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), OPR may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under §§ 216.106 and 219.17 of this chapter for the activity identified in § 219.11(a) of this chapter may be modified by OPR under the following circumstances:

(1) Adaptive Management—OPR may modify (including augment) the existing mitigation, monitoring, or reporting measures (after consulting with SWFSC regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in the preamble for these regulations.

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA:

(A) Results from SWFSC's monitoring from the previous year(s).

(B) Results from other marine mammal and/or sound research or studies.

(C) Any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by these regulations or subsequent LOAs.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, OPR will publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(2) Emergencies—If OPR determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 219.12(b) of this chapter, an LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the **Federal Register** within thirty days of the action.

**§ 219.19 [Reserved]**

**§ 219.20 [Reserved]**

## Subpart C—Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research in the Antarctic

**§ 219.21 Specified activity and specified geographical region.**

(a) Regulations in this subpart apply only to the National Marine Fisheries Service's (NMFS) Southwest Fisheries Science Center (SWFSC) and those persons it authorizes or funds to conduct activities on its behalf for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to research survey program operations.

(b) The taking of marine mammals by SWFSC may be authorized in a Letter of Authorization (LOA) only if it occurs within the Antarctic Marine Living Resources Ecosystem.

**§ 219.22 [Reserved]**

**§ 219.23 Permissible methods of taking.**

(a) Under LOAs issued pursuant to §§ 216.106 and 219.27 of this chapter, the Holder of the LOA (hereinafter ''SWFSC'') may incidentally, but not intentionally, take marine mammals within the area described in § 219.21(b) of this chapter, provided the activity is in compliance with all terms,

conditions, and requirements of the regulations in this subpart and the appropriate LOA.

(b) The incidental take of marine mammals under the activities identified in § 219.21(a) of this chapter is limited to the indicated number of takes on an annual basis of the following species and is limited to Level B harassment:

(1) Cetaceans:

(i) Southern right whale (*Eubalaena australis*)—1;

(ii) Humpback whale (*Megaptera novaeangliae*)—92;

(iii) Antarctic minke whale (*Balaenoptera bonaerensis*)—6;

(iv) Fin whale (*Balaenoptera physalus*)—114;

(v) Sperm whale (*Physeter macrocephalus*)—3;

(vi) Arnoux' beaked whale (*Berardius arnuxii*)—37;

(vii) Southern bottlenose whale (*Hyperoodon planifrons*)—37;

(viii) Hourglass dolphin (*Lagenorhynchus cruciger*)—12;

(ix) Killer whale (*Orcinus orca*)—11;

(x) Long-finned pilot whale (*Globicephala melas*)—43; and

(xi) Spectacled porpoise (*Phocoena dioptrica*)—12.

(2) Pinnipeds:

(i) Antarctic fur seal (*Arctocephalus philippii townsendi*)—553;

(ii) Southern elephant seal (*Mirounga leonina*)—6;

(iii) Weddell seal (*Leptonychotes weddellii*)—4;

(iv) Crabeater seal (*Lobodon carcinophaga*)—7; and

(v) Leopard seal (*Hydrurga leptonyx*)—5.

**§ 219.24 Prohibitions.**

Notwithstanding takings contemplated in § 219.21 of this chapter and authorized by a LOA issued under §§ 216.106 and 219.27 of this chapter, no person in connection with the activities described in § 219.21 of this chapter may:

(a) Take any marine mammal not specified in § 219.23(b) of this chapter;

(b) Take any marine mammal specified in § 219.23(b) in any manner other than as specified;

(c) Take a marine mammal specified in § 219.23(b) of this chapter if NMFS determines such taking results in more than a negligible impact on the species or stocks of such marine mammal;

(d) Take a marine mammal specified in § 219.23(b) if NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses; or

(e) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or a LOA issued under § 216.106 and § 219.27 of this chapter.

