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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0620; Directorate Identifier 2013–NM–238–AD; Amendment 39–18102; AD 2015–03–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2007–22–10 for all Airbus Model A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. AD 2007–22–10 required repetitive inspections of the left-hand and right-hand wing main landing gear (MLG) rib 6 aft bearing lugs (forward and aft) to detect any cracks on the two lugs, and replacement if necessary. Since we issued AD 2007–22–10, we have received reports of additional cracking of the MLG rib 6 aft bearing forward lug. This new AD expands the applicability and reduces certain compliance times. We are issuing this AD to detect and correct cracking of the MLG rib 6 aft bearing lugs, which could result in collapse of the MLG upon landing.

DATES: This AD becomes effective March 25, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 25, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0620;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0620.

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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2007–22–10, Amendment 39–15246 (72 FR 61796, November 1, 2007; corrected November 16, 2007 (72 FR 64532)). AD 2007–22–10 applied to all Airbus Model A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. The NPRM published in the **Federal Register** on September 4, 2014 (79 FR 52585).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0271, dated November 14, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition. The MCAI states:

> During Main Landing Gear (MLG) lubrication, a crack was visually found in the MLG rib 6 aft bearing forward lug on one A330 in-service aeroplane. The crack had extended through the entire thickness of the forward lug at approximately the 4 o'clock position (when looking forward). It has been determined that similar type of crack can develop on other aeroplane types that are listed in the Applicability paragraph.
>
> This condition, if not detected and corrected, could affect the structural integrity of the MLG attachment.
>
> To address this situation, Airbus issued inspection Service Bulletins (SB) A330–57–3096, A340–57–4104 and A340–57–5009 to instruct repetitive inspection of the gear rib lugs.
>
> Prompted by these findings, EASA issued Emergency AD 2006–0364–E to require repetitive detailed visual inspections of the Left Hand (LH) and Right Hand (RH) wing MLG rib 6 aft bearing lugs. Later EASA issued AD 2007–0247R1–E, which superseded EAD 2006–0364–E, to:
>
> —Expand the applicability to all A330 and A340 aeroplanes, because the interference fit bushes cannot be considered as a terminating action, owing to unknown root cause; and
>
> —Add a second parameter quoted in Flight Hours (FH) to the inspection interval in order to reflect the aeroplane utilization in service.
>
> EASA AD 2007–0247R1–E was republished to correct a typographical error.
>
> Since the first crack finding and issuance of the inspection SBs and related ADs, six further cracks have been reported.
>
> For the reasons described above, this [EASA] AD, which supersedes EASA EAD 2007–0247 R1–E and retains its requirements, is issued to expand the applicability to the newly certified models A330–223F and A330–243F and to reduce the threshold further to the risk assessment of recent in-service experience.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0620-0004.*

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. The commenter, an anonymous individual, supported the NPRM (79 FR 52585, September 4, 2014).

Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 52585, September 4, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 52585, September 4, 2014).

Related Service Information Under 1 CFR Part 51

We reviewed the following service bulletins:

- Airbus Service Bulletin A330–57–3096, Revision 5, dated October 17, 2013.
- Airbus Service Bulletin A340–57–4104, Revision 4, dated October 17, 2013.
- Airbus Service Bulletin A340–57–5009, Revision 3, dated October 17, 2013.

The service information describes procedures for detailed inspections of the MLG rib 6 forward and aft lugs for cracking. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 81 airplanes of U.S. registry.

We estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $13,770, or $170 per product.

We have no definitive data that would enable us to provide a cost estimate for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0620;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–22–10, Amendment 39–15246 (72 FR 61796, November 1, 2007; corrected November 16, 2007 (72 FR 64532)), and adding the following new AD:

2015–03–06 Airbus: Amendment 39–18102, Docket No. FAA–2014–0620; Directorate Identifier 2013–NM–238–AD.

(a) Effective Date

This AD becomes effective March 25, 2015.

(b) Affected ADs

This AD replaces AD 2007–22–10, Amendment 39–15246 (72 FR 61796, November 1, 2007; corrected November 16, 2007 (72 FR 64532)).

(c) Applicability

This AD applies to Airbus Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; and Model A340–211, –212, –213 –311, –312, –313, –541, and –642 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by reports of cracking of the main landing gear (MLG) rib 6 aft bearing forward lug. We are issuing this AD to detect and correct cracking of the MLG rib 6 aft bearing lugs, which could result in collapse of the MLG upon landing.

(f) Compliance

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

(g) Inspections

Within 42 months since the airplane's first flight or since the last MLG support rib replacement, as applicable; or within 4 months after the effective date of this AD; whichever occurs later: Do a detailed inspection for cracking of the left-hand and right-hand wing MLG rib 6 aft bearing lugs (forward and aft), in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3096, Revision 05, dated October 17, 2013; (for Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes); A340–57–4104, Revision 04, dated October 17, 2013 (for Model A340–211, –212, –213, –311, –312, –313 airplanes); or A340–57–5009, Revision 03, dated October 17, 2013 (for Model A340–541 and –642 airplanes); as applicable. Repeat the inspections at the times specified in paragraphs (g)(1) through (g)(7) of this AD, as applicable.

(1) For Model A330–201, –202, –203, –223, and –243 airplanes, repeat the inspections at intervals not to exceed 300 flight cycles or 1,500 flight hours, whichever occurs first.

(2) For Model A330–223F and –243F airplanes, repeat the inspections at intervals not to exceed 300 flight cycles or 900 flight hours, whichever occurs first.

(3) For Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, repeat the inspections at intervals not to exceed 300 flight cycles or 900 flight hours, whichever occurs first.

(4) For Model A340–211, –212, and –213 airplanes, repeat the inspections at intervals not to exceed 200 flight cycles or 800 flight hours, whichever occurs first.

(5) For Model A340–311 and –312 airplanes; and Model A340–313 airplanes (except weight variant (WV) 27), repeat the inspections at intervals not to exceed 200 flight cycles or 800 flight hours, whichever occurs first.

(6) For Model A340–313 (only WV27) airplanes, repeat the inspections at intervals not to exceed 200 flight cycles or 400 flight hours, whichever occurs first.

(7) For Model A340–541 and –642 airplanes, repeat the inspections at intervals not to exceed 100 flight cycles or 500 flight hours, whichever occurs first.

(h) Corrective Action

If any cracking is found during any inspection required by paragraph (g) of this AD, before further flight, replace the cracked MLG support rib 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. Replacement of an MLG support rib does not terminate the repetitive inspections required by paragraph (g) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for the corresponding actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the applicable service bulletin identified in paragraphs (i)(1) through (i)(12) of this AD.

(1) Airbus Service Bulletin A330–57A3096, dated December 5, 2006, which was incorporated by reference in AD 2007–03–04, Amendment 39–14915 (72 FR 4416, January 31, 2007), on February 15, 2007.

(2) Airbus Service Bulletin A330–57A3096, Revision 01, dated April 18, 2007, which is not incorporated by reference in this AD.

(3) Airbus Service Bulletin A330–57–3096, excluding appendix 01, Revision 02, dated August 13, 2007, which was incorporated by reference in AD 2007–22–10, Amendment 39–15246 (72 FR 61796, November 1, 2007; corrected November 16, 2007 (72 FR 64532)), on November 16, 2007.

(4) Airbus Service Bulletin A330–57–3096, Revision 03, dated October 24, 2012, which is not incorporated by reference in this AD.

(5) Airbus Service Bulletin A330–57–3096, Revision 04, dated February 6, 2013, which is not incorporated by reference in this AD.

(6) Airbus Service Bulletin A340–57A4104, dated December 5, 2006, which was incorporated by reference in AD 2007–03–04, Amendment 39–14915 (72 FR 4416, January 31, 2007), on February 15, 2007.

(7) Airbus Service Bulletin A340–57–4104, Revision 01, dated August 13, 2007, which is not incorporated by reference in this AD.

(8) Airbus Service Bulletin A340–57–4104, excluding appendix 01, Revision 02, dated September 5, 2007, which was incorporated by reference in AD 2007–22–10, Amendment 39–15246 (72 FR 61796, November 1, 2007; corrected November 16, 2007 (72 FR 64532)), on November 16, 2007.

(9) Airbus Service Bulletin A340–57–4104, Revision 03, dated October 24, 2012, which is not incorporated by reference in this AD.

(10) Airbus Service Bulletin A340–57A5009, dated December 5, 2006, which was incorporated by reference in AD 2007–03–04, Amendment 39–14915 (72 FR 4416, January 31, 2007), on February 15, 2007.

(11) Airbus Service Bulletin A340–57–5009, excluding appendix 01, Revision 01, dated August 13, 2007, which was incorporated by reference in AD 2007–22–10, Amendment 39–15246 (72 FR 61796, November 1, 2007; corrected November 16, 2007 (72 FR 64532)), on November 16, 2007.

(12) Airbus Service Bulletin A340–57–5009, Revision 02, dated October 24, 2012, which is not incorporated by reference in this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, 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:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, 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.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0271, dated November 14, 2013, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0620-0004.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–57–3096, Revision 05, dated October 17, 2013.

(ii) Airbus Service Bulletin A340–57–4104, Revision 04, dated October 17, 2013.

(iii) Airbus Service Bulletin A340–57–5009, Revision 03, dated October 17, 2013.

(3) 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.*

(4) 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.

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

Issued in Renton, Washington, on February 2, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02672 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0484; Directorate Identifier 2013–NM–245–AD; Amendment 39–18101; AD 2015–03–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–09–07 for certain Airbus Model A319–111, –112, and –132 airplanes; Model A320–111, –211, –212, –214, and –232 airplanes; and Model A321–111, –211, –212, and –231 airplanes. AD 2012–09–07 required an electrical bonding test between the gravity fill re-fuel adaptor and the top skin panels on the wings; and, if necessary, an inspection for corrosion of the component interface and adjacent area; and repairing the gravity fuel adaptor if necessary. This new AD adds airplanes to the applicability and requires inspecting those airplanes to determine if a repair was done, and doing the electrical bonding test and corrective action if necessary. This AD was prompted by a determination that more airplanes are

subject to the identified unsafe condition. We are issuing this AD to detect and correct corrosion and improper bonding, which, in combination with a lightning strike in this area, could create a source of ignition in a fuel tank, resulting in a fire or explosion and consequent loss of the airplane.

DATES: This AD becomes effective March 25, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 25, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0484;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0484.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012). AD 2012–09–07 applied to certain Airbus Model A319–111, –112, and –132 airplanes; Model A320–111, –211, –212, –214, and –232 airplanes; and Model A321–111, –211, –212, and –231 airplanes. The NPRM published in the **Federal Register** on July 30, 2014 (79 FR 44144).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0277R1, dated December 4, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Cases of corrosion findings were reported on the overwing refueling aperture (used to fill the fuel tank by gravity) on the wing top skin. The reported corrosion was on the mating surface of the aperture flange, underneath the refuel adaptor. Corrosion findings have been repaired on a case by case basis in accordance with approved data.
>
> For certain aeroplanes, the repair provided by Airbus contained instructions to apply primer coating on the mating surface. Since doing those repairs, it has been found that this primer coating may prevent proper electrical bonding provision between the overwing refueling cap adaptor and the wing skin.
>
> This condition, if not detected and corrected, could, in combination with a lightning strike in this area, create a source of ignition in a fuel tank, possibly resulting in a fire or explosion and consequent loss of the aeroplane.
>
> To address this potential unsafe condition, EASA issued AD 2011–0034 [*http://ad.easa.europa.eu/blob/easa_ad_2011_0034.pdf/AD_2011-0034]* to require a one-time electrical bonding check between the gravity fill re-fuel adaptor and the top skin panels on the affected aeroplanes (identified by MSN [manufacturer serial number] in the applicability section of that [EASA] AD) and, in case of findings, the accomplishment of applicable corrective actions.
>
> Since that [EASA] AD was issued, EASA has been made aware that some operators may inadvertently have applied an Airbus repair, approved for only one aeroplane MSN, to other aeroplanes, without requesting a revision of the repair to add aeroplanes, or to notify Airbus of such action(s). Consequently, the condition addressed by EASA AD 2011–0034 could affect more aeroplanes than initially determined.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2011–0034, which is superseded, and expands the Applicability to all A320 family aeroplane Models, all MSN.
>
> This [EASA] AD has been revised to amend and clarify paragraph (3), and to correct an error in the Type/Model designations on page 1, where the A318 was inadvertently omitted.

For the newly added airplanes, required actions include inspecting for the presence of a corrosion repair on an overwing refueling aperture, and doing the electrical bonding test and applicable corrective actions if a repair has been installed. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0484-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (79 FR 44144, July 30, 2014) and the FAA's response to the comment.

Request To Include Revised Service Information

United Airlines (UAL) asked that we include a statement in the NPRM (79 FR 44144, July 30, 2014), which allows performing the required actions in accordance with the instructions of Airbus Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013. UAL stated that the revised service information specifies the same method of inspection as specified in Airbus Service Bulletin A320–57–1152, dated June 14, 2010. UAL further stated that Revision 01 of this service bulletin also provides operators with updated repair instructions that were not available in the original issue of this service bulletin.

We agree with the commenter's request. Since issuance of the NPRM (79 FR 44144, July 30, 2014), Airbus has issued Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013. This revision states that no additional work is necessary on airplanes changed in accordance with Airbus Service Bulletin A320–57–1152, dated June 14, 2010, which was specified as the appropriate source of service information in the NPRM (79 FR 44144, July 30, 2014).

We have changed paragraph (g) of this AD to specify Airbus Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013. We have also added a new paragraph (h) to this AD to give credit for actions done before the effective date of this AD using Airbus Service Bulletin A320–57–1152, dated June 14, 2010, and redesignated subsequent paragraphs accordingly.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 44144, July 30, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already

proposed in the NPRM (79 FR 44144, July 30, 2014).

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013. The service information describes procedures for inspecting certain airplanes to determine if a repair was done, and doing an electrical bonding test and corrective action if necessary. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 851 airplanes of U.S. registry.

The actions required by AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), and retained in this AD take about 2 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2012–09–07 is $170 per product.

We also estimate that it takes about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $144,670, or $170 per product.

In addition, we estimate that any necessary follow-on actions will take about 11 work-hours, for a cost of $935 per product. We have no way of determining the number of aircraft that might need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0484;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), and adding the following new AD:

2015–03–05 Airbus: Amendment 39–18101. Docket No. FAA–2014–0484; Directorate Identifier 2013–NM–245–AD.

(a) Effective Date

This AD becomes effective March 25, 2015.

(b) Affected ADs

This AD replaces AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012).

(c) Applicability

(1) This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers, except airplanes identified in paragraph (c)(2) of this AD.

(2) Airplanes that have been delivered from production with Airbus Modification 38209 (Removal of the Outer Wing Refueling Aperture) incorporated, and without Airbus Modification 38206 (Re-introduction of the Outer Wing Refueling Aperture) incorporated, are not affected by the requirements of this AD.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a determination that more airplanes are subject to the identified unsafe condition. We are issuing this AD to detect and correct corrosion and improper bonding, which, in combination with a lightning strike in this area, could create a source of ignition in a fuel tank, resulting in a fire or explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Retained Electrical Bonding Test, and General Visual Inspection if Necessary, With Changes

This paragraph restates the requirements of paragraph (g) of AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), with revised repair approval language and revised service information. For Model A319–111, –112, and –132 airplanes; Model A320–111, –211, –212, –214 and –232 airplanes; and Model A321–111, –211, –212, and –231 airplanes; certificated in any category; having manufacturer serial numbers 0039, 0078, 0109, 0118, 0120, 0153, 0174, 0187, 0203, 0215, 0218, 0226, 0227, 0228, 0236, 0237, 0269, 0270, 0278, 0285, 0286, 0287, 0288, 0294, 0301, 0337, 0377, 0462, 0463, 0464, 0465, 0520, 0523, 0528, 0876, 0888, 0921, 0935, 0974, 1014, 1102, 1130, 1160, 1162, 1177, 1215, 1250, 1287, 1336, 1388, 1404, 1444, 1449, 1476, 1505, 1524, 1564, 1605, 1616, 1622, 1640, 1645, 1658, 1677, 1691, 1729, and 1905: Within 24 months after June 18, 2012 (the effective date of AD 2012–09–07), do an electrical bonding

test to check for bonding between the re-fuel adaptor of the gravity fill and the top skin panels on the left-hand and right-hand wings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013.

(1) If the resistance value is 10 milliohms or less at the left-hand and right-hand wing, no further action is required by this paragraph.

(2) If the resistance value is greater than 10 milliohms at the left-hand or right-hand wing, before further flight, do a general visual inspection for corrosion of the component interface and adjacent area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013. If any corrosion is found during the inspection, before further flight, repair the gravity fill fuel adaptor, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013; except where Airbus Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013, specifies to contact Airbus, before further flight, 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). If approved by the DOA, the approval must include the DOA-authorized signature.

(h) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–57–1152, dated June 14, 2010, which was incorporated by reference in AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012).

(i) New Requirement of This AD: Maintenance Check/Electrical Bonding Test and Corrective Action if Necessary

For airplanes other than those identified in paragraph (g) of this AD: Within 24 months after the effective date of this AD, determine whether a corrosion repair has been done on an overwing refueling aperture, whereby a primer coating has been applied on the mating surface of the aperture flange. A review of the airplane maintenance records is acceptable to make this determination, provided that whether a primer coat was applied can be conclusively determined from that review.

(1) If it is determined that a primer coating was applied on the mating surface of the aperture flange; or if a determination cannot be made, or the outcome is inconclusive: Within 24 months after the effective date of this AD do the electrical bonding test specified in paragraph (g) of this AD, and before further flight, do all applicable actions specified in paragraph (g)(2) of this AD.

(2) If it is determined that a corrosion repair has not been done, and a primer coating has not been applied on the mating surface of the aperture flange since first entry into service, no further action is required by this paragraph.

(j) Corrosion Repair Provision

As of the effective date of this AD, any corrosion repair done on an overwing refueling aperture on any airplane must comply with the repair requirements of paragraph (g)(2) of this AD.

(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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) 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.

(ii) AMOCs approved previously for AD 2012–09–07, Amendment 39–17042 (77 FR 28238, May 14, 2012), are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, 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.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0277R1, dated December 4, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0484-0002.*

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

(m) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–57–1152, Revision 01, dated December 19, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 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.*

(4) 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.

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

Issued in Renton, Washington, on February 4, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02697 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0522; Directorate Identifier 2014–NM–087–AD; Amendment 39–18100; AD 2015–03–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. This AD was prompted by reports of fuselage skin cracks at the lower forward corner of the main entry door (MED) 1 cutout. This AD requires repetitive inspections of the fuselage skin of the MED 1 cutout for cracking, and repair if necessary; and also provides an optional terminating modification, including post-repair or post-modification fuselage skin inspections for cracking, and corrective actions if necessary. We are issuing this AD to detect and correct skin cracking, which can become large and could adversely affect the structural integrity of the airplane.

DATES: This AD is effective March 25, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 25, 2015.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0522.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0522; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. The NPRM published in the **Federal Register** on August 5, 2014 (79 FR 45385). The NPRM was prompted by reports of fuselage skin cracks at the lower forward corner of the MED 1 cutout. The NPRM proposed to require repetitive inspections of the fuselage skin of the MED 1 cutout for cracking, and repair if necessary. The NPRM also provided optional terminating modification, including post-repair or post-modification inspections for cracking of the fuselage skin, and corrective actions if necessary. We are issuing this AD to detect and correct skin cracking, which can become large and could adversely affect the structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 45385, August 5, 2014) and the FAA's response to each comment.

Support for the NPRM (79 FR 45385, August 5, 2014)

UPS stated that it agrees with the intent of the NPRM (79 FR 45385, August 5, 2014).

Request To Withdraw the NPRM (79 FR 45385, August 5, 2014)

Mr. Jerry Adams requested that we withdraw the NPRM (79 FR 45385, August 5, 2014). Mr. Adams stated that the manufacturer's analysis and subsequent action referred to in Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, should be sufficient. Mr. Adams stated that the cost of compliance does not include the increased cost of airframes that the customer must pay for, and that will subsequently be passed along to the traveling consumer. Mr. Adams asserted that this AD action would be counterproductive to business and the cost of transportation to the general public.

We agree with the comment that the actions described in Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, are sufficient to correct the identified unsafe condition. However, we do not agree with the commenter's request to withdraw the NPRM (79 FR 45385, August 5, 2014). We have identified an unsafe condition that is likely to exist or develop in other products. Therefore, we must issue an airworthiness directive to correct the identified unsafe condition, as required by section 39.5 of the Federal Aviation Regulations (14 CFR 39.5). We accomplish this by mandating specified actions described in Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, by AD action. We have not changed this AD in this regard.

We also note that although the commenter stated that the cost of airframes was not included in the NPRM (79 FR 45385, August 5, 2014), this AD does not require replacing airframes. The costs of accomplishing the actions required by this AD, as specified in Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014 (inspection, repair if necessary, and optional modification), are included in the Costs of Compliance section of this AD.

Request To Revise the Description of the Location Where Cracking Was Identified

Boeing requested that we revise the SUMMARY and Discussion sections of the preamble, and paragraphs (e), (g), and (i) in the proposed AD (79 FR 45385, August 5, 2014) to clarify that the cracking occurs in the fuselage skin, which would match the title of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014.

We agree with the commenter's request because this change will help clarify the cracking location. We have revised this AD accordingly.

Request To Revise Service Information and Cost Estimate

UPS requested that we revise the service information used in this AD. UPS stated that the power panels and other equipment outboard of the main equipment center (MEC) must be removed in order to access the repair or modification area specified in the NPRM (79 FR 45385, August 5, 2014). UPS stated that these removals are currently not included in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, and will require significantly greater manpower than specified in the NPRM.

We disagree with the commenter's request. We have determined it is not appropriate to delay this AD to incorporate revised service information that might be published sometime in the future. Note 10, in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, states:

> If it is necessary to remove more parts for access, you can remove those parts. If you can get access without removing identified parts, it is not necessary to remove all of the identified parts. Jacking and shoring limitations must be observed.

Therefore, operators are already permitted to alter the way they gain access to the required areas for inspections/repairs/modifications specified in this AD. We have received no definitive data that would enable us to provide cost estimates for the MEC removal. We have not changed this AD in this regard.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 45385, August 5, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 45385, August 5, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014. The service information describes procedures for inspection, repair, and modification at the lower forward corner of the fuselage main entry door 1. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 165 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (per door)	11 work-hours × $85 per hour = $935 per inspection cycle.	$0	$935 per inspection cycle	$154,275 per inspection cycle.
Optional modification (per door).	Up to 66 work-hours × $85 per hour = $5,610.	0	Up to $5,610	Up to $925,650.
Post-repair or -modification inspection (per door).	11 work-hours × $85 per hour = $935 per inspection cycle.	0	$935 per inspection cycle	$154,275 per inspection cycle.

We estimate the following costs to do any necessary repair that would be required based on the results of the inspection. We have no way of determining the number of airplanes that might need this repair:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair (per door)	66 work-hours × $85 per hour = $5,610.	$7,380 or $9,360	$12,990 or $14,970.

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–03–04 The Boeing Company: Amendment 39–18100 ; Docket No. FAA–2014–0522; Directorate Identifier 2014–NM–087–AD.