**§ 219.25 Mitigation requirements.**

When conducting the activities identified in § 219.21(a), the mitigation measures contained in any LOA issued under §§ 216.106 and 219.27 of this chapter must be implemented. These mitigation measures shall include but are not limited to:

(a) General conditions:

(1) SWFSC shall take all necessary measures to coordinate and communicate in advance of each specific survey with the National Oceanic and Atmospheric Administration's (NOAA) Office of Marine and Aviation Operations (OMAO) or other relevant parties on non-NOAA platforms to ensure that all mitigation measures and monitoring requirements described herein, as well as the specific manner of implementation and relevant event-contingent decision-making processes, are clearly understood and agreed upon.

(2) SWFSC shall coordinate and conduct briefings at the outset of each survey and as necessary between ship's crew (Commanding Officer/master or designee(s), as appropriate) and scientific party in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

(3) SWFSC shall coordinate as necessary on a daily basis during survey cruises with OMAO personnel or other relevant personnel on non-NOAA platforms to ensure that requirements, procedures, and decision-making processes are understood and properly implemented.

(4) When deploying any type of sampling gear at sea, SWFSC shall at all times monitor for any unusual circumstances that may arise at a sampling site and use best professional judgment to avoid any potential risks to marine mammals during use of all research equipment.

(5) SWFSC shall implement handling and/or disentanglement protocols as specified in the guidance provided to SWFSC survey personnel (''Identification, Handling and Release of Protected Species'').

(b) Trawl survey protocols—SWFSC shall conduct trawl operations as soon as is practicable upon arrival at the sampling station.

**§ 219.26 Requirements for monitoring and reporting.**

(a) Visual monitoring program:

(1) Marine mammal watches shall be conducted by watch-standers (those navigating the vessel and/or other crew) at all times when the vessel is being operated.

(2) SWFSC shall monitor any potential disturbance of pinnipeds on ice, paying particular attention to the distance at which different species of pinniped are disturbed. Disturbance shall be recorded according to a three-point scale representing increasing seal response to disturbance.

(b) Acoustic monitoring—SWFSC shall log passive acoustic data before and during the conduct of each trawl.

(c) Training:

(1) SWFSC must conduct annual training for all chief scientists and other personnel who may be responsible for conducting dedicated marine mammal visual observations to explain mitigation measures and monitoring and reporting requirements, mitigation and monitoring protocols, marine mammal identification, recording of count and disturbance observations, completion of datasheets, and use of equipment. SWFSC may determine the agenda for these trainings.

(2) SWFSC shall also dedicate a portion of training to discussion of best professional judgment, including use in any incidents of marine mammal interaction and instructive examples where use of best professional judgment was determined to be successful or unsuccessful.

(d) Handling procedures and data collection:

(1) SWFSC must develop and implement standardized marine mammal handling, disentanglement, and data collection procedures. These standard procedures will be subject to approval by NMFS' Office of Protected Resources (OPR).

(2) When practicable, for any marine mammal interaction involving the release of a live animal, SWFSC shall collect necessary data to facilitate a serious injury determination.

(3) SWFSC shall provide its relevant personnel with standard guidance and training regarding handling of marine mammals, including how to identify different species, bring an individual aboard a vessel, assess the level of consciousness, remove fishing gear, return an individual to water, and log activities pertaining to the interaction.

(4) SWFSC shall record such data on standardized forms, which will be subject to approval by OPR. SWFSC shall also answer a standard series of supplemental questions regarding the details of any marine mammal interaction.

(e) Reporting:

(1) SWFSC shall report all incidents of marine mammal interaction to NMFS'

Protected Species Incidental Take database within 48 hours of occurrence.

(2) SWFSC shall provide written reports to OPR following any marine mammal interaction (animal captured or entangled in research gear) and/or survey leg or cruise, summarizing survey effort on the leg or cruise. In the event of a marine mammal interaction, these reports shall include full descriptions of any observations of the animals, the context (vessel and conditions), decisions made and rationale for decisions made in vessel and gear handling.

(3) Annual reporting:

(i) SWFSC shall submit an annual summary report to OPR not later than ninety days following the end of a calendar year, with the reporting period being a given calendar year.

(ii) These reports shall contain, at minimum, the following:

(A) Annual line-kilometers surveyed during which the EK60, ME70, SX90 (or equivalent sources) were predominant;

(B) Summary information regarding use of all trawl gear, including number of tows, etc.;

(C) Accounts of all incidents of marine mammal interactions, including circumstances of the event and descriptions of any mitigation procedures implemented or not implemented and why;

(D) Summary information related to any on-ice disturbance of pinnipeds, including event-specific total counts of animals present, counts of reactions according to a three-point scale of response severity (1 = alert; 2 = movement; 3 = flight), and distance of closest approach;

(E) A written evaluation of the effectiveness of SWFSC mitigation strategies in reducing the number of marine mammal interactions with survey gear, including best professional judgment and suggestions for changes to the mitigation strategies, if any; and

(F) Final outcome of serious injury determinations for all incidents of marine mammal interactions where the animal(s) were released alive.

(f) Reporting of injured or dead marine mammals:

(1) In the unanticipated event that the activity defined in § 219.21(a) of this chapter clearly causes the take of a marine mammal in a prohibited manner, SWFSC shall immediately cease the specified activities and report the incident to OPR. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) Description of the incident;

(iii) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility);

(iv) Description of all marine mammal observations in the 24 hours preceding the incident;

(v) Species identification or description of the animal(s) involved;

(vi) Status of all sound source use in the 24 hours preceding the incident;

(vii) Water depth;

(viii) Fate of the animal(s); and

(ix) Photographs or video footage of the animal(s).

Activities shall not resume until OPR is able to review the circumstances of the prohibited take. OPR shall work with SWFSC to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. SWFSC may not resume their activities until notified by OPR.

(2) In the event that SWFSC discovers an injured or dead marine mammal and determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), SWFSC shall immediately report the incident to OPR. The report must include the same information identified in § 219.26(f)(1) of this section. Activities may continue while OPR reviews the circumstances of the incident. OPR will work with SWFSC to determine whether additional mitigation measures or modifications to the activities are appropriate.

(3) In the event that SWFSC discovers an injured or dead marine mammal and determines that the injury or death is not associated with or related to the activities defined in § 219.21(a) of this chapter (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), SWFSC shall report the incident to OPR within 24 hours of the discovery. SWFSC shall provide photographs or video footage or other documentation of the stranded animal sighting to OPR.

### § 219.27 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, SWFSC must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) If an LOA expires prior to the expiration date of these regulations, SWFSC may apply for and obtain a renewal of the LOA.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, SWFSC must apply for and obtain a modification of the LOA as described in § 219.28 of this chapter.

(e) The LOA shall set forth:

(1) Permissible methods of incidental taking;

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

(3) Requirements for monitoring and reporting.

(f) Issuance of the LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations.

(g) Notice of issuance or denial of an LOA shall be published in the **Federal Register** within thirty days of a determination.

### § 219.28 Renewals and modifications of Letters of Authorization.

(a) An LOA issued under §§ 216.106 and 219.27 of this chapter for the activity identified in § 219.21(a) of this chapter shall be renewed or modified upon request by the applicant, provided that:

(1) The proposed specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in § 219.28(c)(1) of this chapter), and

(2) OPR determines that the mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented.

(b) For an LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in § 219.28(c)(1) of this chapter) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), OPR may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under §§ 216.106 and 219.27 of this chapter for the activity identified in § 219.21(a) of this chapter may be modified by OPR under the following circumstances:

(1) Adaptive Management—OPR may modify (including augment) the existing

mitigation, monitoring, or reporting measures (after consulting with SWFSC regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in the preamble for these regulations.

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA:

(A) Results from SWFSC's monitoring from the previous year(s).

(B) Results from other marine mammal and/or sound research or studies.

(C) Any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by these regulations or subsequent LOAs.

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, OPR will publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(2) Emergencies—If OPR determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 219.22(b) of this chapter, an LOA may be modified without prior notice or opportunity for public comment. Notice would be published in the **Federal Register** within thirty days of the action.