(a) Effective Date

This AD is effective March 25, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of fuselage skin cracks at the lower forward corner of the main entry door (MED) 1 cutout. We are issuing this AD to detect and correct skin cracking, which can become large and could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions

Except as specified in paragraph (j)(1) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014: Do a detailed inspection and a surface high frequency eddy current inspection for cracking of the fuselage skin at the applicable MED 1 cutout, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014. Do all applicable corrective actions before further flight. Repeat the inspections of the applicable MED 1 cutout thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014. Accomplishing the corrective actions required by this paragraph terminates the repetitive inspection requirements of this paragraph.

(h) Optional Terminating Action

For airplanes on which no crack is found during the initial inspections required by paragraph (g) of this AD: Installing the preventive modification in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, terminates the repetitive inspections required by paragraph (g) of this AD.

(i) Post-Repair or Post-Modification Repetitive Inspections and Corrective Actions

For airplanes on which the corrective actions required by paragraph (g) of this AD have been done, or airplanes that have installed the preventive modification specified in paragraph (h) of this AD: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, do a detailed inspection for cracking of the fuselage skin at the applicable MED 1 cutout, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, except as specified in paragraph (j)(2) of this AD. Do all applicable corrective actions before further flight. Repeat the inspection of the fuselage skin at the applicable MED 1 cutout thereafter at the intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014.

(j) Exceptions to Service Information

(1) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, specifies a compliance time ''after the Original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) If any cracking is found during any inspection required by this AD, and Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) 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.

(l) Related Information

For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *Nathan.P.Weigand@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 747–53A2863, dated March 11, 2014.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) 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.

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

Issued in Renton, Washington, on February 2, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02689 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 730 and 744

[Docket No. 150123073–5073–01]

RIN 0694–AG48

Updated Statements of Legal Authority for the Export Administration Regulations To Include Presidential Notice of January 21, 2015

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule updates the Code of Federal Regulations (CFR) legal authority paragraphs in the Export Administration Regulations (EAR) to cite a Presidential notice that extended an emergency declared pursuant to the International Emergency Economic Powers Act. This is a procedural rule that only updates authority paragraphs of the EAR. It does not alter any right, obligation or prohibition that applies to any person under the EAR.

DATES: The rule is effective February 18, 2015.

FOR FURTHER INFORMATION CONTACT: William Arvin, Regulatory Policy Division, Bureau of Industry and Security, Email *william.arvin@bis.doc.gov,* Telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

The authority for parts 730 and 744 of the EAR (15 CFR parts 730 and 744) rests, in part, on Executive Order 12947 of January 23, 1995—Prohibiting Transactions With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process (60 FR 5079, 3 CFR, 1995 Comp., p. 356) and on annual notices by the President continuing the emergency declared in that order. This rule updates the authority paragraphs in 15 CFR parts 730 and 744 to cite the Notice of January 21, 2015, 80 FR 3461 (January 22, 2015), which is the most

recent notice continuing that emergency.

This rule is purely procedural and makes no changes other than to revise CFR authority paragraphs for the purpose of making the authority citations current. It does not change the text of any section of the EAR, nor does it alter any right, obligation or prohibition that applies to any person under the EAR.

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 7, 2014, 79 FR 46959 (August 11, 2014), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701). BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). This rule does not impose any regulatory burden on the public and is consistent with the goals of Executive Order 13563. This rule has been determined not to be significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule does not involve any collection of information.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. The Department finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are unnecessary. This rule only updates legal authority citations. It clarifies information and is non-discretionary. This rule does not alter any right, obligation or prohibition that applies to any person under the EAR. Because these revisions are not substantive changes, it is unnecessary to provide notice and opportunity for public comment. In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is not applicable because this rule is not a substantive rule. Because neither the Administrative Procedure Act nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects

15 CFR Part 730

Administrative practice and procedure, Advisory committees, Exports, Reporting and recordkeeping requirements, Strategic and critical materials.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 730 and 744 of the EAR (15 CFR parts 730–774) are amended as follows:

PART 730—[AMENDED]

■ 1. The authority citation for 15 CFR part 730 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p. 133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; E.O. 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013); Notice of May 7, 2014, 79 FR 26589 (May 9, 2014); Notice of August 7, 2014, 79 FR 46959 (August 11, 2014); Notice of September 17, 2014, 79 FR 56475 (September 19, 2014); Notice of November 7, 2014, 79 FR 67035 (November 12, 2014); Notice of January 21, 2015, 80 FR 3461 (January 22, 2015).

PART 744—[AMENDED]

■ 2. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of January 21, 2014, 79 FR 3721 (January 22, 2014); Notice of August 7, 2014, 79 FR 46959 (August 11, 2014); Notice of September 17, 2014, 79 FR 56475 (September 19, 2014); Notice of January 21, 2015, 80 FR 3461 (January 22, 2015).

Dated: February 9, 2015.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2015–03318 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740 and 742

[Docket No. 140812661–4661–01]

RIN 0694–AG24

Revisions to License Exception Availability for Consumer Communications Devices and Licensing Policy for Civil Telecommunications-Related Items Such as Infrastructure Regarding Sudan

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations to revise the general licensing policy of denial to one of case-by-case licensing for exports and reexports to Sudan of telecommunications equipment and associated computers, software, and technology for civil end use, including items useful for the development of civil telecommunications network

infrastructure. It also revises License Exception Consumer Communications Devices (CCD), which previously applied only to consumer communications devices to Cuba, to authorize exports and reexports of such devices to Sudan. Additionally, it makes minor technical changes to the list of items that are eligible for both Sudan and Cuba under the license exception. This rule also makes changes to License Exception Temporary Imports, Exports, Reexports and Transfers (in-country) (TMP) in light of the changes to License Exception CCD. Finally, it removes a license requirement for reexports to Sudan of certain telecommunications software. BIS is making these changes consistent with the U.S. Government's commitment to the advancement of the free flow of information to, from, and within Sudan, including during a national dialogue.

DATES: The rule is effective February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Theodore Curtin, telephone (202) 482–4252, email *theodore.curtin@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 742.10 of the Export Administration Regulations (EAR) requires a license for antiterrorism reasons for the export and reexport of most items on the Commerce Control List, Supp. 1 to part 774, to Sudan in keeping with Sudan's designation as a state sponsor of terrorism. These items include certain consumer communication devices and related software and telecommunications infrastructure items that do not require a license for export or reexport to most destinations. Prior to publication of this rule, the EAR imposed a general policy of denial on applications for export or reexport of many of these items to Sudan. This rule modifies that policy to one of case-by-case review with respect to telecommunications equipment and associated computers, software and technology for civil end use, including items useful for the development of civil telecommunications network infrastructure. This rule also makes certain telecommunications software that was subject to a reexport license requirement prior to this rule's publication eligible for reexport to Sudan without a license and authorizes use of a license exception to export or reexport consumer communications devices to Sudan. This rule is being published simultaneously with a Department of the Treasury, Office of Foreign Assets Control general license in the Sudanese Sanctions Regulations (31 CFR part 538) for export or reexport of certain services, hardware, and software incident to personal communications to Sudan. BIS is publishing this rule after consultations with the Department of State to facilitate communication and the free flow of information among the Sudanese people, including by providing them with access to communications tools.

Specific Changes Made by This Rule

Expansion of License Exception Consumer Communication Devices (CCD) and Implementation of Conforming Change to License Temporary Imports, Exports, Reexports and Transfers (In-Country) (TMP)

This rule revises § 740.19 of the EAR (License Exception CCD) to add Sudan as an eligible destination. This license exception authorizes export and reexport of consumer communications devices (commodities such as computers, communications equipment and related items including personal computers, mobile phones, televisions, radios and digital cameras) that are widely available for retail purchase and that are commonly used to exchange information and facilitate interpersonal communications, as well as certain telecommunications- and information security-related software. Prior to publication of this rule, Cuba was the only eligible destination under License Exception CCD. This rule also makes some additions and other changes to the license exception related to the addition of Sudan. The changes related to Sudan are:

- Adding certain Global Positioning System receivers or similar satellite receivers as eligible items for export and reexport to Sudan under this license exception; and
- Limiting availability of the license exception to certain consumer software that is distributed free of charge in situations where the government of Sudan is the end user.

Many of the items eligible for export and reexport under this license exception are designated EAR99. Consequently, prior to the publication of this rule, they did not require a license from BIS for export or reexport to Sudan under most circumstances (*i.e.,* circumstances that do not trigger end-use or end-user concerns under part 744 of the EAR). Similarly, commodities classified under Export Control Classification Number (ECCN) 5A992 generally did not require a license from BIS for reexport to Sudan in the absence of part 744-related end-use and end-user concerns. The publication of this rule does not change these two general practices. Adding Sudan to License Exception CCD as an eligible destination does not impose a license requirement for such items. However, the license exception would be available for the export or reexport to Sudan of items listed on the CCL that would otherwise require a license.

BIS is making these changes to License Exception CCD to facilitate the supplying of communications capabilities to people in Sudan in support of the U.S. Government's policy to promote the Sudanese people's communication among themselves and with the outside world, including during a national dialogue where the Sudanese people may participate in broad discussions to address their longstanding concerns regarding governance. This rule is intended to facilitate inclusive and broad participation in such a dialogue by making the necessary communications tools available to the Sudanese people. These changes are being made in coordination with a general license being published simultaneously by the Department of the Treasury, Office of Foreign Assets Control and added to the Sudanese Sanctions Regulations (31 CFR part 538) that generally authorizes the export and reexport to Sudan of certain services, hardware, and software incident to personal communications.

Changes to License Exception CCD Affecting Items Eligible for Cuba and Sudan

This rule adds a note that defines the term ''consumer'' for purposes of paragraph (b), which applies the term ''consumer'' when describing the commodities and software in paragraphs (b)(1)—computers, (b)(2)—disk drives and solid state storage equipment, (b)(12)—information security equipment, software and peripherals and (b)(17)—software. This addition is not a substantive change to the scope of License Exception CCD. This addition emphasizes the consistency of this rule with the related general license being published simultaneously by the Department of the Treasury, Office of Foreign Assets Control, which includes this definition of ''consumer'' in connection with commodities and software.

Conforming Change to License Exception TMP

This rule also removes the provision of License Exception TMP (§ 740.9(a)(2) of the EAR) related to tools of trade being temporarily taken to Sudan for a specific class of persons for certain specified purposes (generally,

temporary exports and reexports by non-governmental organizations and related individuals, including employees and contractors, for development or humanitarian purposes) because it is no longer necessary. With the changes made by this rule, License Exception CCD now authorizes all of the exports and reexports that were authorized by that provision of License Exception TMP without the limitations imposed by License Exception TMP on duration, class of persons who may use the license exception, and end use.

Certain Telecommunications Software Made Eligible for Reexport to Sudan Without a License

This rule makes software controlled under ECCN 5D992.b or .c eligible for reexport to Sudan without a license from BIS. Software controlled under ECCN 5D992.b has the characteristics of, or performs or simulates the functions of, telecommunications equipment and information security equipment controlled under ECCN 5A992.a or .b. Commodities controlled under ECCN 5A992 were eligible for reexport to Sudan without a license from BIS prior to the publication of this rule. This change makes software that shares the characteristics of and/or performs or simulates the same functions as the hardware (commodities) eligible for reexport to Sudan on the same terms as the commodities themselves. Software controlled under ECCN 5D992.c includes mass market software such as mobile apps that may promote personal communications by the Sudanese people.

Adoption of Case-by-Case License Application Review Policy

This rule revises the statement of antiterrorism licensing policy for Sudan set forth in § 742.10 of the EAR to provide that license applications for export or reexport to Sudan of ''telecommunications equipment and associated computers, software and technology for civil end use, including items useful for the development of civil telecommunications network infrastructure'' will be considered on a case-by-case basis rather than being subject to a general policy of denial. This change is being made to allow BIS and the other agencies that review such applications to further U.S. government policy of advancing the free flow of information to, from and within Sudan and to facilitate the Sudanese people's communications among themselves and with the outside world. BIS recognizes the importance of adequate civil telecommunications network infrastructural capability to enable the Sudanese people to engage in secure, effective, and reliable personal communications.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). This rule does not impose any regulatory burden on the public and is consistent with the goals of Executive Order 13563. This rule has been determined to be significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. This rule involves a collection of information approved under OMB control number 0694–0088—Simplified Network Application Processing+ System (SNAP+) and the Multipurpose Export License Application which carries an annual estimated burden of 31,833 hours. BIS believes that this rule will have no material impact on that burden. To the extent that it has any impact at all, the impact would be to reduce the burden because this rule makes some transactions that would otherwise require a license eligible for a license exception.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. BIS finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice of proposed rulemaking and the opportunity for public comment because it is impracticable and contrary to the public interest. BIS is publishing this rule as part of a State Department-led initiative to promote the free flow of information and to facilitate communications by the Sudanese people. This rule supports that initiative by reducing the procedural requirements needed to send personal communications devices, such as mobile phones, that are the instruments of modern communications to Sudan. Ensuring that the Sudanese people have tools to communicate freely is particularly vital. In a joint statement issued on September 18, 2014, the United States, the United Kingdom, and Norway reiterated their ''support for a mediation architecture that facilitates both resolution of conflict and a comprehensive process of national dialogue.'' The time needed to conduct a notice and public comment would thwart the purpose of this rule, which is to enhance communications, including during a national dialogue period. Consistent with the initiative, this rule amends the EAR to allow case-by-case review of license applications to send telecommunications-related items, including items useful for the development of civil telecommunications infrastructure, to Sudan. In coordination with BIS, the Department of the Treasury, Office of Foreign Assets Control (OFAC) is amending the Sudanese Sanctions Regulations (31 CFR part 538) to authorize similar transactions involving the exportation of certain services, software, and hardware incident to personal communications. The time that would be required for notice and opportunity for public comment required by 5 U.S.C. part 553 for BIS's rule would undermine the opportunity for enhanced communications and information flow, thereby causing the rule to fail to meet the objective of promoting the Sudanese people's ability to communicate in a free, robust, and secure manner. Delay in publication of this rule would be contrary to the public interest because it would undermine the ability of the Sudanese people to participate fully in a national dialogue.

BIS also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness. This rule amends the EAR to allow case-by-case review of license applications to send telecommunications-related items, including items useful for the development of civil telecommunications infrastructure, to Sudan. The 30-day delay in effectiveness otherwise required under 5 U.S.C. 553 would undermine the opportunity for enhanced communications and information flow, thereby causing the rule to fail in its objective, which is to promote the Sudanese people's ability to communicate in a free, robust, and secure manner including during a national dialogue. This final rule is being implemented with immediate effectiveness to be concurrent with OFAC's publication of its regulatory changes, which are also being made effective upon publication. Prompt, simultaneous publication is important in light of the fact that certain

transactions with Sudan require authorization under both the EAR and the Sudanese Sanctions Regulations. For example, an export of an item might require an export license from BIS and a separate license from OFAC. Payment for the export might also require authorization from OFAC. Simultaneous publication would permit effective implementation of the changes to the two agencies' regulations. In particular, it would ensure that an export transaction authorized under OFAC's general license pertaining to certain software, hardware, and services incident to personal communications would be eligible for a license exception under the EAR rather than requiring a license from BIS, thereby effectuating the U.S. Government's policy to advance personal communications in Sudan.

List of Subjects

15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Terrorism.

For the reasons set forth in the preamble, the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (Aug. 11, 2014).

§ 740.9 [Amended]

■ 2. Section 740.9 is amended by:
■ a. Removing the semicolon and the phrase ''for Sudan, see paragraph (a)(2) of this section'' from the first sentence of paragraph (a)(1); and
■ b. Removing and reserving paragraph (a)(2).

■ 3. Section 740.19 is amended by:
■ a. Revising paragraph (a);
■ b. Revising paragraph (b) introductory text;
■ c. Removing the word ''and'' from the end of paragraph (b)(16);
■ d. Removing the period from the end of paragraph (b)(17) and adding in its place a semicolon followed by the word ''and'';
■ e. Adding paragraph (b)(18);
■ f. Adding a note to paragraph (b); and
■ g. Revising paragraph (c).

The revisions and additions read as follows:

§ 740.19 Consumer Communications Devices (CCD).

(a) *Authorizations.* This section authorizes the export or reexport of commodities and software, either sold or donated, to Cuba or Sudan subject to the requirements stated herein. This section does not authorize U.S.-owned or -controlled entities in third countries to engage in reexports of foreign produced commodities to Cuba for which no license would be issued by the Department of the Treasury pursuant to 31 CFR 515.559.

(b) *Eligible commodities and software.* Commodities and software in paragraphs (b)(1) through (17) of this section are eligible for export or reexport under this section to Cuba or Sudan. Commodities in paragraph (b)(18) of this section are eligible for export or reexport under this section to Sudan only.

* * *

(18) (Sudan only) Global Positioning System receivers or similar satellite receivers controlled under ECCN 7A994.

Note to paragraph (b): In this paragraph, the term ''consumer'' refers to items that are:

1. Generally available to the public by being sold, without restriction, from stock at retail selling points by means of any of the following:
   a. Over-the-counter transactions;
   b. Mail order transactions;
   c. Electronic transactions; or
   d. Telephone call transactions; and
2. Designed for installation by the user without further substantial support by the supplier.

(c) *Eligible and ineligible end-users*—(1) *Organizations.* (i) This license exception may be used to export or reexport eligible commodities and software to and for the use of independent non-governmental organizations in Cuba or Sudan.

(ii) The Cuban Government or the Cuban Communist Party and organizations they administer or control are not eligible end-users.

(iii) The Government of Sudan is not an eligible end-user for any item exported or reexported pursuant to this license exception except for consumer software that is authorized under paragraph (b)(12) or (b)(17) of this section and that is distributed free of charge.

(2) *Individuals.* This License Exception may be used to export eligible commodities and software to and for the use of individuals other than the following:

(i) *Ineligible Cuban Government Officials.* Ministers and vice-ministers; members of the Council of State; members of the Council of Ministers; members and employees of the National Assembly of People's Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; or members and employees of the Supreme Court (Tribuno Supremo Nacional).

(ii) *Ineligible Cuban Communist Party Officials.* Members of the Politburo; the Central Committee; Department Heads of the Central Committee; employees of the Central Committee; and the secretaries and first secretaries of provincial Party central committees.

PART 742—[AMENDED]

■ 4. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014); Notice of November 7, 2014, 79 FR 67035 (November 12, 2014).

■ 5. Section 742.10 is amended by:
■ a. Revising the first sentence of paragraph (a)(2);
■ b. Revising paragraph (b)(3);
■ c. Redesignating the note to paragraph (b) as the note to paragraph (b)(3); and
■ d. Revising the newly redesignated note to paragraph (b)(3), to read as follows:

§ 742.10 Anti-terrorism: Sudan.

(a) * * *

(2) If AT column 1 or AT column 2 of the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR) is indicated in the appropriate ECCN, a license is required for *reexport* to Sudan for anti-terrorism purposes, *except* for ECCNs 2A994, 3A992.a, 5A991.g, 5A992, 5D992.b or .c, 6A991, 6A998, 7A994, 8A992.d, .e, .f, and .g,

9A990.a and .b, and 9A991.d and .e.
* * *

* * * * *

(b) * * *

(3) Notwithstanding the provisions of paragraphs (b)(1) and (b)(2) of this section, applications for Sudan will be considered on a case-by-case basis in the following four situations.

(i) The transaction involves the reexport to Sudan of items where Sudan was not the intended ultimate destination at the time of original export from the United States, provided that the exports from the U.S. occurred prior to the applicable contract sanctity date.

(ii) The U.S. content of foreign-produced commodities is 20% or less by value.

(iii) The commodities are medical items.

(iv) The items are telecommunications equipment and associated computers, software and technology for civil end use, including items useful for the development of civil telecommunications network infrastructure.

Note to paragraph (b)(3) of this section: Applicants who wish any of the factors described in paragraph (b)(3) of this section to be considered in reviewing their license applications must submit adequate documentation demonstrating the appropriateness of the factor: *i.e.,* the date of export from the United States, the value of the U.S. content, the specifications and medical use of the equipment, or the specific civil end use of the item and any function the item will have in the development of civil telecommunications network infrastructure, as relevant to the factor for which consideration is sought.

* * * * *

Dated: February 12, 2015.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2015–03329 Filed 2–17–15; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 141230999–4999–01]

RIN 0694–AG46

Addition of Certain Persons to the Entity List; and Removal of Person From the Entity List Based on a Removal Request

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by adding eleven persons to the Entity List. The eleven persons who are added to the Entity List have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. These eleven persons will be listed on the Entity List under the destinations of People's Republic of China (China), Pakistan, and United Arab Emirates (U.A.E.).

This final rule also removes one person from the Entity List, as the result of a request for removal submitted by the person, a review of information provided in the removal request in accordance with the procedure for requesting removal or modification of an Entity List entity, and further review conducted by the End-User Review Committee (ERC).

DATES: This rule is effective February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to Part 744) notifies the public about entities that have engaged in activities that could result in an increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to include activities sanctioned by the State Department and activities contrary to U.S. national security or foreign policy interests. Certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require licenses from BIS and are usually subject to a policy of denial. The availability of license exceptions in such transactions is very limited. The license review policy for each entity is identified in the license review policy column on the Entity List and the availability of license exceptions is noted in the **Federal Register** notices adding persons to the Entity List. BIS places entities on the Entity List based on certain sections of part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The ERC, composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add eleven persons under eleven entries to the Entity List. These eleven persons are being added on the basis of § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The eleven entries added to the Entity List consist of four entries in China, four in Pakistan, and three in the U.A.E.

The ERC reviewed § 744.11(b) (Criteria for revising the Entity List) in making the determination to add these eleven persons to the Entity List. Under that paragraph, persons for whom there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such persons may be added to the Entity List. Paragraphs (b)(1) through (b)(5) of § 744.11 include an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States.

The ERC determined the following four persons being added to the Entity List under the destination of China have been involved in activities contrary to the national security and foreign policy interests of the United States. The ERC determined that the National University of Defense Technology (NUDT), the National Supercomputing Center in Changsha (NSCC–CS), National Supercomputing Center in Guangzhou (NSCC–GZ), and the National Supercomputing Center in Tianjin (NSCC–TJ), all located in the People's Republic of China, meet the guidelines listed under § 744.11(b): Entities for which there is reasonable cause to believe, based on specific and articulated facts, that an entity has been involved, is involved, or poses a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such entities may be added to the Entity List pursuant to this

section. Specifically, NUDT has used U.S.-origin multicores, boards, and (co)processors to produce the TianHe–1A and TianHe–2 supercomputers located at the National Supercomputing Centers in Changsha, Guangzhou, and Tianjin. The TianHe–1A and TianHe–2 supercomputers are believed to be used in nuclear explosive activities as described in § 744.2(a) of the EAR.