**§ 219.29 [Reserved]**

**§ 219.30 [Reserved]**

[FR Doc. 2015–02831 Filed 2–12–15; 8:45 am]

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# Reader Aids

**Federal Register**

Vol. 80, No. 30

Friday, February 13, 2015

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| | |
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| **Other Services** | |
| Electronic and on-line services (voice) | **741–6020** |
| Privacy Act Compilation | **741–6064** |
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## FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5451–5664 ..... 2
5665–5894 ..... 3
5895–6428 ..... 4
6429–6644 ..... 5
6645–6896 ..... 6
6897–7284 ..... 9
7285–7532 ..... 10
7533–7796 ..... 11
7797–7966 ..... 12
7967–8238 ..... 13

## 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.

### 3 CFR

**Proclamations:**
9229 ..... 6419
9230 ..... 6421
9231 ..... 6423
**Executive Orders:**
13690 ..... 6425
**Administrative Orders:**
Order of February 2, 2015 ..... 6645
Notice of February 4, 2015 ..... 6647

### 5 CFR

532 ..... 5451
3101 ..... 7797
**Proposed Rules:**
532 ..... 5487
Ch. XLII ..... 5715

### 7 CFR

205 ..... 6429
3434 ..... 5895
**Proposed Rules:**
318 ..... 6665
319 ..... 6665
1000 ..... 7549
1001 ..... 7549
1005 ..... 7549
1006 ..... 7549
1007 ..... 7549
1030 ..... 7549
1032 ..... 7549
1033 ..... 7549
1124 ..... 7549
1126 ..... 7549
1131 ..... 7549
1206 ..... 7811
1212 ..... 7811

### 9 CFR

78 ..... 5665
97 ..... 5665
201 ..... 6430

### 10 CFR

72 ..... 6430
430 ..... 5896
**Proposed Rules:**
72 ..... 6466
429 ..... 5994
430 ..... 5994, 7082, 7550
431 ..... 6016, 6182
460 ..... 7550

### 12 CFR

217 ..... 5666
**Proposed Rules:**
Ch. I ..... 7980
Ch. II ..... 7980
217 ..... 5694
225 ..... 5694
238 ..... 5694
Ch. III ..... 7980
1005 ..... 6468
1026 ..... 6468, 7770

### 13 CFR

121 ..... 7533
**Proposed Rules:**
121 ..... 6618
124 ..... 6618
125 ..... 6618
126 ..... 6618
127 ..... 6618
134 ..... 6618

### 14 CFR

25 ..... 6435
39 ..... 5452, 5454, 5670, 5900, 5902, 5905, 5906, 5909, 5911, 5915, 6649, 6897, 7285, 7288, 7290, 7298, 7300
91 ..... 5918, 6899
**Proposed Rules:**
39 ..... 5489, 6017, 7986, 7989, 7992

### 15 CFR

30 ..... 6900
**Proposed Rules:**
922 ..... 5699

### 16 CFR

**Proposed Rules:**
Ch. I ..... 5713
500 ..... 5491
502 ..... 5491
1120 ..... 5701

### 17 CFR

200 ..... 6902
229 ..... 6652
230 ..... 6652
232 ..... 6652

### 18 CFR

157 ..... 7302

### 19 CFR

7 ..... 7537
10 ..... 7303
24 ..... 7303
162 ..... 7303
163 ..... 7303, 7537
178 ..... 7303, 7537
**Proposed Rules:**
Ch. II ..... 6649
201 ..... 6649
206 ..... 6649
208 ..... 6649
213 ..... 6649

**20 CFR**

**Proposed Rules:**
Ch. IV.....5715
Ch. V.....5715
Ch. VI.....5715
Ch. VII.....5715
Ch. IX.....5715

**21 CFR**

312.....7318
870.....5674

**Proposed Rules:**
73.....6468
314.....6802
320.....6802

**22 CFR**

96.....7321

**24 CFR**

**Proposed Rules:**
570.....6469, 6470

**26 CFR**

1.....7323

**27 CFR**

9.....6902

**Proposed Rules:**
4.....6931

**29 CFR**

1952.....6652
2520.....5626
4022.....7967

**Proposed Rules:**
Subtitle A.....5715
Ch. II.....5715
Ch. IV.....5715
Ch. V.....5715
1614.....6669
Ch. XVII.....5715
Ch. XXV.....5715