The ERC also determined the seven persons being added to the Entity List under the destinations of Pakistan (four additions) and the U.A.E. (three additions) have been involved in activities contrary to the national security and foreign policy interests of the United States. The ERC determined that Pakistan's Hakim Noor (a.k.a., Hakim Nur) and the United Arab Emirates' Ajab Noor (a.k.a., Ajab Nur) and entities working with Hakim and Ajab meet the guidelines listed under § 744.11(b). Specifically, Hakim Noor, Ajab Noor, Sher Qadir, Azad Motors Property Choice, Hakim Nur Sarafa, Ajab Trading Co. LLC, and Perfect Tyre Trading Co. LLC, have engaged in activities in support of the Haqqani Network, a person designated by the Secretary of State as a Foreign Terrorist Organization, and a number of transnational extremist organizations.

Pursuant to § 744.11(b)(1) and (b)(5) of the EAR, the ERC determined that the conduct of these eleven persons raises sufficient concern that prior review of exports, reexports, or transfers (in-country) of items subject to the EAR involving these persons, and the possible imposition of license conditions or license denials on shipments to the persons, will enhance BIS's ability to prevent violations of the EAR.

For the National University of Defense Technology (NUDT), National Supercomputing Center in Changsha (NSCC–CS), National Supercomputing Center in Guangzhou (NSCC–GZ), and the National Supercomputing Center in Tianjin (NSCC–TJ), the ERC specified a license requirement for all items subject to the EAR, and established a license application review policy of case-by-case review for all items subject to the EAR. For the other seven persons recommended for addition on the basis of § 744.11, the ERC specified a license requirement for all items subject to the EAR and a license review policy of presumption of denial.

The license requirements apply to any transaction in which items are to be exported, reexported, or transferred (in-country) to any of the persons or in which such persons act as purchaser, intermediate consignee, ultimate consignee, or end-user. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this rule.

This final rule adds the following eleven persons under eleven entries to the Entity List:

China

(1) *National Supercomputing Center Changsha (NSCC–CS)*, Changsha City, Hunan Province, China;

(2) *National Supercomputing Center Guangzhou (NSCC–GZ)*, Sun Yat-Sen University, University City, Guangzhou, China;

(3) *National Supercomputing Center Tianjin (NSCC–TJ)*, 7th Street, Binhai New Area, Tianjin, China; *and*

(4) *National University of Defense Technology (NUDT)*, Garden Road (Metro West), Changsha City, Kaifu District, Hunan Province, China.

Pakistan

(1) *Azad Motors Property Choice*, a.k.a., the following four aliases:

—Peshawar Master Azad Motors;

—Peshawar Motors Complex;

—Karakoram Azad Motors; *and*

—Azad Cars. Main GT Road, Hajji Camp, Peshawar, Pakistan;

(2) *Hakim Noor*, a.k.a., the following one alias:

—Hakim Nur. Sarafa Shop #10, Noor Muhammad Market, Miram Shaw, Pakistan; *and* Mir Nasir Plaza, Sikandar Pura, Pakistan;

(3) *Hakim Nur Sarafa*, a.k.a., the following two aliases:

—Noor Muhammad Market; *and*

—Haji Hakim Noor Saraf. Sarafa Shop #10, Noor Muhammad Market, Miram Shaw, Pakistan; *and* Market Shop Number 10, Sarafa Bazar Miram Shaw, Pakistan; *and*

(4) *Sher Qadir*, Darpa Khel Village, Mirim Shaw, Pakistan.

United Arab Emirates

(1) *Ajab Noor*, a.k.a., the following one alias:

—Ajab Nur. Box No. 28715, Dubai, U.A.E.; *and* Dubai Tower, Al Maktoum Rd, Al Rigga, Dubai, Near Baniyas Square Metro Station, U.A.E.;

(2) *Ajab Trading Co. LLC,* Box No. 28715, Dubai, U.A.E.; *and* Dubai Tower, Al Maktoum Rd, Al Rigga, Dubai, Near Baniyas Square Metro Station, U.A.E.; *and*

(3) *Perfect Tyre Trading Co LLC*, Al Ain—Al Sanaiya—Inh. Mohammed Sultan Aldarmaki–Bld, Dubai, U.A.E.; *and* Post Box No. 67221, Abu Dhabi, U.A.E.

Removal From the Entity List

This rule implements a decision of the ERC to remove one person, SATCO GmbH, located in Germany, from the Entity List on the basis of a removal request by a company of the same name as the listed person. Based upon a review of the information provided in the removal request in accordance with § 744.16 (Procedure for requesting removal or modification of an Entity List entity), the ERC determined that this person should be removed from the Entity List.

SATCO GmbH was originally added to the Entity List on December 12, 2013 (78 FR 75458) for participating in a procurement ring headed by Saeed Talebi (Talebi) that coordinated the supply and sale of U.S.-origin items in violation of Department of Treasury, Office of Foreign Assets Control regulations and the EAR. Based on a request from an unrelated company of the same name being adversely impacted, and the fact that SATCO GmbH is not a legally established corporate entity in Bremen, Germany, and that BIS has no evidence of the use of this name by Talebi network since their addition to the Entity List, the ERC determined to remove SATCO GmbH from the Entity List.

In accordance with § 744.16(c), the Deputy Assistant Secretary for Export Administration has sent written notification to this person, informing the person of the ERC's decision to remove the person from the Entity List.

This final rule implements the decision to remove the following one person located in Germany from the Entity List:

Germany

(1) *SATCO GmbH*, a.k.a., the following one alias:

—Satco Inc., Park Street 4, Bremen, Germany 28209.

The removal of the one entity referenced above, which was approved by the ERC, eliminates the existing license requirements in Supplement No. 4 to part 744 for exports, reexports and transfers (in-country) to this entity. However, the removal of this entity from the Entity List does not relieve persons of other obligations under part 744 of the EAR or under other parts of the EAR. Neither the removal of an entity from the Entity List nor the removal of Entity List-based license requirements relieves persons of their obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR which provides that, ''you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or

end-use that is prohibited by part 744 of the EAR.'' Additionally this removal does not relieve persons of their obligation to apply for export, reexport or in-country transfer licenses required by other provisions of the EAR. BIS strongly urges the use of Supplement No. 3 to part 732 of the EAR, ''BIS's 'Know Your Customer' Guidance and Red Flags,'' when persons are involved in transactions that are subject to the EAR.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on February 18, 2015, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 7, 2014, 79 FR 46959 (August 11, 2014), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov*, or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. For the eleven persons added under eleven entries to the Entity List in this final rule, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). BIS implements this rule to protect U.S. national security or foreign policy interests by preventing items from being exported, reexported, or transferred (in-country) to the persons being added to or the entries being modified on the Entity List. If this rule were delayed to allow for notice and comment and a delay in effective date, then entities being added to the Entity List by this action would continue to be able to receive items without a license and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, because these parties may receive notice of the U.S. Government's intention to place these entities on the Entity List if a proposed rule is published, doing so would create an incentive for these persons to either accelerate receiving items subject to the EAR to conduct activities that are contrary to the national security or foreign policy interests of the United States, or to take steps to set up additional aliases, change addresses, and other measures to try to limit the impact of the listing on the Entity List once a final rule was published. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

5. For the one removal from the Entity List in this final rule, pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), BIS finds good cause to waive requirements that this rule be subject to notice and the opportunity for public comment because it would be contrary to the public interest.

In determining whether to grant removal requests from the Entity List, a committee of U.S. Government agencies (the End-User Review Committee (ERC)) evaluates information about and commitments made by listed persons requesting removal from the Entity List, the nature and terms of which are set forth in 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b). The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (72 FR 31005 (June 5, 2007) (proposed rule), and 73 FR 49311 (August 21, 2008) (final rule)). This one removal has been made within the established regulatory framework of the Entity List. If the rule were to be delayed to allow for public comment, U.S. exporters may face unnecessary economic losses as they turn away potential sales because the customer remained a listed person on the Entity List even after the ERC approved the removal pursuant to the rule published at 73 FR 49311 on August 21, 2008. By publishing without prior notice and comment, BIS allows the applicant to receive U.S. exports immediately since this one applicant already has received approval by the ERC pursuant to 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b).

The removals from the Entity List granted by the ERC involve interagency deliberation and result from review of public and non-public sources, including sensitive law enforcement information and classified information, and the measurement of such information against the Entity List removal criteria. This information is extensively reviewed according to the

criteria for evaluating removal requests from the Entity List, as set out in 15 CFR part 744, Supplement No. 5 and 15 CFR 744.16(b). For reasons of national security, BIS is not at liberty to provide to the public detailed information on which the ERC relied to make the decision to remove this entity. In addition, the information included in the removal request is information exchanged between the applicant and the ERC, which by law (section 12(c) of the Export Administration Act), BIS is restricted from sharing with the public. Moreover, removal requests from the Entity List contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such removal requests.

Section 553(d) of the APA generally provides that rules may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(1) because this rule is a substantive rule which relieves a restriction. This rule's removal of one person from the Entity List removes a requirement (the Entity-List-based license requirement and limitation on use of license exceptions) on this one person being removed from the Entity List. The rule does not impose a requirement on any other person for this one removal from the Entity List.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the APA or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. As a result, no final regulatory flexibility analysis is required and none has been prepared.

List of Subject in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of January 21, 2014, 79 FR 3721 (January 22, 2014); Notice of August 7, 2014, 79 FR 46959 (August 11, 2014); Notice of September 17, 2014, 79 FR 56475 (September 19, 2014); Notice of January 21, 2015, 80 FR 3461 (January 22, 2015).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. By adding under China, in alphabetical order, four Chinese entities;

■ b. By removing under Germany, one German entity, ''Satco GmbH, a.k.a., the following one alias: -Satco Inc. Park Street 4, Bremen, Germany 28209.'';

■ c. By adding under Pakistan, in alphabetical order, four Pakistani entities; *and*

■ d. By adding under United Arab Emirates, in alphabetical order, three Emirati entities.

The additions read as follows:

Supplement No. 4 to Part 744—Entity List

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF	*	*	*	*
	National Supercomputing Center Changsha (NSCC–CS), Changsha City, Hunan Province, China	For all items subject to the EAR. (See § 744.11 of the EAR)	Case-by-case basis	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	National Supercomputing Center Guangzhou (NSCC–GZ), Sun Yat-Sen University, University City, Guangzhou, China	For all items subject to the EAR. (See § 744.11 of the EAR)	Case-by-case basis	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	National Supercomputing Center Tianjin (NSCC–TJ), 7th Street, Binhai New Area, Tianjin, China	For all items subject to the EAR. (See § 744.11 of the EAR)	Case-by-case basis	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	National University of Defense Technology (NUDT), Garden Road (Metro West), Changsha City, Kaifu District, Hunan Province, China	For all items subject to the EAR. (See § 744.11 of the EAR)	Case-by-case basis	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	*	*	*	*
*	*	*	*	*
PAKISTAN	*	*	*	*
	Azad Motors Property Choice, a.k.a., the following four aliases: —Peshawar Master Azad Motors; —Peshawar Motors Complex; —Karakoram Azad Motors; *and* —Azad Cars	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	80 FR [INSERT FR PAGE NUMBER 2/18/15].

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Main GT Road, Hajji Camp, Peshawar, Pakistan			
	* *	*	* *	*
	Hakim Noor, a.k.a., the following one alias: —Hakim Nur. Sarafa Shop #10, Noor Muhammad Market, Miram Shaw, Pakistan; *and* Mir Nasir Plaza, Sikandar Pura, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	Hakim Nur Sarafa, a.k.a., the following two aliases: —Noor Muhammad Market; *and* —Haji Hakim Noor Saraf. Sarafa Shop #10, Noor Muhammad Market, Miram Shaw, Pakistan; *and* Market Shop Number 10, Sarafa Bazar Miram Shaw, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	* *	*	* *	*
	Sher Qadir, Darpa Khel Village, Mirim Shaw, Pakistan	For all items subject to the EAR	Presumption of denial	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	* *	*	* *	*
*	* *	*	* *	*
UNITED ARAB EMIRATES	* *	*	* *	*
	Ajab Noor, a.k.a., the following one alias: —Ajab Nur. Box No. 28715, Dubai, U.A.E.; *and* Dubai Tower, Al Maktoum Rd, Al Rigga, Dubai, Near Baniyas Square Metro Station, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	Ajab Trading Co. LLC, Box No. 28715, Dubai, U.A.E.; *and* Dubai Tower, Al Maktoum Rd, Al Rigga, Dubai, Near Baniyas Square Metro Station, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	* *	*	* *	*
	Perfect Tyre Trading Co LLC, Al Ain—Al Sanaiya—Inh. Mohammed Sultan Aldarmaki—Bld, Dubai, U.A.E.; *and* Post Box No. 67221, Abu Dhabi, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	80 FR [INSERT FR PAGE NUMBER 2/18/15].
	* *	*	* *	*
*	* *	*	* *	*

Dated: February 12, 2015.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2015–03321 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2014–0006; T.D. TTB–128; Ref: Notice No. 144]

RIN 1513–AC09

Establishment of the Fountaingrove District Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 38,000-acre ''Fountaingrove District'' viticultural area in Sonoma County, California. The viticultural area lies entirely within the larger, multicounty North Coast viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective March 20, 2015.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (Revised), dated December 10, 2013, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Fountaingrove District Petition

TTB received a petition from Douglas Grigg of Walnut Hill Vineyards, LLC, on behalf of the Fountaingrove Appellation Committee, proposing the establishment of the ''Fountaingrove District'' AVA in Sonoma County, California, northeast of the city of Santa Rosa. The committee originally proposed the name ''Fountaingrove,'' after the 19th Century utopian community of Fountaingrove that once existed within the region of the proposed AVA. Before the publication of the proposed rule, the committee submitted to TTB a request to change the name to ''Fountaingrove District'' in order to avoid affecting current use of the word ''Fountaingrove,'' standing alone, in brand names on wine labels. The proposed AVA covers approximately 38,000 acres and has approximately 35 commercially-producing vineyards covering a total of 500 acres.

The proposed Fountaingrove District AVA is located entirely within the larger, multicounty North Coast AVA (27 CFR 9.30). The proposed AVA shares its boundaries with the established Russian River Valley (27 CFR 9.66), Chalk Hill (27 CFR 9.52), Knights Valley (27 CFR 9.76), Calistoga (27 CFR 9.209), Diamond Mountain District (27 CFR 9.166), Spring Mountain District (27 CFR 9.143), and Sonoma Valley (27 CFR 9.29) AVAs but does not overlap any of these AVAs.

According to the petition, the distinguishing features of the proposed Fountaingrove District AVA are its topography, climate, and soils. The proposed AVA is located on the western slopes of the Mayacmas Mountains and features low, rolling hills as well as higher, steeper mountains with southwest-facing slopes. The Sonoma Mountains, along the southwestern boundary of the proposed AVA, shelter the proposed AVA from the strongest marine breezes and heaviest fog, but an air gap in the mountains does allow some cooling air and fog into the proposed AVA. The moderate temperatures within the proposed Fountaingrove District AVA are suitable for growing cabernet sauvignon, chardonnay, sauvignon blanc, merlot, cabernet franc, zinfandel, syrah, and voignier grape varieties. The proposed

AVA contains a variety of different soils, but most of the soils are derived from Sonoma Volcanic and Franciscan Formation bedrock and consist of volcanic materials, such as pumiceous ashflow tuff and basalt lava. The soils contain high levels of iron, which is essential for healthy vine growth, but also contain high levels of nickel, which can be toxic to grapevines unless the soil is ameliorated to reduce the level.

To the west of the proposed Fountaingrove District AVA, the established Russian River Valley AVA is a low, broad valley with cooler temperatures and soil derived from river deposits. To the north, the Knights Valley AVA is warmer than the proposed AVA and contains broad stream valleys with soils derived from river deposits. Also to the north of the proposed AVA is the Chalk Hill AVA, which has temperatures and topography similar to the proposed AVA, but has soils that are derived primarily from river deposits. To the east, the Calistoga, Diamond Mountain District, and Spring Mountain District AVAs have northeast-facing slopes, warmer temperatures, and less soil diversity. To the south, the Sonoma Valley AVA is a large, broad valley with soils derived from river deposits and temperatures that are warmer than those of the proposed AVA.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 144 in the **Federal Register** on June 30, 2014 (79 FR 36683), proposing to establish the Fountaingrove District AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 144.

In Notice No. 144, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, TTB solicited comments on whether the geographic features of the proposed Fountaingrove District are so distinguishable from the established North Coast AVA that the proposed AVA should not be part of the established AVA. The comment period closed on August 29, 2014.

Comments Received

In response to Notice No. 144, TTB received a total of four comments, all of which supported the establishment of the Fountaingrove District AVA. Commenters included three local vineyard and winery owners and one person who listed no affiliation. All of the comments generally supported the establishment of the proposed AVA due to its distinctive climate and soils and its long history as a wine region. One comment (comment 4) also supported the establishment of the proposed AVA as a way to honor the accomplishments of Kanaye Nagasawa, a Japanese citizen who managed the vineyards and winery of the Fountaingrove community and became one of the most prominent wine makers in California during the early 1900s.

The comments did not raise any new issues concerning the proposed AVA. TTB received no comments opposing the establishment of the Fountaingrove District AVA. TTB also did not receive any comments in response to its question of whether the proposed Fountaingrove District AVA is so distinguishable from the established North Coast AVA that the proposed AVA should not be part of the established AVA.

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 144, TTB finds that the evidence provided by the petitioner supports the establishment of the Fountaingrove District AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and part 4 of the TTB regulations, TTB establishes the ''Fountaingrove District'' AVA in Sonoma County, California, effective 30 days from the publication date of this document.

TTB has also determined that the Fountaingrove District AVA will remain part of the established North Coast AVA. As discussed in Notice No. 144, the Fountaingrove District AVA receives some of the marine breezes and fog that are the primary characteristics of the North Coast AVA. However, the Fountaingrove District AVA is also a unique microclimate within the larger AVA because the Mayacmas Mountains shelter the Fountaingrove District AVA from the strongest breezes and heaviest fog. Additionally, due to its smaller size, the Fountaingrove District AVA is more uniform in its geographical and climatic characteristics than the much larger, multicounty North Coast AVA.

Boundary Description

See the narrative description of the boundary of the AVA in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of this AVA, its name, ''Fountaingrove District,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Consequently, wine bottlers using the name ''Fountaingrove District'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin. TTB is not designating ''Fountaingrove,'' standing alone, as a term of viticultural significance due to the current use of ''Fountaingrove,'' standing alone, as a brand name on wine labels.

The establishment of the Fountaingrove District AVA will not affect any existing AVA, and any bottlers using ''North Coast'' as an appellation of origin or in a brand name for wines made from grapes grown within the North Coast AVA will not be affected by the establishment of this new AVA. The establishment of the Fountaingrove District AVA will allow vintners to use ''Fountaingrove District''

and ''North Coast'' as appellations of origin for wines made primarily from grapes grown within the Fountaingrove District AVA if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.250 to read as follows:

§ 9.250 Fountaingrove District.

(a) *Name.* The name of the viticultural area described in this section is ''Fountaingrove District.'' For purposes of part 4 of this chapter, ''Fountaingrove District'' is a term of viticultural significance.

(b) *Approved maps.* The four United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Fountaingrove District viticultural area are titled:

(1) Mark West Springs, CA; 1993;

(2) Calistoga, CA; 1997;

(3) Kenwood, CA; 1954; photorevised 1980; and

(4) Santa Rosa, CA; 1994.

(c) *Boundary.* The Fountaingrove District viticultural area is located in Sonoma County, California. The boundary of the Fountaingrove District viticultural area is as described below:

(1) The beginning point is on the Mark West Springs map at the intersection of the shared Sonoma-Napa County line with Petrified Forest Road, section 3, T8N/R7W.

(2) From the beginning point, proceed southeasterly along the Sonoma-Napa County line, crossing onto the Calistoga map and then the Kenwood map, to the marked 2,530-peak of an unnamed mountain, section 9, T7N/R6W; then

(3) Proceed west-southwest in a straight line to the marked 2,730-foot summit of Mt. Hood, section 8, T7N/R6W; then

(4) Proceed west-northwest in a straight line to the marked 1,542-foot summit of Buzzard Peak, section 11, T7N/R7W; then

(5) Proceed west-southwest in a straight line, crossing onto the Santa Rosa map, to the intersection of State Highway 12 and Los Alamos Road; then

(6) Proceed due north in a straight line to the southern boundary of section 9, T7N/R7W; then

(7) Proceed west-northwest along the southern boundaries of sections 9, 4, and 5, T7N/R7W, to the western boundary of the Los Guilicos Land Grant; then

(8) Proceed west-southwest along the southern boundaries of sections 5, 6, and 7, T7N/R7W; then continue west-southwest along the southern boundaries of sections 12 and 11, T7N/R8W, to the point where the section 11 boundary becomes concurrent with an unnamed light-duty road known locally as Lewis Road; and then continue west-southwest along Lewis Road to the road's intersection with Mendocino Avenue in Santa Rosa; then

(9) Proceed north-northwesterly along Mendocino Avenue to the road's intersection with an unnamed road known locally as Bicentennial Way; then

(10) Proceed north in a straight line, crossing through the marked 906-foot elevation peak in section 35, T8N/R8W, and, crossing on to the Mark West Springs map, continue to the line's intersection with Mark West Springs Road, section 26, T8N/R8W; then

(11) Proceed northerly along Mark West Springs Road, which turns easterly and becomes Porter Creek Road, to the road's intersection with Franz Valley Road, section 12, T8N/R8W; then

(12) Proceed northeasterly along Franz Valley Road to the western boundary of section 6, T8N/R7W; then

(13) Proceed south along the western boundary of section 6, T8N/R7W, to the southwest corner of section 6; then

(14) Proceed east, then east-northeast along the southern boundaries of sections 6, 5, and 4, T8N/R7W, to the southeast corner of section 4; then

(15) Proceed north along the eastern boundary of section 4, T8N/R7W, to the Sonoma-Napa County line; then

(16) Proceed easterly along the Sonoma-Napa County line to the beginning point.

Dated: January 15, 2015.

Mary G. Ryan,

Acting Administrator.

Approved: January 21, 2015.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 538

Sudanese Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is adopting a final rule amending the Sudanese Sanctions Regulations (the ''SSR'') by adding a general license pertaining to certain software, hardware, and services incident to personal communications. OFAC is also making other technical and conforming changes.

DATES: Effective: February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Licensing, tel.: 202/622–2480, Assistant Director for Policy, tel.: 202/622–6746, Assistant Director for Regulatory Affairs, tel.: 202/622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are

available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

OFAC today is amending the SSR, 31 CFR part 538, primarily to issue a new general license pertaining to certain software, hardware, and services incident to personal communications. Transactions otherwise prohibited under the SSR but found to be consistent with U.S. policy may be authorized by one of the general licenses contained in subpart E of the SSR or by a specific license issued pursuant to the procedures described in subpart E of 31 CFR part 501. OFAC also is making other technical and conforming changes.

On March 10, 2010, OFAC issued a general license that authorized the exportation from the United States or by U.S. persons, wherever located, to persons in Sudan (31 CFR 538.533) and Iran (31 CFR 560.540) of certain services and software incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging. In order to qualify for that authorization, such services and software had to be publicly available (widely available to the public) at no cost to the user. In addition, such software qualified for this authorization only if it was (1) designated as ''EAR99'' under the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR); (2) not subject to the EAR; or (3) classified by the Department of Commerce as mass market software under export control classification number (ECCN) 5D992 of the EAR. These sections of the SSR and the Iranian Transactions and Sanctions Regulations did not authorize the direct or indirect exportation of services or software with knowledge or reason to know that such services or software are intended for the Government of Sudan or the Government of Iran.

On May 30, 2013, to help facilitate the free flow of information in Iran and with Iranians, OFAC, in consultation with the Departments of State and Commerce, issued Iran General License D. General License D expanded upon the existing authorization in 31 CFR 560.540 by authorizing the exportation to Iran of certain additional software, hardware, and services incident to personal communications. On February 7, 2014, OFAC, in consultation with the Departments of State and Commerce, issued amended Iran General License D–1 (GL D–1). GL D–1 clarified certain aspects of General License D, and added certain new authorizations relating to the provision to Iran of certain hardware, software, and services incident to personal communications.

Similar considerations apply in Sudan. Accordingly, in consultation with the Departments of State and Commerce, OFAC is expanding the scope of 31 CFR 538.533 consistent with the U.S. Government's commitment to the advancement of the free flow of information and to facilitate communications by the Sudanese people, including during a national dialogue, and consistent with the Iran GL D–1 model. In view of its shared jurisdiction over certain export licensing authority with respect to Sudan, OFAC is issuing this amendment in coordination with the Department of Commerce, Bureau of Industry and Security (BIS). BIS concurrently is amending the EAR to, *inter alia,* revise the general licensing policy of denial to one of case-by-case licensing for exports and reexports to Sudan of telecommunications equipment and associated computers, software, and technology for civil end use, and to revise License Exception Consumer Communications Devices (CCD), which previously applied only to consumer communications devices to Cuba, to authorize exports and reexports of such devices to Sudan.

OFAC is amending 31 CFR 538.533 in several ways. First, OFAC is removing a limitation in the existing general license at 31 CFR 538.533, which only authorizes certain *no cost* software and services incident to the exchange of personal communications. Section 538.533 now also authorizes the exportation of certain *fee-based* software and services incident to the exchange of personal communications. *See* 31 CFR 538.533(a)(1) & (2). To avoid confusion with respect to the term ''publicly available'' as described in 15 CFR 734.3(b)(3), OFAC also is changing the terminology in § 538.533 from ''publicly available'' to ''widely available to the public,'' although the scope remains the same.

Second, OFAC is expanding the authorization in § 538.533 to permit the exportation, reexportation, or provision, directly or indirectly, to Sudan of certain additional personal communications software, hardware, and related services subject to the EAR. *See* 31 CFR 538.533(a)(1), (2), & (3). The general license now authorizes, for example, a non-U.S. person located outside the United States to export certain hardware and software subject to the EAR to Sudan. For purposes of § 538.533, the term ''provision'' includes, for example, an in-country transfer of covered software or hardware.

Third, OFAC is adding new authorizations for the exportation, reexportation, or provision, directly or indirectly, by a U.S. person located outside the United States to Sudan of certain software and hardware not subject to the EAR. *See* § 538.533 (a)(2)(ii), (a)(2)(iii), (a)(3)(ii), & (a)(3)(iii). The general license now authorizes, for example, a foreign branch of a U.S. company to export to Sudan, from a location outside the United States, certain hardware or software that is not subject to the EAR (including foreign-origin hardware or software containing less than a *de minimis* amount of U.S. controlled content).

Fourth, a Note to paragraphs (a)(2) and (a)(3) has been added to clarify that the authorization in those paragraphs includes the exportation, reexportation, or provision, directly or indirectly, of the authorized items by an individual leaving the United States for Sudan. Section 538.533(a)(5) also adds a new authorization for the importation by an individual into the United States of certain hardware and software previously exported by the individual to Sudan pursuant to other provisions of 31 CFR 538.533. The general license now authorizes, for example, an individual to carry a smartphone that falls within the scope of the authorization while traveling to and from Sudan.

Finally, to further ensure that the sanctions on Sudan do not affect the willingness of companies to make available certain no cost personal communications tools to persons in that country, § 538.533(a)(6) adds a new authorization that covers the exportation, reexportation, or provision to the Government of Sudan of certain no cost services and software that are widely available to the public.

OFAC also has made additional technical and conforming changes in § 538.212(c)(3), § 538.411, § 538.501, and § 538.512. Notwithstanding these changes, nothing in this general license relieves an exporter from compliance with the export license requirements of another Federal agency.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date

are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. 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 control number.

List of Subjects in 31 CFR Part 538

Administrative practice and procedure, Banks, Banking, Blocking of assets, Credit, Investments, Penalties, Reporting and recordkeeping requirements, Securities, Services, Sudan.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR chapter V as follows:

PART 538—SUDANESE SANCTIONS REGULATIONS

■ 1. The authority citation for part 538 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 22 U.S.C. 7201–7211; Pub. L. 109–344, 120 Stat. 1869; Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13067, 62 FR 59989, 3 CFR, 1997 Comp., p. 230; E.O. 13412, 71 FR 61369, 3 CFR, 2006 Comp., p. 244.

■ 2. Amend § 538.212 by revising paragraph (c)(3) and adding Note to paragraph (c)(3) to read as follows:

§ 538.212 Exempt transactions.

* * * * *

(c) * * *

(3) This section does not exempt or authorize transactions incident to the exportation of software subject to the Export Administration Regulations, 15 CFR parts 730 through 774, or to the exportation of goods (including software) or technology for use in the transmission of any data, or to the provision, sale, or leasing of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity) for use in the transmission of any data. The exportation of such items or services and the provision, sale, or leasing of such capacity or facilities to Sudan are prohibited.

Note to paragraph (c)(3): *See* § 538.533 for a general license authorizing the exportation to Sudan of certain services, software, and hardware incident to the exchange of personal communications.

* * * * *

■ 3. Revise § 538.411 to read as follows:

§ 538.411 Exports to third countries; transshipments.

Exportation of goods or technology (including technical data, software, information not exempted from the prohibition of this part pursuant to § 538.211, or technical assistance) from the United States to third countries is prohibited if the exporter knows, or has reason to know, that the goods or technology are intended for transshipment to Sudan (including passage through, or storage in, intermediate destinations). The exportation of goods or technology intended specifically for incorporation or substantial transformation into a third-country product is also prohibited if the particular product is to be used in Sudan, is being specifically manufactured to fill a Sudanese order, or if the manufacturer's sales of the particular product are predominantly to Sudan.

Note to § 538.411: *See* § 538.533 for a general license authorizing the exportation to persons of certain services, software, and hardware incident to the exchange of personal communications.

■ 4. Revise § 538.501 to read as follows:

§ 538.501 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by the Office of Foreign Assets Control (OFAC), authorizes or validates any transaction effected prior to the issuance of such license or other authorization, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by OFAC and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any other part of this chapter unless the regulation, ruling, instruction, or license specifically refers to such part.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

(d) Nothing contained in this part shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the U.S. Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency. For example, exports of goods, services, or technical data that are not prohibited by this part or that do not require a license by OFAC nevertheless may require authorization by the U.S. Department of Commerce, the U.S. Department of State, or other agencies of the U.S. Government.

(e) No license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

(f) Any payment relating to a transaction authorized in or pursuant to this part that is routed through the U.S. financial system should reference the relevant OFAC general or specific license authorizing the payment to avoid the blocking or rejection of the transfer.

■ 5. Revise § 538.512 to read as follows:

§ 538.512 Transactions related to telecommunications and mail authorized.

(a)(1) Except as provided in paragraph (a)(2) of this section, all transactions with respect to the receipt and transmission of telecommunications involving Sudan are authorized, provided that no payment pursuant to this section may involve any debit to a blocked account of the Government of Sudan on the books of a U.S. financial institution.

(2) This section does not authorize:

(i) The provision, sale, or lease of telecommunications equipment or technology; or

(ii) The provision, sale, or lease of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity).

(b) All transactions of common carriers incident to the receipt or transmission of mail and packages between the United States and Sudan are authorized, provided that the importation or exportation of such mail and packages is exempt from or authorized pursuant to this part.

Note to § 538.512: *See* § 538.533 for a general license authorizing the exportation to Sudan of certain services, software, and hardware incident to the exchange of personal communications.

§ 538.513 [Removed and Reserved]

■ 6. Remove and reserve § 538.513.

■ 7. Revise § 538.533 to read as follows:

§ 538.533 Exportation, reexportation, or provision of certain services, software, and hardware incident to personal communications.

(a) Subject to the restrictions set forth in paragraph (b) of this section, the following transactions are authorized:

(1) *Services.* The exportation or reexportation, directly or indirectly, from the United States or by a U.S. person, wherever located, to Sudan of services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging.

(2) *Software*— (i) *Software subject to the EAR.* The exportation, reexportation, or provision, directly or indirectly, to Sudan of software subject to the Export Administration Regulations, 15 CFR parts 730 through 774 (the ''EAR''), that is necessary to enable services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, provided that such software is designated EAR99 or classified by the U.S. Department of Commerce on the Commerce Control List, 15 CFR part 774, supplement No. 1 (CCL), under export control classification number (ECCN) 5D992.c.

(ii) *Software that is not subject to the EAR because it is of foreign origin and is located outside the United States.* The exportation, reexportation, or provision, directly or indirectly, by a U.S. person, wherever located, to Sudan of software that is not subject to the EAR because it is of foreign origin and is located outside the United States that is necessary to enable services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, provided that such software would be designated EAR99 if it were located in the United States or would meet the criteria for classification under ECCN 5D992.c if it were subject to the EAR.

(iii) *Software that is not subject to the EAR because it is described in 15 CFR 734.3(b)(3).* The exportation, reexportation, or provision, directly or indirectly, by a U.S. person, wherever located, to Sudan of software that is not subject to the EAR because it is described in 15 CFR 734.3(b)(3) that is necessary to enable services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging.

(3) *Additional software, hardware, and related services.* To the extent not authorized by paragraph (a)(1) or (a)(2) of this section, the exportation, reexportation, or provision, directly or indirectly, to Sudan of certain software and hardware incident to personal communications, as well as related services, as follows:

(i) In the case of hardware and software subject to the EAR, the items specified in Appendix B to this part;

(ii) In the case of hardware and software that is not subject to the EAR because it is of foreign origin and is located outside the United States that is exported, reexported, or provided, directly or indirectly, by a U.S. person, wherever located, to Sudan, hardware and software that is of a type described in Appendix B to this part provided that it would be designated EAR99 if it were located in the United States or would meet the criteria for classification under the relevant ECCN specified in Appendix B to this part if it were subject to the EAR; and

(iii) in the case of software not subject to the EAR because it is described in 15 CFR 734.3(b)(3) that is exported, reexported, or provided, directly or indirectly, from the United States or by a U.S. person, wherever located, to Sudan, software that is of a type described in the Appendix B to this part.

Note to paragraphs (a)(2) and (a)(3): The authorizations in paragraphs (a)(2) and (a)(3) of this section include the exportation, reexportation, or provision, directly or indirectly, to Sudan of authorized hardware and software by an individual leaving the United States for Sudan.

(4) *Internet connectivity services and telecommunications capacity.* The exportation or reexportation, directly or indirectly, from the United States or by a U.S. person, wherever located, to Sudan of consumer-grade Internet connectivity services and the provision, sale, or leasing of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity) incident to personal communications.

Note to paragraph (a)(4): *See* § 538.512 for authorizations relating to transactions with respect to the receipt and transmission of telecommunications involving Sudan.

(5) *Importation into the United States of hardware and software previously exported to Sudan.* The importation into the United States of hardware and software authorized for exportation, reexportation, or provision to Sudan under paragraphs (a)(2) and (a)(3) of this section by an individual entering the United States, directly or indirectly, from Sudan, provided that the items previously were exported, reexported, or provided by the individual to Sudan pursuant to paragraphs (a)(2) and (a)(3) of this section.

(6) *Exportation, reexportation, or provision of no cost services and software that are widely available to the public to the Government of Sudan.*—(i) *Services.* The exportation or reexportation, directly or indirectly, from the United States or by a U.S. person, wherever located, to the Government of Sudan of services described in paragraph (a)(1) of this section or categories (6) through (11) of Appendix B to this part, provided that such services are widely available to the public at no cost to the user.

(ii) *Software.* The exportation, reexportation, or provision, directly or indirectly, to the Government of Sudan of software described in paragraph (a)(2) of this section or categories (6) through (11) of Appendix B to this part, read in conjunction with paragraph (a)(3) of this section, provided that such software is widely available to the public at no cost to the user.

Note to paragraph (a): Nothing in this section relieves the exporter from compliance with the export license application requirements of another Federal agency.

(b) This section does not authorize:

(1) The exportation, reexportation, or provision, directly or indirectly, of the services, software, or hardware specified in paragraph (a) of this section with knowledge or reason to know that such services, software, or hardware are intended for the Government of Sudan, except for services or software specified in paragraph (a)(6) of this section.

(2) The exportation, reexportation, or provision, directly or indirectly, of the services, software, or hardware specified in paragraph (a) of this section to any person whose property and interests in property are blocked pursuant to any part of 31 CFR chapter V, other than

persons whose property and interests in property are blocked solely pursuant to Executive Order 13067 and Executive Order 13412 as the Government of Sudan.

(3) The exportation or reexportation, directly or indirectly, of commercial-grade Internet connectivity services or telecommunications transmission facilities (such as dedicated satellite links or dedicated lines that include quality of service guarantees).

(4) The exportation or reexportation, directly or indirectly, of web-hosting services that are for commercial endeavors or of domain name registration services.

(5) Any action or activity involving any item (including information) subject to the EAR that is prohibited by, or otherwise requires a license under, part 744 of the EAR or participation in any transaction involving a person whose export privileges have been denied pursuant to part 764 or 766 of the EAR, without authorization from the Department of Commerce.

(c) Effective February 18, 2015, transfers of funds from Sudan or for or on behalf of a person in Sudan in furtherance of an underlying transaction authorized by paragraph (a) of this section may be processed by U.S. depository institutions and U.S. registered brokers or dealers in securities so long as they are consistent with §§ 538.405 and 538.418.

(d) Specific licenses may be issued on a case-by-case basis for the exportation, reexportation, or provision of services, software, or hardware incident to personal communications not specified in paragraph (a) of this section or Appendix B to this part.

Note 1 to § 538.533: This section does not authorize any transaction prohibited by any part of chapter V of 31 CFR other than part 538. Accordingly, the transfer of funds may not be by, to, or through a person whose property and interests in property are blocked pursuant to any other part of 31 CFR chapter V, or any Executive order, except a Sudanese financial institution whose property and interests in property are blocked solely pursuant to 31 CFR part 538.

Note 2 to § 538.533: See § 538.212(g)(1) for an exemption related to the exportation of certain goods and services to the Specified Areas of Sudan, and § 538.537 for a general license authorizing the transshipment of goods, technology, and services to or from the Republic of South Sudan.

■ 8. Add Appendix B to part 538 to read as follows:

Appendix B to Part 538

Appendix B—Services, Software, and Hardware Incident to Personal Communications Authorized for Exportation, Reexportation, or Provision to Sudan by Paragraph (a)(3) of § 538.533

Note: See paragraphs (a)(3)(ii)–(iii) of § 538.533 for authorizations related to certain hardware and software that is of a type described below but that is not subject to the EAR.

1. Mobile phones (including smartphones), Personal Digital Assistants (PDAs), Subscriber Identity Module/Subscriber Information Module (SIM) cards, and accessories for such devices designated EAR99 or classified on the CCL under ECCN 5A992.c; drivers and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
2. Satellite phones and Broadband Global Area Network (BGAN) hardware designated EAR99 or classified under ECCN 5A992.c; demand drivers and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
3. Consumer* modems, network interface cards, radio equipment (including antennae), routers, switches, and WiFi access points, designed for 50 or fewer concurrent users, designated EAR99 or classified under ECCNs 5A992.c, 5A991.b.2, or 5A991.b.4; drivers, communications, and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
4. Residential consumer* satellite terminals, transceiver equipment (including to antennae, receivers, set-top boxes and video decoders) designated EAR99 or classified under ECCNs 5A992.c, 5A991.b.2, or 5A991.b.4; drivers, communications, and connectivity software for such hardware designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
5. Laptops, tablets, and personal computing devices, and peripherals for such devices (including consumer* disk drives and other data storage devices) and accessories for such devices (including keyboards and mice) designated EAR99 or classified on the CCL under ECCNs 5A992.c, 5A991.b.2, 5A991.b.4, or 4A994.b; computer operating systems and software required for effective consumer use of such hardware, including software updates and patches, designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such hardware and software.
6. Anti-virus and anti-malware software designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
7. Anti-tracking software designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
8. Mobile operating systems, online application for mobile operating systems (app) stores, and related software, including apps designed to run on mobile operating systems, designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
9. Anti-censorship tools and related software designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
10. Virtual Private Network (VPN) client software, proxy tools, and fee-based client personal communications tools including voice, text, video, voice-over-IP telephony, video chat, and successor technologies, and communications and connectivity software required for effective consumer use designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.
11. Provisioning and verification software for Secure Sockets Layers (SSL) certificates designated EAR99 or classified under ECCN 5D992.c; and services necessary for the operation of such software.

* For purposes of this Appendix, the term ''consumer'' refers to items that are: (1) generally available to the public by being sold, without restriction, from stock at retail selling points by means of any of the following: (a) over-the-counter transactions; (b) mail order transactions; (c) electronic transactions; or (d) telephone call transactions; and (2) designed for installation by the user without further substantial support by the supplier.

Dated: February 10, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–03330 Filed 2–17–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–1001]

RIN 1625–AA00

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard amends its safety zone regulations for Annual Events in the Captain of the Port Lake Michigan zone. This amendment updates 18 permanent safety zones, adds 5 new permanent safety zones, and reformats the coordinates for safety zones. These amendments and additions are necessary to protect spectators, participants, and vessels from the hazards associated with annual maritime events, including fireworks displays, boat races, and air shows, and improves the precision and compatibility of safety zone coordinates.

DATES: This final rule is effective March 20, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–1001. 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 24, 2014, The Coast Guard published an NPRM entitled Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone in the **Federal Register** (79 FR 77415). 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.

This rule amends 18 permanent safety zones found within table 165.929 of 33 CFR 165.929. These 18 amendments involve updating the location, size, and/or enforcement times for: 13 fireworks displays in various locations; 1 regatta in Spring Lake, Michigan; 1 Air Show near Oshkosh, Wisconsin; 1 Air Show in Milwaukee, Wisconsin; 1 Vessel Launch Operation in Marinette, Wisconsin; and 1 high-speed boat race in Elgin, Illinois. The Coast Guard updates the safety zones in § 165.929 to ensure that vessels and persons are protected from the specific hazards related to the aforementioned events. These specific hazards include obstructions to the waterway that may cause marine casualties; collisions among vessels maneuvering at a high speed within a channel; the explosive danger of fireworks; and flaming debris falling into the water that may cause injuries.

Additionally, this rule adds 5 new safety zones to table 165.929 within § 165.929 for annually-reoccurring events in the Captain of the Port Lake Michigan Zone. These 5 zones were added in order to protect the public from the safety hazards previously described. The 5 additions include 4 safety zones for fireworks displays, and 1 safety zone for a ski show in the Fox River, Green Bay, Wisconsin.

In this rule, the Coast Guard also changed the format of latitude/longitude coordinates for safety zones in Table 165.929 of § 165.929 from degrees, minutes, seconds to degrees with decimal minutes. This change of format was made in an effort to improve precision and make the information more compatible with currently-used, electronic positioning systems.

C. Discussion of Comments, Changes and the Final Rule

The Captain of the Port Lake Michigan has determined that the safety zones in this rule are necessary to ensure the safety of vessels and people during annual marine or triggering events in the Captain of the Port Lake Michigan zone. Although this rule will be effective year-round, the safety zones in this rule will be enforced only immediately before, during, and after events that pose a hazard to the public and only upon notice by the Captain of the Port Lake Michigan.

The Captain of the Port Lake Michigan will notify the public that the zones in this rule are 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 must comply with the instructions of the Coast Guard Captain of the Port Lake Michigan or his or her designated representative. Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port or his or her designated representative. The Captain of the Port or his or her designated 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. The safety zones created by this rule will be relatively small. Also, the safety zones are designed to minimize impact on navigable waters. Furthermore, the safety zones have been designed to allow vessels to transit unrestricted portions of the waterways not affected by the safety zones. Thus, restrictions on vessel movements within the

affected area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port Lake Michigan. 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

The Regulatory Flexibility Act of 1980 (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 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 and operators of vessels intending to transit or anchor in the areas designated as safety zones during the dates and times the safety zones are being enforced.

These safety zones will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of these zones, we would issue a local Broadcast Notice to Mariners so vessel owners and operators can plan accordingly.

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

■ 2. Revise § 165.929 to read as follows:

§ 165.929 Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone.

(a) *Regulations.* The following regulations apply to the safety zones listed in Table 165.929 of this section.

(1) The general regulations in § 165.23.

(2) All vessels must obtain permission from the Captain of the Port Lake Michigan or his or her designated representative to enter, move within, or exit a safety zone established in this section when the safety zone is enforced. Vessels and persons granted permission to enter one of the safety zones listed in this section must obey all lawful orders or directions of the Captain of the Port Lake Michigan or his or her designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel must proceed as directed.

(3) The enforcement dates and times for each of the safety zones listed in Table 165.929 of this section are subject to change, but the duration of enforcement would remain the same or nearly the same total number of hours as stated in the table. In the event of a change, the Captain of the Port Lake Michigan will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariners.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Lake Michigan to monitor a safety zone, permit entry into a safety zone, give legally enforceable orders to persons or vessels within a safety zone, and take other actions authorized by the Captain of the Port Lake Michigan.

(2) *Public vessel* means a vessel that is owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(3) *Rain date* refers to an alternate date and/or time in which the safety zone would be enforced in the event of inclement weather.

(c) *Suspension of enforcement.* The Captain of the Port Lake Michigan may suspend enforcement of any of these zones earlier than listed in this section. Should the Captain of the Port suspend any of these zones earlier than the listed duration in this section, he or she may make the public aware of this suspension by Broadcast Notice to Mariners and/or on-scene notice by his or her designated representative.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Lake Michigan or his or her designated representative may waive any of the requirements of this section upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or security.