**30 CFR**

700.....6435
875.....6435
877.....6435
879.....6435
884.....6435
885.....6435

**Proposed Rules:**
Ch. I.....5715
100.....7393
1202.....7994
1206.....7994

**31 CFR**

50.....6656

**33 CFR**

100.....7797
117.....5457, 6657, 6658, 6906, 7801, 7802
151.....5922
154.....7539
155.....5922
156.....5922
157.....5922
165.....6448, 7968

**Proposed Rules:**
100.....7994
140.....6679
143.....6679
146.....6679
165.....7394, 7553, 7994
203.....8014

**34 CFR**

Ch. II.....7224
369.....6452
371.....6452

**Proposed Rules:**
75.....7397

**36 CFR**

**Proposed Rules:**
1192.....7812

**37 CFR**

**Proposed Rules:**
1.....6475

**39 CFR**

20.....5683, 5688
111.....5691

**Proposed Rules:**
111.....6574

**40 CFR**

9.....5457
51.....7336
52.....5471, 6455, 6907, 7336, 7341, 7345, 7347, 7803, 7805
60.....5475
61.....5475
62.....5483
63.....5475, 5938
80.....6658
81.....7347, 7540, 7970
180.....5941, 5946, 5952, 7541, 7971
300.....5957, 6458
721.....5457

**Proposed Rules:**
51.....6481
52.....5497, 6109, 6485, 6491, 6672, 7398, 7399, 7555, 7813, 8018
60.....5498, 8023
61.....5498, 8023
63.....5498, 6035, 6676, 8023
81.....6019
98.....6495
180.....7559
300.....6036, 6496
1850.....6934

**41 CFR**

101-42.....7352
101-45.....7352
102-40.....7352

**Proposed Rules:**
Ch. 50.....5715
Ch. 60.....5715
Ch. 61.....5715

**42 CFR**

406.....7975
407.....7975
408.....7975
417.....7912
422.....7912
423.....7912

**Proposed Rules:**
11.....8030

**45 CFR**

1305.....7368
1321.....7704
1327.....7704
1611.....5485

**Proposed Rules:**
1355.....7132
1640.....5716

**46 CFR**

**Proposed Rules:**
61.....6679
62.....6679

**47 CFR**

1.....7547
43.....7547
54.....5961
63.....7547
73.....7977

**Proposed Rules:**
1.....7400
20.....6496
25.....8031
27.....7400
73.....7400, 7562, 8031
76.....8031

**48 CFR**

1.....6908
2.....6908
9.....6908
12.....6908
22.....6908
37.....6909
42.....6908
46.....6909
52.....6908, 6909
601.....6909
603.....6909
604.....6909
605.....6909
606.....6909
607.....6909
608.....6909
609.....6909
613.....6909
615.....6909
616.....6909
617.....6909
619.....6909
622.....6909
623.....6909
624.....6909
625.....6909
627.....6909
628.....6909
631.....6909
632.....6909
633.....6909
636.....6909
637.....6909
642.....6909
644.....6909
645.....6909
647.....6909
649.....6909
652.....6909

**Proposed Rules:**
Ch. 29.....5715
511.....6037
536.....6944
552.....6037

**49 CFR**

**Proposed Rules:**
Ch. III.....7814

**50 CFR**

222.....6925
223.....6925, 7977
224.....7380, 7977
229.....6925
622.....6464
635.....5991, 7547
648.....7808
660.....6662, 7390
665.....6663
679.....5692, 5992, 6663, 7979

**Proposed Rules:**
17.....5719, 8053
219.....8166
226.....5499
300.....5719
600.....7562
679.....7816
680.....5499, 7817

## 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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