TABLE 165.929

Event	Location	Enforcement date and time [2]
(a) March Safety Zones		
(1) St. Patrick's Day Fireworks	Manitowoc, WI. All waters of the Manitowoc River within the arc of a circle with a 250-foot radius from a center point launch position at 44°05.492′ N., 087°39.332′ W.	The third Saturday of March; 5:30 p.m. to 7 p.m.
(2) Public Fireworks Display	Green Bay, WI. All waters of the Fox River in the vicinity of the Main Street and Walnut Street Bridge within an area bounded by the following coordinates; 44°31.211′ N., 088° 00.833′ W.; then southwest along the river bank to 44°30.944′ N., 088°01.159′ W.; then southeast to 44°30.890′ N., 088°01.016′ W.; then northeast along the river bank to 44°31.074′ N., 088°00.866′ W.; then northwest returning to the point of origin.	March 15; 11:50 a.m. to 12:30 p.m. Rain date: March 16; 11:50 a.m. to 12:30 p.m.
(b) April Safety Zones		
(1) Michigan Aerospace Challenge Sport Rocket Launch.	Muskegon, MI. All waters of Muskegon Lake, near the West Michigan Dock and Market Corp facility, within the arc of a circle with a 1500-yard radius from the rocket launch site located in position 43°14.018′ N., 086°15.585′ W.	The last Saturday of April; 8 a.m. to 4 p.m.
(2) Lubbers Cup Regatta	Spring Lake, MI. All waters of Spring Lake in Spring Lake, Michigan in the vicinity of Keenan Marina within a rectangle that is approximately 6,300 by 300 feet. The rectangle will be bounded by points beginning at 43°04.914′ N., 086°12.525′ W.; then east to 43°04.958′ N., 086°11.104′ W.; then south to 43°04.913′ N., 086°11.096′ W.; then west to 43°04.867′ N., 086°12.527′ W.; then north back to the point of origin.	April 11; 7:45 a.m. to 7 p.m., and April 12; 8:30 a.m. to 12:30 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(c) May Safety Zones		
(1) Tulip Time Festival Fireworks	Holland, MI. All waters of Lake Macatawa, near Kollen Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site in approximate center position 42°47.496′ N., 086°07.348′ W.	The first Saturday of May; 9:30 p.m. to 11:30 p.m. Rain date: The first Friday of May; 9:30 p.m. to 11:30 p.m.
(2) Cochrane Cup	Blue Island, IL. All waters of the Calumet Saganashkee Channel from the South Halstead Street Bridge at 41°39.442′ N., 087°38.474′ W.; to the Crawford Avenue Bridge at 41°39.078′ N., 087°43.127′ W.; and the Little Calumet River from the Ashland Avenue Bridge at 41°39.098′ N., 087°39.626′ W.; to the junction of the Calumet Saganashkee Channel at 41°39.373′ N., 087°39.026′ W.	The first Saturday of May; 6:30 a.m. to 5 p.m.
(3) Rockets for Schools Rocket Launch	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor, near the Sheboygan South Pier, within the arc of a circle with a 1500-yard radius from the rocket launch site located with its center in position 43°44.914′ N., 087°41.869′ W.	The first Saturday of May; 8 a.m. to 5 p.m.
(4) Celebrate De Pere Fireworks	De Pere, WI. All waters of the Fox River, near Voyageur Park, within the arc of a circle with a 500 foot radius from the fireworks launch site located in position 44°27.167′ N., 088°03.833′ W.	The Saturday or Sunday before Memorial Day; 8:30 p.m. to 10 p.m.
(d) June Safety Zones		
(1) International Bayfest	Green Bay, WI. All waters of the Fox River, near the Western Lime Company 1.13 miles above the head of the Fox River, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°31.408′ N., 088°00.710′ W.	The second Friday of June; 9 p.m. to 11 p.m.
(2) Harborfest Music and Family Festival	Racine, WI. All waters of Lake Michigan and Racine Harbor, near the Racine Launch Basin Entrance Light, within the arc of a circle with a 200-foot radius from the fireworks launch site located in position 42°43.722′ N., 087°46.673′ W.	Friday and Saturday of the third complete weekend of June; 9 p.m. to 11 p.m. each day.
(3) Spring Lake Heritage Festival Fireworks	Spring Lake, MI. All waters of the Grand River within the arc of a circle with a 700-foot radius from a barge in center position 43°04.375′ N., 086°12.401′ W.	The third Saturday of June; 9 p.m. to 11 p.m.
(4) Elberta Solstice Festival	Elberta, MI. All waters of Betsie Lake within the arc of a circle with a 500-foot radius from the fireworks launch site located in approximate center position 44°37.607′ N., 086°13.977′ W.	The last Saturday of June; 9 p.m. to 11 p.m.
(5) World War II Beach Invasion Re-enactment	St. Joseph, MI. All waters of Lake Michigan in the vicinity of Tiscornia Park in St. Joseph, MI beginning at 42°06.918′ N., 086°29.421′ W.; then west/northwest along the north breakwater to 42°06.980′ N., 086°29.682′ W.; then northwest 100 yards to 42°07.018′ N., 086°29.728′ W.; then northeast 2,243 yards to 42°07.831′ N., 086°28.721′ W.; then southeast to the shoreline at 42°07.646′ N., 086°28.457′ W.; then southwest along the shoreline to the point of origin.	The last Saturday of June; 8 a.m. to 2 p.m.
(6) Ephraim Fireworks	Ephraim, WI. All waters of Eagle Harbor and Lake Michigan within the arc of a circle with a 750-foot radius from the fireworks launch site located on a barge in position 45°09.304′ N., 087°10.844′ W.	The third Saturday of June; 9 p.m. to 11 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(7) Thunder on the Fox	Elgin, IL. All waters of the Fox River from the Kimball Street bridge, located at approximate position 42°02.499′ N., 088°17.367′ W., then 1250 yards north to a line crossing the river perpendicularly running through position 42°03.101′ N., 088°17.461′ W.	Friday, Saturday, and Sunday of the third weekend in June; 10 a.m. to 7 p.m. each day.
(8) Olde Ellison Bay Days Fireworks	Ellison Bay, WI. All waters of Green Bay, in the vicinity of Ellison Bay Wisconsin, within the arc of a circle with a 400-foot radius from the fireworks launch site located on a barge in approximate center position 45°15.595′ N., 087°05.043′ W.	The fourth Saturday of June; 9 p.m. to 10 p.m.
(9) Sheboygan Harborfest Fireworks	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°44.914′ N., 087°41.897′ W.	June 15; 8:45 p.m. to 10:45 p.m.
(e) July Safety Zones		
(1) Town of Porter Fireworks Display	Porter IN. All waters of Lake Michigan within the arc of a circle with a 1000 foot radius from the fireworks launch site located in center position 41°39.927′ N., 087°03.933′ W.	The first Saturday of July; 8:45 p.m. to 9:30 p.m.
(2) City of Menasha 4th of July Fireworks	Menasha, WI. All waters of Lake Winnebago and the Fox River within the arc of a circle with an 800-foot radius from the fireworks launch site located in center position 44°12.231′ N., 088°25.524′ W.	July 4; 9 p.m. to 10:30 p.m.
(3) Pentwater July Third Fireworks	Pentwater, MI. All waters of Lake Michigan and the Pentwater Channel within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°46.942′ N., 086°26.625′ W.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(4) Taste of Chicago Fireworks	Chicago, IL. All waters of Monroe Harbor and Lake Michigan bounded by a line drawn from 41°53.380′ N., 087°35.978′ W.; then southeast to 41°53.247′ N., 087°35.434′ W.; then south to 41°52.809′ N., 087°35.434′ W.; then southwest to 41°52.453′ N., 087°36.611′ W.; then north to 41°53.247′ N., 087°36.573′ W.; then northeast returning to the point of origin.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(5) St. Joseph Fourth of July Fireworks	St. Joseph, MI. All waters of Lake Michigan and the St. Joseph River within the arc of a circle with a 1000-foot radius from the fireworks launch site in position 42°06.867′ N., 086° 29.463′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(6) US Bank Fireworks	Milwaukee, WI. All waters and adjacent shoreline of Milwaukee Harbor, in the vicinity of Veteran's park, within the arc of a circle with a 1,200-foot radius from the center of the fireworks launch site which is located on a barge in approximate position 43°02.362′ N., 087°53.485′ W.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(7) Manistee Independence Day Fireworks	Manistee, MI. All waters of Lake Michigan, in the vicinity of the First Street Beach, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°14.854′ N., 086°20.757′ W.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(8) Frankfort Independence Day Fireworks	Frankfort, MI. All waters of Lake Michigan and Frankfort Harbor, bounded by a line drawn from 44°38.100′ N., 086°14.826′ W.; then south to 44°37.613′ N., 086°14.802′ W.; then west to 44°37.613′ N., 086°15.263′ W.; then north to 44°38.094′ N., 086°15.263′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(9) Freedom Festival Fireworks	Ludington, MI. All waters of Lake Michigan and Ludington Harbor within the arc of a circle with a 800-foot radius from the fireworks launch site located in position 43°57.171′ N., 086°27.718′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(10) White Lake Independence Day Fireworks	Montague, MI. All waters of White Lake within the arc of a circle with an 800-foot radius from a center position at 43°24.621′ N., 086°21.463′ W.	July 4; 9:30 p.m. to 11:30 p.m. Rain date: July 5; 9:30 p.m. to 11:30 p.m.
(11) Muskegon Summer Celebration July Fourth Fireworks.	Muskegon, MI. All waters of Muskegon Lake, in the vicinity of Hartshorn Municipal Marina, within the arc of a circle with a 700-foot radius from a center position at 43°14.039′ N., 086°15.793′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(12) Grand Haven Jaycees Annual Fourth of July Fireworks.	Grand Haven, MI. All waters of the Grand River within the arc of a circle with a 800-foot radius from the fireworks launch site located on the west bank of the Grand River in position 43°3.908′ N., 086°14.240′ W.	July 4; 9 p.m. to 11:30 p.m. Rain date: July 5; 9 p.m. to 11:30 p.m.
(13) Celebration Freedom Fireworks	Holland, MI. All waters of Lake Macatawa in the vicinity of Kollen Park within the arc of a circle with a 2000-foot radius of a center launch position at 42°47.440′ N., 086°07.621′ W.	The Saturday prior to July 4; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(14) Van Andel Fireworks Show	Holland, MI. All waters of Lake Michigan and the Holland Channel within the arc of a circle with a 1000-foot radius from the fireworks launch site located in approximate position 42°46.351′ N., 086°12.710′ W.	July 4; 9 p.m. to 11 p.m. Raindate: July 3; 9 p.m. to 11 p.m.
(15) Saugatuck Independence Day Fireworks	Saugatuck, MI. All waters of Kalamazoo Lake within the arc of a circle with a 500-foot radius from the fireworks launch site in center position 42°39.074′ N., 086°12.285′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(16) South Haven Fourth of July Fireworks	South Haven, MI. All waters of Lake Michigan and the Black River within the arc of a circle with a 1000-foot radius from the fireworks launch site located in center position 42°24.125′ N., 086°17.179′ W.	July 3; 9:30 p.m. to 11:30 p.m.
(17) Town of Dune Acres Independence Day Fireworks.	Dune Acres, IN. All waters of Lake Michigan within the arc of a circle with a 700-foot radius from the fireworks launch site located in position 41°39.303′ N., 087°05.239′ W.	The first Saturday of July; 8:45 p.m. to 10:30 p.m.
(18) Gary Fourth of July Fireworks	Gary, IN. All waters of Lake Michigan, approximately 2.5 miles east of Gary Harbor, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 41°37.322′ N., 087°14.509′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(19) Joliet Independence Day Celebration Fireworks.	Joliet, IL. All waters of the Des Plains River, at mile 288, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 41°31.522′ N., 088°05.244′ W.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(20) Glencoe Fourth of July Celebration Fireworks.	Glencoe, IL. All waters of Lake Michigan in the vicinity of Lake Front Park, within the arc of a circle with a 500-foot radius from a barge in position 42°08.404′ N., 087°44.930′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(21) Lakeshore Country Club Independence Day Fireworks.	Glencoe, IL. All waters of Lake Michigan within the arc of a circle with a 600-foot radius from a center point fireworks launch site in approximate position 42°09.130′ N., 087°45.530′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(22) Shore Acres Country Club Independence Day Fireworks.	Lake Bluff, IL. All waters of Lake Michigan within the arc of a circle with a 600-foot radius from approximate position 42°17.847′ N., 087°49.837′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(23) Kenosha Independence Day Fireworks	Kenosha, WI. All waters of Lake Michigan and Kenosha Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°35.283′ N., 087°48.450′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(24) Fourthfest of Greater Racine Fireworks	Racine, WI. All waters of Racine Harbor and Lake Michigan within the arc of a circle with a 900-foot radius from a center point position at 42°44.259′ N., 087°46.635′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(25) Sheboygan Fourth of July Celebration Fireworks.	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor, in the vicinity of the south pier, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°44.917′ N., 087°41.850′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(26) Manitowoc Independence Day Fireworks ...	Manitowoc, WI. All waters of Lake Michigan and Manitowoc Harbor, in the vicinity of south breakwater, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°05.395′ N., 087°38.751′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(27) Sturgeon Bay Independence Day Fireworks.	Sturgeon Bay, WI. All waters of Sturgeon Bay, in the vicinity of Sunset Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°50.617′ N., 087°23.300′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(28) Fish Creek Independence	Fish Creek, WI. All waters of Green Bay, in the vicinity of Fish Creek Harbor, within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 45°07.867′ N., 087°14.617′ W.	The first Saturday after July 4; 9 p.m. to 11 p.m. Rain date: The first Sunday after July 4; 9 p.m. to 11 p.m.
(29) Fire over the Fox Fireworks	Green Bay, WI. All waters of the Fox River including the mouth of the East River from the railroad bridge in approximate position 44°31.467′ N., 088°00.633′ W. then southwest to the US 141 bridge in approximate position 44°31.102′ N., 088°00.963′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(30) Celebrate Americafest Ski Show	Green Bay, WI. All waters of the Fox River, including the mouth of the East River from the West Walnut Street Bridge in approximate position 44°30.912′ N., 088°01.100′ W., then northeast to an imaginary line running perpendicularly across the river through coordinate 44°31.337′ N., 088°00.640′ W.	July 4 from 2:30 p.m. to 4:30 p.m. Rain date: July 5; 2:30 p.m. to 4:30 p.m.
(31) Marinette Fourth of July Celebration Fireworks.	Marinette, WI. All waters of the Menominee River, in the vicinity of Stephenson Island, within the arc of a circle with a 900 foot radius from the fireworks launch site in center position 45°6.232′ N., 087°37.757′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(32) Evanston Fourth of July Fireworks	Evanston, IL. All waters of Lake Michigan, in the vicinity of Centennial Park Beach, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 42°02.933′ N., 087°40.350′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(33) Gary Air and Water Show	Gary, IN. All waters of Lake Michigan bounded by a line drawn from 41°37.250′ N., 087°16.763′ W.; then east to 41°37.440′ N., 087°13.822′ W.; then north to 41°38.017′ N., 087°13.877′ W.; then southwest to 41°37.805′ N., 087°16.767′ W.; then south returning to the point of origin.	July 10 thru 14; 8:30 a.m. to 5 p.m.
(34) Annual Trout Festival Fireworks	Kewaunee, WI. All waters of Kewaunee Harbor and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°27.493′ N., 087°29.750′ W.	Friday of the second complete weekend of July; 9 p.m. to 11 p.m.
(35) Michigan City Summerfest Fireworks	Michigan City, IN. All waters of Michigan City Harbor and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 41°43.700′ N., 086°54.617′ W.	Sunday of the second complete weekend of July; 8:30 p.m. to 10:30 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(36) Port Washington Fish Day Fireworks	Port Washington, WI. All waters of Port Washington Harbor and Lake Michigan, in the vicinity of the WE Energies coal dock, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°23.117′ N., 087°51.900′ W.	The third Saturday of July; 9 p.m. to 11 p.m.
(37) Bay View Lions Club South Shore Frolics Fireworks.	Milwaukee, WI. All waters of Lake Michigan and Milwaukee Harbor, in the vicinity of South Shore Yacht Club, within the arc of a circle with a 900-foot radius from the fireworks launch site in position 42°59.658′ N., 087°52.808′ W.	Friday, Saturday, and Sunday of the second or third weekend of July; 9 p.m. to 11 p.m. each day.
(38) Venetian Festival Fireworks	St. Joseph, MI. All waters of Lake Michigan and the St. Joseph River, near the east end of the south pier, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°06.800′ N., 086°29.250′ W.	Saturday of the third complete weekend of July; 9 p.m. to 11 p.m.
(39) Joliet Waterway Daze Fireworks	Joliet, IL. All waters of the Des Plaines River, at mile 287.5, within the arc of a circle with a 300-foot radius from the fireworks launch site located in position 41°31.250′ N., 088°05.283′ W.	Friday and Saturday of the third complete weekend of July; 9 p.m. to 11 p.m. each day.
(40) EAA Airventure	Oshkosh, WI. All waters of Lake Winnebago in the vicinity of Willow Harbor within an area bounded by a line connecting the following coordinates: beginning at 43°56.822′ N., 088° 29.904′ W.; then north approximately 5100 feet to 43°57.653′ N., 088° 29.904′ W., then east approximately 2300 feet to 43°57.653′ N., 088° 29.374′ W.; then south to shore at 43°56.933′ N., 088°29.374′ W.; then southwest along the shoreline to 43°56.822′ N., 088°29.564′ W.; then west returning to the point of origin.	The last complete week of July, beginning Monday and ending Sunday; 8 a.m. to 8 p.m. each day.
(41) Saugatuck Venetian Night Fireworks	Saugatuck, MI. All waters of Kalamazoo Lake within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in position 42°39.073′ N., 086°12.285′ W.	The last Saturday of July; 9 p.m. to 11 p.m.
(42) Roma Lodge Italian Festival Fireworks	Racine, WI. All waters of Lake Michigan and Racine Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°44.067′ N., 087°46.333′ W.	Friday and Saturday of the last complete weekend of July; 9 p.m. to 11 p.m.
(43) Chicago Venetian Night Fireworks	Chicago, IL. All waters of Monroe Harbor and all waters of Lake Michigan bounded by a line drawn from 41°53.050′ N., 087°36.600′ W.; then east to 41°53.050′ N., 087°36.350′ W.; then south to 41°52.450′ N., 087°36.350′ W.; then west to 41°52.450′ N., 087°36.617′ W.; then north returning to the point of origin.	Saturday of the last weekend of July; 9 p.m. to 11 p.m.
(44) New Buffalo Business Association Fireworks.	New Buffalo, MI. All waters of Lake Michigan and New Buffalo Harbor within the arc of a circle with a 800-foot radius from the fireworks launch site located in position 41°48.153′ N., 086°44.823′ W.	July 3rd or July 5th; 9:30 p.m. to 11:15 p.m.
(45) Start of the Chicago to Mackinac Race	Chicago, IL. All waters of Lake Michigan in the vicinity of the Navy Pier at Chicago IL, within a rectangle that is approximately 1500 by 900 yards. The rectangle is bounded by the coordinates beginning at 41°53.252′ N., 087°35.430′ W.; then south to 41°52.812′ N., 087°35.430′ W.; then east to 41°52.817′ N., 087°34.433′ W.; then north to 41°53.250′ N., 087°34.433′ W.; then west, back to point of origin.	July 12; 2 p.m. to 4:30 p.m. and July 13; 9 a.m. to 3 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(46) Fireworks at Pier Wisconsin	Milwaukee, WI. All waters of Milwaukee Harbor, including Lakeshore Inlet and the marina at Pier Wisconsin, within the arc of a circle with a 300-foot radius from the fireworks launch site on Pier Wisconsin located in approximate position 43°02.178′ N., 087°53.625′ W.	Dates and times will be issued by Notice of Enforcement and Broadcast Notice to Mariners.
(47) Gills Rock Fireworks	Gills Rock, WI. All waters of Green Bay near Gills Rock WI within a 1000-foot radius of the launch vessel in approximate position at 45°17.470′ N., 087°01.728′ W.	July 4; 8:30 p.m. to 10:30 p.m.
(48) City of Menominee 4th of July Celebration Fireworks.	Menominee, MI. All waters of Green Bay, in the vicinity of Menominee Marina, within the arc of a circle with a 900-foot radius from a center position at 45°06.417′ N., 087°36.024′ W.	July 4; 9 p.m. to 11 p.m.
(49) Miesfeld's Lakeshore Weekend Fireworks	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor within an 800-foot radius from the fireworks launch site located at the south pier in approximate position 43°44.917′ N., 087°41.967′ W.	July 26; 9 p.m. to 10 p.m.
(50) Marinette Logging and Heritage Festival Fireworks.	Marinette, WI. All waters of the Menominee River, in the vicinity of Stephenson Island, within the arc of a circle with a 900-foot radius from the fireworks launch site in position 45°06.232′ N., 087°37.757′ W.	July 13; 9 p.m. to 11 p.m.
(51) Summer in the City Water Ski Show	Green Bay, WI. All waters of the Fox River in Green Bay, WI from the Main Street Bridge in position 44°31.089′ N., 088°00.904′ W.; then southwest to the Walnut Street Bridge in position 44°30.900′ N., 088°01.091′ W.	Each Wednesday of July through August; 6 p.m. to 6:30 p.m. and 7 p.m. to 7:30 p.m.
(52) Holiday Celebration Fireworks	Kewaunee, WI. All waters of Kewaunee Harbor and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 44°27.481′ N., 087°29.735′ W.	July 4; 8:30 p.m. to 10:30 p.m. Rain date: July 5; 8:30 p.m. to 10:30 p.m.
(53) Independence Day Fireworks	Wilmette, IL. All waters of Lake Michigan and the North Shore Channel within the arc of a circle with a 1000-foot radius from the fireworks launch site located at approximate center position 42°04.674′ N., 087°40.856′ W.	July 3; 8:30 p.m. to 10:15 p.m.
(f) August Safety Zones		
(1) Michigan Super Boat Grand Prix	Michigan City, IN. All waters of Lake Michigan bounded by a rectangle drawn from 41°43.655′ N., 086°54.550′ W.; then northeast to 41°44.808′ N., 086°51.293′ W., then northwest to 41°45.195′ N., 086°51.757′ W.; then southwest to 41°44.063′ N., 086°54.873′ W.; then southeast returning to the point of origin.	The first Sunday of August; 9 a.m. to 4 p.m. Rain date: The first Saturday of August; 9 a.m. to 4 p.m.
(2) Milwaukee Air and Water Show	Milwaukee, WI. All waters and adjacent shoreline of Lake Michigan in the vicinity of McKinley Park located within an area that is approximately 4800 by 1250 yards. The area will be bounded by the points beginning at 43°02.450′ N., 087°52.850′ W.; then southeast to 43°02.230′ N., 087°52.061′ W.; then northeast to 43°04.543′ N., 087°50.801′ W.; then northwest to 43°04.757′ N., 087°51.512′ W.; then southwest returning to the point of origin.	July 31 thru August 4; 8:30 a.m. to 5 p.m.
(3) Port Washington Maritime Heritage Festival Fireworks.	Port Washington, WI. All waters of Port Washington Harbor and Lake Michigan, in the vicinity of the WE Energies coal dock, within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°23.117′ N., 087°51.900′ W.	Saturday of the last complete weekend of July or the second weekend of August; 9 p.m. to 11 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(4) Grand Haven Coast Guard Festival Fireworks.	Grand Haven, MI. All waters of the Grand River within the arc of a circle with a 600-foot radius from the fireworks launch site located on the west bank of the Grand River in position 43°03.907′ N., 086°14.247′ W.	First weekend of August; 9 p.m. to 11 p.m.
(5) Sturgeon Bay Yacht Club Evening on the Bay Fireworks.	Sturgeon Bay, WI. All waters of Sturgeon Bay within the arc of a circle with a 280-foot radius from the fireworks launch site located on a barge in approximate position 44°49.310′ N., 087°21.370′ W.	The first Saturday of August; 8 p.m. to 10 p.m.
(6) Hammond Marina Venetian Night Fireworks	Hammond, IN. All waters of Hammond Marina and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 41°41.883′ N., 087°30.717′ W.	The first Saturday of August; 9 p.m. to 11 p.m.
(7) North Point Marina Venetian Festival Fireworks.	Winthrop Harbor, IL. All waters of Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 42°28.917′ N., 087°47.933′ W.	The second Saturday of August; 9 p.m. to 11 p.m.
(8) Waterfront Festival Fireworks	Menominee, MI. All waters of Green Bay, in the vicinity of Menominee Marina, within the arc of a circle with a 1000-foot radius from a center position at 45°06.447′ N., 087°35.991′ W.	August 3; 9 p.m. to 11 p.m.
(9) Ottawa Riverfest Fireworks	Ottawa, IL. All waters of the Illinois River, at mile 239.7, within the arc of a circle with a 300-foot radius from the fireworks launch site located in position 41°20.483′ N., 088°51.333′ W.	The first Sunday of August; 9 p.m. to 11 p.m.
(10) Chicago Air and Water Show	Chicago, IL. All waters and adjacent shoreline of Lake Michigan and Chicago Harbor bounded by a line drawn from 41°55.900′ N. at the shoreline, then east to 41°55.900′ N., 087°37.200′ W., then southeast to 41°54.000′ N., 087°36.000′ W., then southwestward to the northeast corner of the Jardine Water Filtration Plant, then due west to the shore.	August 14 thru 18; 8:30 a.m. to 5 p.m.
(11) Pentwater Homecoming Fireworks	Pentwater, MI. All waters of Lake Michigan and the Pentwater Channel within the arc of a circle with a 1000-foot radius from the fireworks launch site located in position 43°46.942′ N., 086°26.633′ W.	Saturday following the second Thursday of August; 9 p.m. to 11 p.m.
(12) Chicago Match Cup Race	Chicago, IL. All waters of Chicago Harbor in the vicinity of Navy Pier and the Chicago Harbor break wall bounded by coordinates beginning at 41°53.617′ N., 087°35.433′ W.; then south to 41°53.400′ N., 087°35.433′ W.; then west to 41°53.400′ N., 087°35.917′ W.; then north to 41°53.617′ N., 087°35.917′ W.; then back to point of origin.	August 6 thru 11; 8 a.m. to 8 p.m.
(13) New Buffalo Ship and Shore Fireworks	New Buffalo, MI. All waters of Lake Michigan and New Buffalo Harbor within the arc of a circle with a 800-foot radius from the fireworks launch site located in position 41°48.150′ N., 086°44.817′ W.	August 10; 9:30 p.m. to 11:15 p.m.
(14) Sister Bay Marinafest Ski Show	Sister Bay, WI. All waters of Sister Bay within an 800-foot radius of position 45°11.585′ N., 087°07.392′ W.	August 31; 1 p.m. to 3:15 p.m.
(15) Sister Bay Marinafest Fireworks	Sister Bay, WI. All waters of Sister Bay within an 800-foot radius of the launch vessel in approximate position 45°11.585′ N., 087°07.392′ W.	August 31; 8:15 p.m. to 10 p.m.

TABLE 165.929—Continued

Event	Location	Enforcement date and time [2]
(16) Vessel Launch at Marinette Marine	Marinette, WI. All waters of the Menominee River in the vicinity of Marinette Marine Corporation, from the Bridge Street Bridge located in position 45°06.188′ N., 087°37.583′ W., then approximately .95 NM south east to a line crossing the river perpendicularly passing through positions 45°05.881′ N., 087°36.281′ W., and 45°05.725′ N., 087°36.385′ W.	This zone will be enforced when a vessel is launched by issue of Notice of Enforcement and Marine Broadcast.
(17) Fireworks Display	Winnetka, IL. All waters of Lake Michigan within the arc of a circle with a 900-foot radius from a center point barge located in approximate position 42°06.402′ N., 087°43.115′ W.	Third Saturday of August; 9:15 p.m. to 10:30 p.m.
(18) Algoma Shanty Days Fireworks	Algoma, WI. All waters of Lake Michigan and Algoma Harbor within the arc of a circle with a 1000-foot radius from the fireworks launch site located in a center position of 44°36.400′ N., 087°25.900′ W.	Sunday of the second complete weekend of August; 9 p.m. to 11 p.m.
(g) September Safety Zones		
(1) ISAF Nations Cup Grand Final Fireworks Display.	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor, in the vicinity of the south pier in Sheboygan Wisconsin, within a 500 foot radius from the fireworks launch site located on land in position 43°44.917′ N., 087°41.850′ W.	September 13; 7:45 p.m. to 8:45 p.m.
(h) November Safety Zones		
(1) Downtown Milwaukee Fireworks	Milwaukee, WI. All waters of the Milwaukee River in the vicinity of the State Street Bridge within the arc of a circle with a 300-foot radius from a center point fireworks launch site in approximate position 43°02.559′ N., 087°54.749′ W.	The third Thursday of November; 6 p.m. to 8 p.m.
(2) Magnificent Mile Fireworks Display	Chicago, IL. All waters and adjacent shoreline of the Chicago River bounded by the arc of the circle with a 210-foot radius from the fireworks launch site with its center in approximate position of 41°53.350′ N., 087°37.400′ W.	The third weekend in November; sunset to termination of display.
(i) December Safety Zones		
(1) New Years Eve Fireworks	Chicago, IL. All waters of Monroe Harbor and Lake Michigan within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in approximate position 41°52.683′ N., 087°36.617′ W.	December 31; 11 p.m. to January 1 at 1 a.m.

[1] All coordinates listed in Table 165.929 reference Datum NAD 1983.
[2] As noted in paragraph (a)(3) of this section, the enforcement dates and times for each of the listed safety zones are subject to change.

Dated: January 30, 2015.

A.B. Cocanour,

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

[FR Doc. 2015–03184 Filed 2–17–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GU122–NBK; FRL 9923–01–Region 9]

Approval and Promulgation of Implementation Plans; Guam

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is completing the process begun in 2005 to revise the format of the ''identification of plan'' section in 40 CFR part 52 for the Guam State Implementation Plan (SIP). Specifically, the EPA is adding the nonregulatory provisions and quasi-regulatory measures to the revised ''identification of plan'' section. The nonregulatory provisions and quasi-regulatory measures affected by this format revision have been previously submitted by the Territory of Guam and approved by the EPA.

DATES: This rule is effective on February 18, 2015.

ADDRESSES: Nonregulatory and quasi-regulatory SIP materials are available for inspection at Air Division, EPA Region IX, 75 Hawthorne Street, San Francisco, 94105–3901 and online at EPA Region IX's Web site.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, Rules Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 972–3073, *gong.kevin@epa.gov.*

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

Table of Contents

I. Background
II. Public Comments
III. Statutory and Executive Order Reviews

I. Background

Under the Clean Air Act (CAA or ''Act''), each state is required to have a state implementation plan (SIP) which contains the control measures and strategies which will be used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each state after the public has had an opportunity to comment on them. They are then submitted to the EPA as SIP revisions on which the EPA must formally act.

The SIP is a living document which can be revised by the state as necessary to address the unique air pollution problems in the state. Therefore, the EPA from time to time must take action on SIP revisions which may contain new or revised regulations as being part of the SIP. On May 31, 1972 (37 FR 10842), the EPA approved, with certain exceptions, the initial SIPs for 50 states, four territories and the District of Columbia. Since 1972, each state and territory has submitted numerous SIP revisions, either on their own initiative, or because they were required to as a result of various amendments to the CAA. The EPA codifies its approvals and disapprovals of SIPs and SIP revisions in 40 CFR part 52 (''Approval and promulgation of implementation plans'').

Within 40 CFR part 52, there are 58 subparts (subparts A through FFF). Subpart A contains general provisions and certain requirements applicable to all states and territories, while subparts B through DDD and FFF contain requirements that are specific to a given state or territory. Subpart EEE contains historical information pertaining to the EPA's actions on SIP material originally submitted by states to the National Air Pollution Control Administration, Department of Health Education and Welfare in 1970.

Until 1997, the first or second section of each subpart within 40 CFR part 52 (other than subparts A and EEE) was called ''identification of plan.'' On May 22, 1997 (62 FR 27968), the EPA established a new format for the ''identification of plan'' sections assigned to each subpart in 40 CFR part 52 (except A and EEE). With the new format, revised ''identification of plan'' sections contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source specific permits, and (e) EPA approved nonregulatory provisions and quasi-regulatory measures. ''Nonregulatory provisions and quasi-regulatory measures'' refers to such items as transportation control measures, certain statutory provisions, control strategies, and monitoring networks. In our May 1997 rule, we indicated that the EPA would begin to phase-in the new format on a state-by-state basis. Please see our May 1997 rule for more information concerning the revised format for SIPs.

The Guam SIP is identified in subpart AAA (''Guam'') of part 52. As with other State SIPs, the EPA has taken a number of actions since 1972 with respect to the Guam SIP. In 2005, we revised the format of the ''identification of plan'' section in subpart AAA in accordance with the revised format described above. See 70 FR 20473 (April 20, 2005). In our 2005 final rule, we did not complete the process of revising the format for the ''identification of plan'' section in that we did not list the nonregulatory provisions and quasi-regulatory measures portion of the Guam SIP, but we are doing so in today's action.

II. Public Comments

The EPA has determined that today's rule falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) that, upon finding ''good cause,'' authorizes agencies to dispense with public participation; and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply revises the codification of provisions that are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the codification only reflects existing law. Immediate notice in the CFR benefits the public by clearly identifying the current nonregulatory provisions and quasi-regulatory measures of the Guam SIP.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** (II. Public Comments) section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental

mandate, as described in sections 203 or 204 of UMRA.

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action based on health or safety risks.

This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public internet. Today's action simply reformats the codification of provisions that are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 808(2). As stated previously, the EPA has made such a good cause finding, including the reasons therefore, and established an effective date of February 18, 2015. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

The EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Guam SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA sees no need to reopen the 60-day period for filing such petitions for judicial review for this reformatting of portions of the ''Identification of plan'' section of 40 CFR 52.2670 for Guam.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 5, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AAA—Guam

■ 2. Section 52.2670 is amended by adding paragraph (e) to read as follows:

§ 52.2670 Identification of plan.

* * * * *

(e) *EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures.*

EPA Approved Guam Nonregulatory Provisions and Quasi-Regulatory Measures

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Implementation Plan for Compliance With the Ambient Air Quality Standards For Territory of Guam				
Section I: Public Hearing	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section II: Introduction	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section III: Legal authority	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section IV: Ambient air quality standards and air pollution control regulations.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. This is a narrative discussion only. The approved regulations are listed in the table in 40 CFR 52.2670(c).
Section V: Emission inventory	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section VI: Air quality data	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section VII: Classification of Region.	State-wide	1/25/1972	5/31/1972, 37 FR 10842	Included as part of the original SIP. See 40 CFR 52.2673(b).
Section VIII: Control Strategy				

EPA APPROVED GUAM NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Subsection A (Control Strategy for Sulfur Oxides).	State-wide	1/25/1972	5/31/1972, 37 FR 10842	Included as part of the original SIP. See 40 CFR 52.2673(b).
Territory of Guam NAP for SO_2.	Piti Nonattainment Area	6/30/1982	5/15/1984, 49 FR 20495	Narrative and Control Strategy portion of the Piti nonattainment plan, Addendum B, ''Preliminary Results of SO_2 Dispersion Modeling;'' and ''Official Report of Public Hearing.'' The remaining portions of the addenda are for informational purposes only. See 40 CFR 52.2673(c)(5).
Subsection B (Control Strategy for Particulate Matter).	State-wide	1/25/1972	5/31/1972, 37 FR 10842	Included as part of the original SIP. See 40 CFR 52.2673(b). Subsection B of Section VIII (Control Strategies), as submitted on August 14, 1973, was erroneously listed as approved in 40 CFR 52.2670(c)(1), now designated at 40 CFR 52.2673(c)(1). See list of disapproval actions at 43 FR 59066 (December 19, 1978)
Subsection C (SET II Pollutants—Carbon Monoxide, Hydrocarbons, Photochemical Oxidants, and Nitrogen Dioxide).	State-wide	8/14/1973	12/19/1978, 43 FR 59066	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Letter from Paul H. Calvo, Guam EPA, to Kathleen M. Bennett, EPA, dated November 24, 1982.	State-wide	11/24/1982	8/14/1985 50 FR 32697	Negative declaration indicating no Lead Sources in Guam. See 40 CFR 52.2673(c)(6).
Section IX: Complex sources	State-wide	8/14/1973	2/25/1974, 39 FR 7285	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section X: Air quality surveillance network.	State-wide	5/22/1984	1/22/1985, 50 FR 2820	Superseded previous version of Section 10 approved at October 19, 1978 (43 FR 48638). See 40 CFR 52.2673(c)(5).
Section XI: Emergency Episode System.	State-wide	1/25/1972	5/31/1972, 37 FR 10842	Included as part of the original SIP. See 40 CFR 52.2673(b).
Section XI: Source surveillance system.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section XIII: Review of New Source and Modifications.	State-wide	1/25/1972	5/31/1972, 37 FR 10842	Included as part of the original SIP. See 40 CFR 52.2673(b).
Section XIII: Compliance Schedule.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section XV. Resources	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Section XVI: Intergovernmental cooperation.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Appendix A: Notice and minutes of public hearing.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Appendix C: Public Law 11–191.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. Enacted on December 7, 1972. Titled, ''Guam Environmental Protection Agency Act.'' See 40 CFR 52.2673(c)(1).
Appendix F: Summary of air quality data.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Appendix G: Steam power plant parameters.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).

EPA APPROVED GUAM NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
Appendix H: Diffusion model computer printout.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Appendix J: Minutes and letters of public hearing on compliance schedules.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).
Appendix K: Inventory data for 1973.	State-wide	8/14/1973	10/19/1978, 43 FR 48638	Revision to original SIP. See 40 CFR 52.2673(c)(1).

[FR Doc. 2015–03178 Filed 2–17–15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2010–0406; FRL–9922–80–OAR]

Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Regional Haze; Reconsideration

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action on reconsideration.

SUMMARY: On April 6, 2012, Environmental Protection Agency (EPA) published a final rule partially approving and partially disapproving a North Dakota State Implementation Plan (SIP) submittal addressing regional haze submitted by the Governor of North Dakota on March 3, 2010, along with North Dakota's SIP Supplement No. 1 submitted on July 27, 2010, and SIP Amendment No. 1 submitted on July 28, 2011. The Administrator subsequently received a petition requesting EPA to reconsider its approval of certain elements of North Dakota's regional haze SIP. Specifically, the petition raised several objections to EPA's approval of the State's best available retrofit technology (BART) emission limits for nitrogen oxides (NO_X) for Milton R. Young Station (MRYS) Units 1 and 2 and Leland Olds Station (LOS) Unit 2. On March 15, 2013, EPA announced its decision to reconsider its approval of the State's NO_X BART limits for these facilities. In the same action, EPA proposed to affirm its prior approval of these elements of North Dakota's SIP. As a result of this reconsideration process, EPA has concluded that no changes are warranted to its 2012 approval of the NO_X BART limits for these units.

DATES: This final action is effective March 20, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2010–0406. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (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 through *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Gail Fallon, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6281, *Fallon.Gail@epa.gov.*

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Definitions

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

- The word *Act* or initials *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- The initials *ASOFA* mean or refer to advanced separated overfire air.
- The initials *BACT* mean or refer to best available control technology.
- The initials *BART* mean or refer to best available retrofit technology.
- The initials *EPA* or the words *we, us* or *our* mean or refer to the United States Environmental Protection Agency.
- The initials *FIP* mean or refer to Federal Implementation Plan.
- The initials *LOS* mean or refer to Leland Olds Station.
- The initials *MRYS* mean or refer to Milton R. Young Station.
- The initials *NDDH* mean or refer to the North Dakota Department of Health.
- The words *North Dakota* and *State* mean the State of North Dakota unless the context indicates otherwise.
- The initials *NO_X* mean or refer to nitrogen oxides.
- The initials *NPS* mean or refer to the National Park Service.
- The initials *NSR* mean or refer to new source review.
- The initials *PRB* mean or refer to the Powder River Basin.
- The initials *PSD* mean or refer to prevention of signification deterioration.
- The initials *SCR* mean or refer to selective catalytic reduction.

- The initials *SIP* mean or refer to State Implementation Plan.
- The initials *SNCR* mean or refer to selective non-catalytic reduction.
- The initials *TIFI* mean or refer to targeted in-furnace injection.

I. Background

On April 6, 2012, EPA published a final rule partially approving and partially disapproving a North Dakota SIP submittal addressing regional haze submitted by the Governor of North Dakota on March 3, 2010, along with North Dakota's SIP Supplement No. 1 submitted on July 27, 2010, and SIP Amendment No. 1 submitted on July 28, 2011.[1] 77 FR 20894. We gave the history of the North Dakota regional haze rulemaking process that preceded today's final action in the April 6, 2012 rule. 77 FR at 20895–20897. Following our April 6, 2012 final rule, the Administrator received petitions for reconsideration from North Dakota, Great River Energy (the owner of Coal Creek Station), and Earthjustice on behalf of environmental groups. Parallel lawsuits were also filed by these parties.

On March 15, 2013, EPA published a notice of proposed rulemaking initiating the reconsideration of our approval of the State's NO_X BART determination and limits for MRYS Units 1 and 2 and LOS Unit 2. In that notice, we proposed to affirm our prior approval of the determination and limits. We did not grant reconsideration of, or request comment on, any other provisions of the final rule.

Our action was prompted by a June 4, 2012 petition for reconsideration submitted by Earthjustice on behalf of the National Parks Conservation Association and the Sierra Club. The petition requested that EPA reconsider its approval of the State's NO_X BART determinations for MRYS Units 1 and 2 and LOS Unit 2. The petition asserted that the environmental groups were unable to raise their objections to EPA's reliance on a December 21, 2011 U.S. District Court decision [2] during the comment period because of the timing of that decision, and that their objections are of central relevance to EPA's final rule because EPA relied on the district court decision in explaining the basis for its final rule.

Issues raised in the other two petitions for reconsideration from North Dakota and Great River Energy were addressed in a decision on the parallel lawsuits issued by the United States Court of Appeals for the Eighth Circuit on September 23, 2013.[3] The court set aside the issues raised in the Earthjustice lawsuit, pending EPA's action on the June 2012 petition for reconsideration.

We requested comments on our March 15, 2013 proposed reconsideration and provided a two-month comment period, which closed on May 14, 2013. At the request of the North Dakota Department of Health (NDDH), we provided a public hearing on May 15, 2013. To allow for a full 30-day public comment period for the submission of additional comments following the public hearing, we extended the comment period to June 17, 2013.

We received a significant number of comments on our proposed reconsideration action. Many comments, primarily from state and city agencies, rural power cooperatives, and industrial facilities and groups, supported our proposed affirmation of our approval of the State's determinations for the units in question. Many comments from citizens and environmental groups were critical of our proposed action.

In this action, we are responding to the timely comments we have received, taking final action on our reconsideration, and explaining the bases for our action. We did not consider and are not responding to any comments received after the close of the extended comment period on June 17, 2013. Our March 15, 2013 proposed rule provides additional background information on the December 21, 2011 district court decision and on our rationale for this reconsideration.

II. Today's Action

A. Issue for Which Reconsideration Was Granted

EPA granted the petition to reconsider our approval of the State's NO_X BART emission limits for MRYS Units 1 and 2 and LOS Unit 2. After reconsideration of these matters, we are finalizing our approval of the emission limits. We did not reconsider or request comment on any other provisions of our final rule issued on April 6, 2012, in which we partially approved and partially disapproved the North Dakota regional haze SIP.

B. Basis for Today's Final Action

We have fully considered all significant comments on our proposal and have concluded that no changes from our proposal are warranted. Our action is based on an evaluation of North Dakota's SIP submittals against the regional haze requirements at 40 CFR 51.300–51.309 and Clean Air Act (CAA) sections 169A and 169B. All general SIP requirements contained in CAA section 110, other provisions of the CAA, and our regulations applicable to this action were also evaluated. The purpose of this action is to ensure compliance with these requirements. Our authority for action on North Dakota's SIP submittals is based on CAA section 110(k).

As discussed in our rationale for our proposed decision to affirm our prior approval, two critical principles from our BART Guidelines are relevant to this situation. *See* 78 FR at 16454–16455. The first is that as part of a BART analysis, states may eliminate technically infeasible control options from further review. The second is that states generally may rely on a recent best available control technology (BACT) determination for a source for purposes of determining BART for that source.[4] Considered in light of the facts of this matter, those principles support our decision to affirm our prior approval.

Our BART Guidelines indicate that states may generally consider recent BACT determinations to be BART without further analysis. Here, as

[1] Although in the April 6, 2012 final rule we characterized our action as being an approval of part of SIP Amendment No. 1, on further review EPA's position is that we acted on the entirety of SIP Amendment No. 1 in our April 2012 final rule. This submittal included regional haze plan revisions for Coyote Station, additions to SIP Appendix C.4 for MRYS, and documentation pertaining to the State's public participation process and consultation with the Federal Land Managers. The materials that North Dakota submitted for incorporation into Appendix C.4 constitute supporting documentation relevant to its NO_X BACT determination for MRYS and related litigation. Therefore, EPA took the only appropriate action on Appendix C.4: to incorporate the provided information as supporting documentation relevant to the State's NO_X BART determinations for MRYS and LOS.

[2] *United States* v. *Minnkota Power Cooperative, Inc.,* 831 F. Supp. 2d 1109 (D.N.D. 2012).

[3] *North Dakota* v. *EPA,* 730 F.3d 750 (8th Cir. 2013), *cert. denied,* 134 S. Ct. 2662 (2014). The court's ruling mostly upheld EPA's final decisions, including our disapproval for Coal Creek Station, but vacated our Coal Creek Federal Implementation Plan (FIP) on the grounds that we failed to consider existing controls. EPA remains obligated to promulgate a FIP or approve a SIP revision for Coal Creek.

[4] Among other things, EPA's BART Guidelines, codified at 40 CFR part 51, appendix Y, describe a set of steps for determining BART. CAA section 169A(b)(2) requires that BART be determined pursuant to the BART Guidelines for power plants with a total generating capacity over 750 megawatts. With respect to other BART sources, the BART Guidelines reflect EPA's interpretations regarding certain key principles related to BART, including the two principles described in the text. For reference, the generating capacities for MRYS and LOS are 794 megawatts and 656 megawatts, respectively.

discussed below in more detail, the State's BART determinations were developed at approximately the same time as its BACT determination for one of the facilities, a decision which was upheld by a U.S. district court. Based on these facts, we consider it appropriate to approve the State's selection of selective non-catalytic reduction (SNCR) plus advanced separated overfire air (ASOFA) controls as BART at MRYS Units 1 and 2 and LOS Unit 2.[5] As we noted in our proposal, evaluations of technical feasibility often change over time. In the future, North Dakota may reach a different conclusion about the technical feasibility of selective catalytic reduction (SCR) controls at these plants as part of, for example, a reasonable progress analysis. The regional haze program requires additional reasonable progress reviews every ten years to ensure that states make progress toward the visibility goal of the CAA.[6] Therefore, we expect that North Dakota will reassess the technical feasibility of SCR controls at these plants as part of a future reasonable progress analysis.

III. Issues Raised by Commenters and EPA's Responses

A. Comments on Technical Feasibility of SCR

We received numerous comments on our proposal regarding the technical feasibility of SCR for cyclone boilers burning North Dakota lignite. Many of the comments supported the conclusion that SCR is technically feasible for these types of boilers. Regardless of EPA's position regarding the technical feasibility of SCR for the units in question, the *Minnkota Power* court's ruling in our challenge to the State's BACT determination suggests that this is an issue on which reasonable minds may differ. Based on the terms of an April 24, 2006 consent decree settling an enforcement case for MRYS, if EPA disagreed with the State's BACT determination, EPA had the burden of demonstrating to the court that North Dakota's BACT determination was unreasonable. EPA did disagree with North Dakota's BACT determination and challenged that determination in federal district court. In its December 21, 2011 decision, however, the court concluded that EPA had not shown that North Dakota's determination was unreasonable. Because the criteria for determining the technical feasibility of a control technology are essentially identical for both BART and BACT, as discussed in our prior final rule at 77 FR 20897, we consider it appropriate to take the federal district court's ruling on that BACT determination into account in our assessment of North Dakota's regional haze SIP.

In our review of a BART determination in a regional haze SIP, EPA's task is to determine whether the State acted reasonably and in accordance with the requirements of the CAA and our regulations. We have accordingly reviewed North Dakota's SIP based on the record before the State at the time of its decision to determine whether it acted reasonably in concluding that SCR is technically infeasible for MRYS and LOS. As noted above, the December 21, 2011 *Minnkota Power* ruling suggests that North Dakota was not clearly unreasonable in deciding that SCR could not be used on these units. This decision, along with the discussion in the BART Guidelines indicating that technically infeasible options may be eliminated and that states may generally rely on recent BACT determinations in making their BART decisions, forms the basis for our approval of North Dakota's BART determinations for these two facilities. Were EPA making the BART determination in the absence of the factors present here, we would not eliminate SCR from consideration based on technical infeasibility. Given the basis for our decision, however, we do not consider comments regarding the technical feasibility of SCR to be relevant to our decision regarding the reasonableness of North Dakota's BART determination. Therefore, we generally are not summarizing or responding to these comments. However, we are responding to comments that may be relevant to other aspects of this action.

Comment: Environmental groups commented that EPA should consider SCR's technical feasibility in light of more recent developments such as the Electric Power Research Institute's (EPRI) research and operating experience gained with Texas lignite. The EPRI research described by the commenters relates to work simulating catalyst fouling using chemical kinetic modeling. Preliminary results from this research were presented at conferences in 2012 and 2013. The commenters also noted that SCR has been successfully used at Oak Grove Units 1 and 2 and Sandow Unit 4, which burn Texas lignite. While there was very little experience with SCR at the Texas plants at the time of North Dakota's BACT determination for MRYS, the commenters note that the technology has now been in operation for about three years at the Texas plants, exceeding the catalyst's guaranteed lifetime. The Texas plants' catalyst was supplied by Johnson Matthey Catalysts, the same company that (after the State's BART determination) offered to guarantee SCR on North Dakota lignite with standard industry performance and lifetime catalyst guarantees.[7] Commenters point to EPA's BART Guidelines to assert that ''technical feasibility changes over time as technologies evolve,'' and that EPA therefore cannot rely on the *Minnkota Power* decision given more recent technological developments.

Response: We do not agree that EPA should take these recent developments into account at this late date. In this matter the BACT and BART determinations by the state occurred relatively close to each other in time: North Dakota's regional haze public comment period closed in January 2010, while the BACT determination was finalized in November 2010, and North Dakota's public comment period on its SIP Amendment No. 1 ended on March 12, 2011. Therefore, the State could reasonably assert that at the time of its BART determination, no material new technologies would have arisen since its BACT determination. Similarly, our review of the BART determination was made at close to the same time that the district court reached its decision, on much the same record. And while (as noted elsewhere in this notice) we do not view the *Minnkota Power* decision as binding or determinative, we do view it as relevant to our consideration of this matter.

It is true that the EPA generally has discretion, in its CAA rulemaking decisions, to take advantage of the greater knowledge that may result from receiving additional information. *See Michigan* v. *Thomas,* 805 F.2d 176, 185 (6th Cir. 1986) (''At no time should an agency be estopped from using its increased expertise.''). But EPA also has the legal responsibility to complete CAA actions without unreasonable delay. *See* CAA section 304(a). Here, the developments cited by the commenters occurred after the state's BACT and regional haze decision processes, and for the most part after the *Minnkota* decision as well. As a general matter, the Agency does not consider it

[5] The associated BART limits are 0.36 lb/MMBtu for MRYS Unit 1, 0.35 lb/MMBtu for MRYS Unit 2, and 0.35 lb/MMBtu for LOS Unit 2, on a 30-day rolling average basis. The SIP contains separate limits for MRYS Units 1 and 2 during startup of 2070.1 and 3995.6 pounds per hour, respectively, on a 24-hour rolling average basis. *See* SIP section 7.4.2, p. 74.

[6] *See* 40 CFR 51.308(f) requirements for comprehensive periodic revisions of implementation plans for regional haze.

[7] February 27, 2012 letter from Ken Jeffers, Johnson Matthey to Callie Videtich, EPA Region 8. *See* docket EPA–R08–OAR–2010–0406–0322.

appropriate to perpetually restart the BART rulemaking process to consider late-breaking technological developments, or else we would seldom be able to finalize an action.

Accordingly, under the facts present here, and in light of the district court's *Minnkota* decision, in our judgment there is no need to alter our decision in light of these recent developments.

Comment: Commenters stated that EPA should consider a performance guarantee for SCR catalysts on units burning North Dakota lignite provided by Johnson Matthey Catalysts, LLC. Commenters argued that since the district court relied heavily on the absence of vendor guarantees in upholding the State's determination of technical infeasibility, EPA cannot rely on the court's reasoning since a guarantee is now available.

Response: Regardless of EPA's position on the technical feasibility of SCR for MRYS Units 1 and 2 and LOS Unit 2, we acknowledge that throughout the development of the BACT and BART determinations for these units, other parties contested the feasibility of SCR on these high-temperature cyclone boiler units burning high-sodium North Dakota lignite. The State gave great weight to the fact that it did not receive any catalyst vendor guarantees. As noted by commenters on our reconsideration action, however, no catalyst vendors have stated that SCR would be technically infeasible at these units,[8] and one (Johnson Matthey Catalysts, LLC) would offer ''SCR catalyst designs with reasonable operating lifetime performance guarantees for service in a low-dust or tail-end SCR configuration'' [9] absent additional field testing. Most of this information, with the exception of the Johnson Matthey offer, was in the BACT record and thus was before the court at the time of the December 21, 2011 court decision. And while the Johnson Mathey offer is interesting, it is hardly decisive. Considering the abundance of information that was already in the BACT record in December 2011, it is unlikely that the court would have reached a different conclusion based only on the addition of the Johnson Matthey offer, particularly in light of the fact that two other equally reputable vendors would not provide guarantees. As noted in our BART Guidelines, ''we do not consider a vendor guarantee alone to be sufficient justification that a control option will work.'' *Id.* 40 CFR part 51, appendix Y, section IV.D, step 2.

Accordingly, based on the unique circumstances here, and taking into consideration the district court's decision, we are affirming our approval of the State's MRYS and LOS BART decisions, which are based on a recent BACT decision. In finalizing our approval, we note that North Dakota provided an explanation for its conclusions that a federal court found reasonable. We will continue to foster efforts among the interested parties for additional testing to resolve any outstanding uncertainty regarding the feasibility of SCR technology for these units. In a December 20, 2011 letter,[10] North Dakota expressed openness to continuing discussions with EPA concerning further testing and evaluation of SCR technology involving North Dakota lignite coal. Such testing in the field would analyze the technical feasibility of SCR for North Dakota lignite at these cyclone units in a low-dust or tail-end configuration. The existing installation of SNCR should not preclude such efforts. We acknowledge that in a subsequent letter on July 18, 2014, North Dakota stated that based on the *Minnkota Power* ruling it no longer believes testing is a reasonable approach. However, technological advances elsewhere may yet provide compelling information to drive further testing on North Dakota lignite or negate the need for such testing. As noted above, we expect that North Dakota will reassess the technical feasibility of SCR controls at these plants as part of a future reasonable progress analysis.

B. Comments on Emission Limits for SNCR

Comment: Commenters stated that MRYS and LOS can achieve more stringent emission limits with SNCR and ASOFA than those approved by EPA. The commenters assert that, in combination with SNCR and ASOFA, technologies currently in use at MRYS and LOS, namely CyClean and Targeted In-Furnace Injection (TIFI) technology, respectively, allow these units to achieve emission limits much lower than the BART emission limit previously approved by EPA. The commenters also suggested that PerNOxide [11] and hybrid SCR–SNCR are other feasible technology options that should be considered to improve on the performance of NO_X emissions controls at MRYS and LOS. Commenters assert that if EPA had a valid basis for rejecting conventional SCR as BART, it would have to consider the emission reductions that SNCR can achieve in conjunction with other cost-effective controls.

Response: CyClean and TIFI were not identified as technically feasible NO_X control options in the State's SIP. Nor were they the subject of comments during EPA's review, and ultimate approval, of the BART determinations for MRYS and LOS. As detailed above in response to another comment, EPA is assessing the reasonableness of the State's determination based on the record before the State at the time. Accordingly, we do not find that a review of these technologies is appropriate for this reconsideration action. Moreover, we note that these technologies are intended primarily to provide operational benefits, such as improved efficiency and reduced slagging and fouling, and that NO_X emissions reductions are only sometimes a co-benefit of these operational changes. In particular, there is some question whether CyClean at MRYS is consistently effective in reducing NOx emissions.[12]

Furthermore, as the commenters point out, PerNOxide was not commercially available at the time of the BACT or BART determinations. It would therefore not be reasonable for EPA to now disapprove the SIP in this reconsideration on the basis that the State did not select the PerNOxide technology. It may, however, be appropriate for North Dakota to consider this technology in the next planning period as a reasonable progress measure.

Regarding hybrid SCR–SNCR, this technology too was not previously

[8] Two companies, Haldor Topsoe, Inc. and CERAM Environmental, Inc. would require pilot-scale testing in order to offer any guarantee regarding SCR catalyst life. *See* SIP Appendix C.4 (EPA–R08–OAR–2010–0406–0013, pdf pp. 388 and p. 392), January 13, 2010 letter from Wayne Jones to Robert Blakley, and January 13, 2010 email from Noel Rosha, CERAM to Robert Blakley. Another vendor, Alstom Power, stated that despite many challenges a properly designed system fueled by North Dakota lignite could employ SCR. *See* SIP Appendix C.4 (EPA–R08–OAR–2010–0406–0011, pdf p. 159), May 30, 2007 letter from Michael G. Phillips, Alstom, to Robert Blakley, Burns and McDonnell. In our view this statement was so overlaid with conditions and qualifications that it was not unreasonable for the State to choose not to rely on it.

[9] The Johnson Matthey offer came after the close of the State's comment period and thus was not available to the State when it made its BACT and BART decisions.

[10] *See* docket EPA–R08–OAR–2010–0406–0364.

[11] PerNOxide is a technology involving a two-step process. Hydrogen peroxide is injected between the economizer and air preheater to oxidize nitrogen oxide in flue gas to nitrogen dioxide and higher-order oxides. These oxides are then removed in downstream wet scrubbers, such as those installed on MRYS and LOS. *See* docket EPA–R08–OAR–2010–0406–0415, attachment 3, Technical Comments of Bill Powers, P.E. 2013–06–17, p. 30.

[12] Prairie Public News, *Minnkota says new method of reducing emissions 'promising,'* Dave Thompson, August 12, 2013. *http://news.prairiepublic.org/post/minnkota-says-new-method-reducing-emissions-promising.*

identified, and so its review is not appropriate for this reconsideration action. Even so, there is no evidence that the technical feasibility of hybrid SCR–SNCR in relation to catalyst poisons would be any greater than that of conventional SCR. This is particularly true because in the hybrid system, in order to take advantage of the ammonia slip from the SNCR, the in-duct SCR is located in the high-dust position, where it is most vulnerable to catalyst poisoning. We also note that the installation of the SCR–SNCR technology is rare, and we are not aware of any cyclone boilers that are currently employing this technology.

C. Comments on Application of MRYS BACT Court Ruling to Other Units

1. Application of MRYS BACT to LOS Unit 2

Comment: Commenters argued that the BACT limits for MRYS units should not apply to LOS Unit 2. The commenters highlighted their disagreement with EPA's position as stated in the final rule, ''it [LOS] is the same type of boiler burning North Dakota lignite coal [as MRYS], and North Dakota's views regarding technical infeasibility that the U.S. district court upheld in the MRYS BACT case apply to it as well.'' 78 FR 16455. The commenters contended that EPA cannot rely on the BACT determination for MRYS to determine BART for LOS Unit 2 given critical differences between the two facilities. The commenters claimed that these critical differences include the facts that LOS Unit 2 co-fires Powder River Basin (PRB) coal and lignite coal with lesser amounts of alleged SCR catalyst poisons; has been increasing the amount of PRB coal that it fires over time; can be modified to fire even greater quantities of PRB coal, up to 100%, completely eliminating the lignite fuel quality claims; and, unlike MRYS, is equipped with TIFI to reduce slagging and NO_X emissions.

Response: EPA disagrees that there are critical differences between the units in question at MRYS and LOS that would have a material bearing on the technical feasibility of SCR. These units have much in common. They are of the same design (cyclone firing) and similar size (in particular, MRYS Unit 2 at 517 MW and LOS Unit 2 at 440 MW). MRYS and LOS both burn primarily North Dakota lignite coal, which produces ash high in catalyst poisons (principally, sodium and potassium oxides). While MRYS burns lignite coal from the Center Mine, and LOS burns lignite coal from the Freedom Mine, these mines are located within about 40 miles of one another and produce lignite coals of similar quality.

Regarding catalyst poisons, the commenters cited average amounts of sodium and potassium oxides in the MRYS ash of 5.6% and 1.0%, respectively.[13] Similarly, the commenters cited average amounts of sodium and potassium oxides in the LOS ash of 2.94% and 0.73%, respectively.[14] However, the sodium and potassium oxides amounts in the LOS ash given in the State's SIP, 7.55% and 1.20%, respectively,[15] are higher than that suggested by the commenters, and even higher than that for MRYS, thus undermining the commenters' argument that there is a critical difference in the amount of catalyst poisons involved.

On the matter of the ability of LOS to co-fire PRB sub-bituminous coal, though PRB coal does contain lesser amounts of catalyst poisons, there is no evidence that it has been, or will be, fired in quantities significant enough to alter North Dakota's determination of the feasibility of SCR at LOS. As noted in comments submitted by NDDH, the amount of PRB coal fired at LOS averaged 11.3% between 2003 and 2012, with a minimum of 6.5% in 2004 and a maximum of 16.5% in 2005. These levels of PRB coal would only marginally lower the amount of catalyst poisons in the fuel fired at LOS. Also, when considering this ten-year history, there is no indication that the percentage of PRB coal burned at LOS is trending upward. Indeed, the highest proportion of PRB coal burned at LOS occurred in 2005. In addition, because MRYS and LOS are of similar design, there is no reason to conclude that the ability to co-fire PRB coal is wholly unique to LOS. That is, the ability of LOS to burn PRB coal does not present a critical difference between the units.

Finally, the commenters have not established how the application of TIFI is pertinent in relation to SCR feasibility. The commenters do not present any evidence regarding how TIFI may affect the amount of catalyst poisons in the ash, or any other parameter, that relates to SCR feasibility.

In short, the commenters have not identified any critical differences between the coal fired at LOS and that fired at MRYS as it pertains to the technical feasibility of SCR as assessed by the State. To the extent that differences do exist, the commenters have not shown that these differences are extensive enough to alter the assessment of SCR feasibility at LOS. If, as found by the district court, it was reasonable for the State to conclude that catalyst poisons in the ash at MRYS cause SCR to be technically infeasible, then undoubtedly the same reasoning extends to LOS, where the State's SIP record indicates that even higher amounts of poisons were present.

2. Application of MRYS BACT to Coyote

Comment: One commenter stated that EPA should conduct additional evaluation of NO_X emissions for Coyote Station. The commenter noted that because Coyote is equipped with a lime spray dryer and fabric filter, even fewer fine aerosol particles, including sodium fumes, would be emitted into a potential tail-end SCR, and the potential for catalyst poisoning would be even less than for LOS and MRYS. The commenter argued that EPA based its conclusion in favor of approving the State's selection of only SNCR for Coyote on the incorrect premise that Coyote is so similar to LOS and MRYS that the BACT decision for MRYS supersedes a determination of what appropriate controls would be under the reasonable progress provisions of the regional haze rule.

Response: This comment is outside the scope of this reconsideration action, as it pertains to a facility other than MRYS or LOS.

D. Comments on Visibility Benefits

Comment: We received several comments discussing the greater visibility benefit of SCR compared to SNCR and asserting that this justified disapproving the State's BART determinations for SNCR at MRYS Units 1 and 2 and LOS Unit 2.

Response: As noted in other responses, technical comments addressing the merits of SCR over SNCR are essentially irrelevant since we are basing our decision on the fact that the State's BART determination is supported by its BACT determination for MRYS, and on our view that it is appropriate to consider a federal court's ruling on our challenge to the State's BACT determination. We nonetheless

[13] North Dakota Department of Health, Preliminary Best Available Control Technology Determination for Control of Nitrogen Oxides for M.R. Young Station Units 1 and 2, Table 1, page 18, June 2008, SIP Amendment No. 1. *See* docket EPA–R08–OAR–2010–0406–0039.

[14] Les Allery et al., Demonstrated Performance Improvements on Large Lignite-Fired Boiler with Targeted In-Furnace Injection Technology at 7, presented at COAL–GEN 2010, Aug. 10–12, 2010, Pittsburg, PA, *available at http://www.ftek.com/media/en-US/pdfs/TPP-592.pdf. See* docket EPA–R08–OAR–2010–0406–0419, attachment 6.

[15] SIP, Appendix C.1, BART Determination Study for Leland Olds Station Unit 1 and 2, Basin Electric Power Cooperative, Final Draft, Table 1.2–2—Coal Parameters, p. 8.

agree with commenters that SCR is a more effective control technology for achieving visibility benefit, and we also acknowledge that in conducting modeling according to its visibility modeling protocol, North Dakota considered the visibility benefit of SCR in an incorrect manner.[16] However, as clarified by the State's comments submitted for this reconsideration action,[17] the State's BART determination was based on its recent BACT decision for MRYS and its conclusions that SCR is not technically feasible due to unique design characteristics at these units. The State rejected SCR on technical feasibility grounds rather than on the degree of visibility improvement, making North Dakota's erroneous visibility benefit analysis irrelevant. In any case, because technically infeasible control options are eliminated from further analysis in the BART determination process, any consideration of the visibility benefits of SCR is precluded.

Comment: The National Park Service (NPS) noted that EPA only discussed visibility impacts and improvements at Theodore Roosevelt National Park (North Dakota) in the BART analyses and should have also included two other Class I areas, Medicine Lake Wilderness (Montana) and Lostwood Wilderness Area (North Dakota), as these areas are also within 300 km of MRYS and LOS. The NPS stated that it was impossible to determine whether or how EPA considered impacts at the other two Class I areas, and that it is appropriate to consider both the degree of visibility improvement in a given Class I area as well as the cumulative effects of improving visibility across all of the Class I areas affected. The NPS also noted that EPA did not mention the visibility impacts at Medicine Lake in either the **Federal Register** notice or in the Technical Support Document.

Response: The commenter's concern is immaterial in this instance. The technical feasibility review precedes the analysis of visibility impacts in the review process. Since our reconsideration action applies only to MRYS Units 1 and 2 and LOS Unit 2, where the State selected what it determined to be the most stringent technically feasible control option,[18] per the BART Guidelines, we do not reach the issue of visibility impacts.

E. Comments on Legal Issues

1. BACT Versus BART Determinations

Comment: One commenter supporting our proposal stated that it would be incongruous to make BART more stringent than BACT at the same facility. The commenter went on to assert that the procedures set forth in the New Source Review (NSR) Manual and BART Guidelines result in BART determinations that are less stringent than BACT. The commenter noted that unlike the NSR Manual, the BART Guidelines do not call for a top-down analysis. Therefore, according to the commenter, in its BART analysis North Dakota is not required to select the most effective control technology that has not been eliminated. Instead, North Dakota has ''discretion to determine the order in which [it] should evaluate control options for BART,'' and must provide a justification for the technology it selects as ''best.'' 40 CFR 51, appendix Y, section IV.E.2. The commenter believes that because North Dakota has discretion to select something other than the technology that achieves the greatest reduction in emissions, and can forego a control technology based on a lack of visibility improvement, BART controls are less stringent than BACT controls.

Another commenter challenging our proposal stated that a BACT decision, which does not consider the degree of visibility improvement, cannot substitute for BART.

Response: We acknowledge that in many instances BACT determinations will be more stringent than BART determinations, or identical to them. However, there are exceptions. First, the timing of the determinations, particularly in regard to when a control technology becomes commercially available, may yield different BART and BACT determinations. Secondly, the degree of visibility improvement, a factor considered under BART but not BACT, might result in different determinations.

We disagree in this particular situation that the predicted visibility benefits attributable to SCR at MRYS and LOS were small enough, as a sole consideration, to have justified the selection of SNCR over SCR. The State's own modeling identified greater visibility benefits when comparing SCR over SNCR of more than 0.5 deciviews per unit at the highest impacted Class I area, Theodore Roosevelt National Park. However, taking into consideration the December 21, 2011 court decision, in addition to the information the State submitted in SIP Amendment No. 1 and the State's comments on our reconsideration action, we view the State's BART determinations as a rejection of SCR on grounds of technical feasibility rather than low visibility benefits. Accordingly, the visibility factor in the BART analysis does not affect the outcome here.[19]

Comment: One commenter noted that the BART Guidelines do not automatically authorize reliance on a BACT limit. The commenter stated that where there is any indication that the BACT limit is outdated or does not reflect the best available controls, it cannot substitute for BART. It is uncontested that SCR has the highest control efficiency of all control options. Thus, the commenter argued that SCR is indisputably the best, most stringent control, and EPA cannot settle for less under the CAA or the implementing BART Guidelines.

Response: As discussed previously, EPA agrees that BART analyses should not rely on outdated determinations reached under other CAA standards, but we also do not consider it appropriate to perpetually restart the BART rulemaking process to consider late-breaking technological developments. Here, the State could reasonably assert that at the time of its BART determination, no material new technologies would have arisen since its BACT determination. In light of the *Minnkota Power* court's finding that the state reached a reasonable conclusion, the Agency does not believe it appropriate to disregard the BACT determination and require SCR.

Comment: One commenter argued that the court never addressed the question of whether EPA's own BACT analysis was itself reasonable, let alone more persuasive than North Dakota's conclusions regarding feasibility. The commenter stated that similarly, the court did not consider many of EPA's reasons for concluding that SCR is a feasible technology that should be designated as BART. Nor did the court address EPA's view that vendor willingness or unwillingness to provide a catalyst life guarantee had no relation to whether SCR was commercially available or feasible but rather related to

[16] North Dakota also conducted modeling according to the BART Guidelines, which provides the visibility benefit information that EPA used in our original proposal analyses.

[17] *See* docket EPA–R08–OAR–2010–0406–0418.

[18] Since SCR is eliminated from consideration based on technical infeasibility, SNCR becomes the most stringent technically feasible control option.

[19] In making BART determinations, section 169A(g)(2) of the CAA requires that states consider the following factors: (1) The costs of compliance; (2) the energy and non-air quality environmental impacts of compliance; (3) any existing pollution control technology in use at the source; (4) the remaining useful life of the source; and (5) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

the cost of using SCR according to the commenter.

Response: Giving appropriate consideration to the district court's decision does not depend on whether the court addressed every potential argument that EPA made or could have made based on the record of that case. *Minnkota Power* remains a final decision of a federal court with jurisdiction over the subject matter before it, a ruling that addressed issues relevant to this action. Further, as discussed above, EPA finds it appropriate to look to North Dakota's recent BACT determination as indicative of the appropriate BART outcome in this matter.

Comment: One commenter stated that EPA's BART determination is entitled to deference and evaluated under a different standard of review than that applicable to the district court in the *Minnkota Power* case. The commenter noted that EPA is not bound by *Minnkota Power* given EPA's authority when making BART determinations under a FIP, or ensuring that a state's submission complies with the CAA, and the deference given to those decisions. While the definition of technical feasibility is substantially the same for the BACT and BART programs, the legal standard that governed the district court's review of North Dakota's BACT decision is not the same legal standard that applies to review of EPA's decision in promulgating a FIP or reviewing the adequacy of a state regional haze plan, such that the district court decision cannot govern here according to the commenter.

Response: EPA does not view *Minnkota Power* as directly governing the outcome of this matter, but the Agency has taken into consideration this federal court ruling in assessing North Dakota's BART determinations for MRYS and LOS. In reviewing the State's determinations, EPA considered whether North Dakota acted reasonably. The decision in *Minnkota Power* was one factor EPA took into account in deciding not to disapprove North Dakota's SIP. As noted above, this was not the only factor. EPA also took into account the BART Guidelines and North Dakota's contemporaneous BACT determination. We agree that different legal standards govern the district court's review of North Dakota's BACT determination and EPA's review of its decision regarding the adequacy of the SIP.

2. Consideration of the Presumptive NO_X BART Emissions Limit

Comment: Commenters stated that the BACT determination does not fulfill BART requirements for either MRYS or LOS since it contains an emissions limit higher than presumptive BART, and EPA has not conducted a five-factor BART analysis justifying an emission limit above presumptive BART. The BART Guidelines provide that presumptive BART for all lignite-fired cyclone boilers is a NO_X emissions limit of 0.10 lb/MMBtu, based upon the installation of SCR control technology. 40 CFR 51, appendix Y, section IV.E.5. The commenters note that EPA specifically evaluated the use of SCR on both MRYS and LOS in determining the presumptive NO_X BART level and found it feasible and cost effective.[20] The commenters argued that EPA has not refuted the presumptive determination in this case.

Response: We disagree with the commenters. EPA is reaffirming our approval of three BART determinations that included five-factor analyses conducted by the State of North Dakota for MRYS Units 1 and 2 and LOS Unit 2. Thus, it was not necessary for EPA to conduct its own five-factor analyses or to refute the EPA analysis done in 2005 in support of the development of the NO_X presumptive limits. The emissions limits for SNCR in the State's analyses were based on a careful consideration of the statutory factors. While EPA did not agree with all aspects of the State's analyses, the deciding factor was that of technical feasibility. As discussed in the ''Basis for Today's Final Action'' section above, there are two principles from our BART Guidelines that are relevant to this situation. The first is that as part of a BART analysis, states may eliminate technically infeasible control options from further review. The second is that states generally may rely on a recent BACT determination for a source for purposes of determining BART for that source. North Dakota's BART determination for MRYS was developed at approximately the same time as its BACT determination for this facility, and was upheld by a U.S. district court. EPA finds it appropriate to approve the emissions limits for SNCR (above the presumptive emissions limits of 0.10 lb/MMBtu for lignite-fired cyclone boilers, based upon installation of SCR control technology) predicated on the State's analyses and its determination that SCR is eliminated from consideration based upon grounds of technical infeasibility.

[20] *See* EPA, Technical Support Document: Methodology for Developing BART NO_X Presumptive Limits (June 15, 2005), docket EPA–R08–OAR–2010–0406–0092; Technical Support Document for BART NO_X Limits for Electric Generating Units Excel Spreadsheet (June 15, 2005), docket EPA–HQ–OAR–2002–0076–0446.

Comment: Commenters stated that EPA did not consider non-air quality benefits in rejecting a presumptive NO_X BART limit of 0.10 lb/MMBtu or lower, which is based on installation of SCR for cyclone boilers. The commenters noted that impacts are much more severe with SNCR than SCR as much more ammonia is used and released. The commenters list non-air-quality impacts regarding transportation, storage and use of ammonia including safety concerns, and potential fly ash contamination in addition to potential visibility impacts of emissions of unreacted ammonia (''ammonia slip'') that offset the claimed visibility improvement by SNCR compared to SCR.

Response: We disagree with the commenters. They asserted that the ammonia slip from SNCR would be greater than from SCR, but this difference is not pertinent because SCR was eliminated from consideration based on technical infeasibility. (As discussed in our responses elsewhere, in approving BART determinations that are above the presumptive limit at MRYS and LOS, EPA has taken into consideration North Dakota's five-factor analyses, the State's reliance on a recent BACT determination, and a federal court ruling that addressed issues relevant to this action.) The commenters did not assert that SNCR should be eliminated from consideration based on ammonia slip. With SCR an unavailable option, SNCR is the most stringent technically feasible control option, and a comparison of the non-air-quality impacts between the eliminated technology (SCR) and the remaining most stringent technology (SNCR) is immaterial.

3. Collateral Estoppel

Comment: Commenters expressed differing opinions on whether collateral estoppel binds EPA to the *Minnkota Power* decision. The doctrine of collateral estoppel, also known as issue preclusion, provides that ''once a court has decided an issue of fact or law necessary to its judgment that decision may preclude relitigation of the issue in a suit on a different cause of action involving a party to the first case.'' *Air Line Pilots Ass'n Int'l* v. *Trans States Airlines,* 638 F.3d 572, 579 (8th Cir. 2011) (citations and punctuation omitted); *see also Parklane Hosiery Co.* v. *Shore,* 439 U.S. 322, 326 (1979).

Response: Collateral estoppel does not govern EPA's decision in this matter. The district court in *Minnkota Power* decided the case under a standard of review outlined in a consent decree that settled an enforcement matter. Under

the standard derived from the enforcement consent decree, EPA had the burden of proving that the State's BACT determination was unreasonable. On the other hand, when courts review EPA action on a state's BART determination, an altogether different standard applies: courts defer to EPA's technical expertise, and the petitioning party must show that EPA's action was arbitrary and capricious. Thus, because EPA had a much higher burden of proof in the district court than it would have on review of a SIP approval, collateral estoppel does not apply here. ''Failure of one party to carry the burden of persuasion on an issue should not establish the issue in favor of an adversary who otherwise would have the burden of persuasion on that issue in later litigation.'' 18 C. Wright, A. Miller & E. Cooper, Federal Practice and Procedure § 4422 at 592 (2002), *quoted in Cobb* v. *Pozzi,* 352 F.3d 79, 101–102 (2d Cir. N.Y. 2003).

As to LOS Unit 2, an additional reason that EPA is not collaterally estopped with respect to this action is that *Minnkota Power* only involved MRYS, not LOS. Because the case did not specifically address the latter station, collateral estoppel cannot be invoked with respect to it. For these reasons, the Agency's decision in this proceeding is not constrained by the district court's *Minnkota Power* decision. That is not to say, however, that the district court's decision is irrelevant. *Minnkota Power* remains a final decision of a federal court with jurisdiction over the subject matter before it, a ruling that addressed some issues relevant to this action. EPA has reviewed and considered the court's opinion, and views it as relevant to but not decisive of the questions presented in this matter.

Finally, although EPA does not agree that collateral estoppel applies here, our final action is the same as if we had accepted as persuasive the comments asserting that it does.

4. EPA Versus State Authority

Comment: Several commenters in supporting our proposal highlighted that in approving the State's BART determinations, EPA appropriately respected the State of North Dakota's statutory role in establishing BART limits and implied that EPA lacked authority to pursue another course.

Response: Courts have rejected state primacy arguments in several rulings that have occurred since the close of EPA's public comment period for this action. EPA's role in regional haze planning includes examining the rationale for and the reasonableness of states' underlying decisions.

5. Scope of Reconsideration Action

Comment: One commenter stated that there was no need to grant petitioners an opportunity to comment on the *Minnkota Power* ruling because EPA had no choice but to follow it.

Response: We disagree that EPA had no choice but to follow the *Minnkota Power* ruling. Section 307(d)(7)(B) of the CAA prohibits a party from seeking judicial review of objections to a rule that were not raised with reasonable specificity during the comment period. The CAA provides a two-part exception to this general ban on judicial review of newly raised objections. The EPA Administrator must convene a reconsideration proceeding if the petitioner can demonstrate that:

1. It was impracticable to raise such an objection during the comment period or the information became available after the period for public comment; and

2. The objection is of central relevance to the outcome of the rule.

The significant consideration that EPA has given to the district court decision, which was made 30 days after the close of our public comment period, meets the criteria for convening a reconsideration proceeding.

Further, the premise of the comment is incorrect. The comment is built on an assertion that EPA had ''no choice'' but to follow the *Minnkota Power* holding. For the Agency to have no choice, either collateral estoppel or res judicata would have to apply. Neither doctrine does. The district court in *Minnkota Power* decided the case under a standard of review outlined in a consent decree that settled an enforcement matter. There is no possibility of res judicata, because EPA's regional haze rulemaking action was not before the court for decision. And as described above, EPA's action in this proceeding is not constrained by collateral estoppel based on *Minnkota Power.* Therefore, there is no reason to conclude that the *Minnkota Power* decision left EPA ''no choice'' with respect to this rulemaking action.

Comment: One commenter stated that issues involving the technical feasibility, cost effectiveness, and visibility impact of potential control technologies are beyond the scope of this reconsideration action.

Response: EPA initiated the reconsideration of our final rule based on our approval of the State's NO_X BART determination and limits for MRYS Units 1 and 2 and LOS Unit 2. At the time of our proposed reconsideration, to allow for broad public comment, we decided not to limit the relevant scope of comments, other than requiring that they address one or more of these units.

F. Comments Generally in Favor of Our Proposal

Comment: We received more than 1,200 comment letters in support of our rulemaking from concerned citizens and members representing rural power cooperatives. These comments were received at the public hearings in Bismarck, North Dakota, by internet, and through the mail. Each of these commenters was generally in favor of our proposed decision to approve North Dakota's NO_X BART determinations for MRYS Units 1 and 2 and LOS Unit 2. These comments generally stated that SCR is an unproven technology for these type of units and would not noticeably improve visibility. They also expressed concern about increasing electricity costs.

Response: We acknowledge these general comments that supported our proposed action. While we disagree with some of the commenters' reasoning on the points of technical feasibility, visibility benefits, and cost, these points are largely no longer relevant, because we have decided to finalize our approval of North Dakota's NO_X BART determinations for MRYS Units 1 and 2 and LOS Unit 2 on grounds explained elsewhere.

G. Comments Generally Against Our Proposal

Comment: We received over 650 comment letters that urged us to require SCR at MRYS Units 1 and 2 and LOS Unit 2 based on our original rigorous technical analyses that showed SCR was cost effective and a commonly used technology with more than 400 plants using the technology in the United States. Commenters stated that SCR technology would reduce pollution by 90% at these plants. Some commenters generally requested that EPA lower the emission limits for LOS Unit 1. Some commenters also generally discussed health effects and health costs related to regional haze pollutants. Some commenters also stated that rapid oil and gas development makes it more critical to install the best pollution controls at these plants.

Response: Because we have decided to finalize our approval of North Dakota's NO_X BART determinations for MRYS Units 1 and 2 and LOS Unit 2 on the grounds explained elsewhere in this document, it would not be appropriate to require SCR solely based on our original technical analyses.

We appreciate the commenters' concerns regarding the negative health

impacts of pollutants that contribute to regional haze. We agree that these pollutants can have effects on human health, but such effects are not taken into account in setting BART limits under the regional haze program. The next phase of the regional haze program will, as appropriate, lead to further emission reductions.

Regarding the commenters' concerns about rapid oil and gas development in North Dakota, while that is beyond the scope of this reconsideration action, EPA will be closely reviewing North Dakota's plans in future planning periods regarding potential impacts from oil and gas development as well as other anthropogenic emissions on regional haze.

Finally, emission limits at LOS Unit 1 are outside the scope of this reconsideration action; we only reconsidered the NO_X BART determinations for MRYS Units 1 and 2 and LOS Unit 2.

IV. Statutory and Executive Order Reviews

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

This action is exempt from review by the Office of Management and Budget because it merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. In this reconsideration, EPA is affirming its prior approval of North Dakota SIP requirements for two sources in North Dakota.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act. This action is not imposing any additional burden on the public.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory and Flexibility Act. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. In this reconsideration, EPA is affirming its prior approval of North Dakota SIP requirements for two sources in North Dakota. The action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

Unfunded Mandates Reform Act

This action does not contain any unfunded mandate as described in the Unfunded Mandates Reform Act, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

D. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

E. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 because it does not impose substantial direct compliance costs and does not preempt tribal law. In this reconsideration, EPA is affirming its prior approval of North Dakota SIP requirements for two sources in North Dakota. The action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Thus, Executive Order 13175 does not apply to this rule.

F. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it affirms a prior approval of a state action implementing a federal standard.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

H. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. In this reconsideration, EPA is affirming its prior approval of North Dakota SIP requirements for two sources in North Dakota which increase environmental protection for the general population. The action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. This regulatory option was selected as the preferable regulatory option for the reasons summarized in section II.B of this action. EPA provided meaningful participation opportunities for minority, low-income or indigenous populations or tribes in the development of this rule by conducting a public hearing on May 15, 2013 and by providing a three-month public comment period as described in section I of this action.

As part of this environmental justice assessment, EPA also reviewed 2013 U.S. Census Bureau data for Mercer and Oliver counties [21] where the two sources involved in this reconsideration action are located. Both counties have small minority populations with the white, non-minority populations comprising over 95% of the whole. Both counties are also below the 2013 national official poverty rate of 14.5% and the Midwest poverty rate of 12.9%.[22] The 2013 poverty rates for Mercer and Oliver counties are 7.2% and 11.4%, respectively. For comparison, the

[21] Mercer County, *http://quickfacts.census.gov/qfd/states/38/38057.html,* Oliver County, *http://quickfacts.census.gov/qfd/states/38/38065.html.*

[22] Income and Poverty in the United States: 2013, Current Population Reports, DeNavas-Walt and Proctor, Issued September 2014, P60–249, pp. 1 and 15. Available at *https://www.census.gov/content/dam/Census/library/publications/2014/demo/p60-249.pdf.*

poverty rate for the State of North Dakota is 12.1%. Supporting documentation is included in the docket.

EPA's policy on environmental justice is to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Our review here for this reconsideration action is consistent with EPA's policy. This section, along with the supporting documentation in the docket, constitute EPA's full analysis of environmental justice for this action.

J. Congressional Review Act

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

K. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 20, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 6, 2015.

Gina McCarthy,

Administrator.

[FR Doc. 2015–03177 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120404257–3325–02]

RIN 0648–XD735

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for South Atlantic Golden Tilefish Longline Component

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure for the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial longline landings for golden tilefish are projected to reach the longline component's commercial annual catch limit (ACL; commercial quota) on February 19, 2015. Therefore, NMFS closes the commercial longline component for golden tilefish in the South Atlantic EEZ on February 19, 2015, and it will remain closed until the start of the next fishing season, January 1, 2016. This closure is necessary to protect the golden tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, February 19, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Britni LaVine, telephone: 727–824–5305, email: *britni.lavine@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On April 23, 2013, NMFS published a final rule to implement Amendment 18B to the FMP (78 FR 23858). Amendment 18B to the FMP established a longline endorsement program for the commercial golden tilefish component of the snapper-grouper fishery and allocated the commercial golden tilefish ACL among two gear groups, the longline and hook-and-line components as commercial quotas.

The commercial quota for the longline component for golden tilefish in the South Atlantic is 405,971 lb (184,145 kg), gutted weight, for the current fishing year, January 1 through December 31, 2015, as specified in 50 CFR 622.190(a)(2)(iii).

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. After the commercial quota for the longline component is reached or projected to be reached, golden tilefish may not be fished for or possessed by a vessel with a golden tilefish longline endorsement. NMFS has determined that the commercial quota for the longline component for golden tilefish in the South Atlantic will be reached on February 19, 2015. Accordingly, the commercial longline component for South Atlantic golden tilefish is closed effective 12:01 a.m., local time, February 19, 2015, until 12:01 a.m., local time, January 1, 2016.

During the commercial longline closure, golden tilefish may still be harvested commercially using hook-and-line gear. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line trip limit, as specified in 50 CFR 622.191(a)(2)(ii). The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish having golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m., local time, February 19, 2015. During the commercial longline closure, the bag limit and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement, and the sale or purchase of longline-caught golden tilefish taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, February 19, 2015, and were held in cold storage by a dealer or processor. Additionally, the bag and possession limits and the sale and purchase provisions of the commercial closure apply to a person on

board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic golden tilefish and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.193(a)(1)(ii) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act, because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial longline component for golden tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures for this temporary rule would be unnecessary and contrary to the public interest. Such procedures are unnecessary, because the regulations at 50 CFR 622.193(a)(1)(ii) itself have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest, because there is a need to immediately implement this action to protect the golden tilefish resource since the capacity of the fishing fleet allows for rapid harvest of the commercial quota for the longline component. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial quota for the longline component.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: February 12, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015–03317 Filed 2–12–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 32
Wednesday, February 18, 2015

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2014–0088]

RIN 0579–AE05

Mexican Hass Avocado Import Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: Commercial consignments of Hass avocado fruit are currently authorized entry into the continental United States, Hawaii, and Puerto Rico from the Mexican State of Michoacán under a systems approach to mitigate against quarantine pests of concern. We are proposing to amend the regulations to allow the importation of fresh Hass avocado fruit into the continental United States, Hawaii, and Puerto Rico from all of Mexico, provided individual Mexican States meet the requirements set out in the regulations and the operational workplan. Initially, this action would only apply to the Mexican State of Jalisco. With the exception of a clarification of the language concerning when sealed, insect-proof containers would be required to be used in shipping and the removal of mandatory fruit cutting at land and maritime borders, the current systems approach would not change. That systems approach, which includes requirements for orchard certification, limited production area, trace back labeling, pre-harvest orchard surveys, orchard sanitation, post-harvest safeguards, fruit cutting and inspection at the packinghouse, port-of-arrival inspection, and clearance activities, would then be required for importation of fresh Hass avocado fruit from all approved areas of Mexico. The fruit would also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of Mexico with an additional declaration stating that the consignment was produced in accordance with the systems approach described in the operational workplan. This action would allow for the importation of fresh Hass avocado fruit from Mexico while continuing to provide protection against the introduction of plant pests into the continental United States, Hawaii, and Puerto Rico.

DATES: We will consider all comments that we receive on or before April 20, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0088.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0088, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0088* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. David B. Lamb, Senior Regulatory Policy Specialist, RPM, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2103.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56 through 319.56–71), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States. The requirements for importing fresh Hass avocado fruit into the United States from Michoacán, Mexico, are described in § 319.56–30. Those requirements include pest surveys and pest risk-reducing practices, treatment, packinghouse procedures, inspection, and shipping procedures.

The national plant protection organization (NPPO) of Mexico has requested that APHIS amend the regulations in order to allow Hass avocados to be imported from all of Mexico into the continental United States, Hawaii, and Puerto Rico. As part of our evaluation of Mexico's request, we prepared a pest risk assessment (PRA), ''Importation of Fresh Fruit of Avocado (*Persea americana* Mill. var. 'Hass') from Mexico into the Continental United States, Hawaii, and Puerto Rico, A Qualitative, Pathway-Initiated Pest Risk Assessment'' (January 2014), which evaluated the risk of permitting the importation of Mexican Hass avocados from all of Mexico into the continental United States, Hawaii, and Puerto Rico.

We also prepared a commodity import evaluation document (CIED) to determine what phytosanitary measures should be applied to mitigate the pest risk associated with the importation of Hass avocados from all of Mexico into the continental United States, Hawaii, and Puerto Rico. Copies of the PRA and CIED may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room).

In the CIED, entitled, ''Expansion of areas allowed to import Fresh Commercial Avocado Fruit (*Persea americana* Mill. Var. 'Hass') from Mexico into the Continental United States, Hawaii, and Puerto Rico,'' (June 2014), we determined that because the systems approach currently in place is successful in mitigating the risks of introducing quarantine pests associated with the importation of fresh Hass avocado fruit from Michoacán, Mexico, into the continental United States, Hawaii, and Puerto Rico, the current systems approach will also adequately mitigate the risks of introducing quarantine pests from the other Mexican States. We concluded that the phytosanitary risks for insect pests associated with the importation of Hass avocados from all of Mexico into the continental United States, Hawaii, and

Puerto Rico would be effectively mitigated using nearly the same systems approach as is currently used for the importation of Hass avocados from Michoacán, Mexico, as set forth in § 319.56–30. We are proposing to make some minor changes to the systems approach. Those proposed changes are discussed below.

Based on the findings of the CIED and the PRA, we are proposing to amend § 319.56–30 to allow commercial shipments of Hass avocados from all growing areas of Mexico to be imported into the continental United States, Hawaii, and Puerto Rico.

The first additional Mexican State that would be expected to become eligible to export Hass avocados under this proposed expansion would be the State of Jalisco. Currently, only Jalisco is prepared to meet the requirements set out in the regulations for eligibility to ship fresh Hass avocado fruit into the continental United States, Hawaii, and Puerto Rico. Specifically, these requirements are found in § 319.56–30(c) and include orchard certification, traceback labeling, pre-harvest orchard surveys, orchard sanitation, post-harvest safeguards, and fruit cutting and inspection at the packinghouse. This proposed rule would allow for future importation of fresh Hass avocados from other Mexican States provided those States meet the APHIS requirements contained in the regulations. Prior to shipments beginning from any future States, APHIS would work with the NPPO of Mexico to ensure that they meet the requirements of § 319.56–30(c). Any additions to the review process for approving new States will be added to the operational workplan as mutually negotiated and agreed on between APHIS and the NPPO of Mexico.

Pests of Concern

Specific pests of concern associated with fresh avocado fruit for which mitigations are required are listed in paragraphs (c)(1)(ii), (c)(2)(i), and (e) of § 319.56–30. They are:

- *Conotrachelus aguacatae,* a small avocado seed weevil;
- *Conotrachelus perseae,* a small avocado seed weevil;
- *Copturus aguacatae,* avocado stem weevil;
- *Heilipus lauri,* large avocado seed weevil; and
- *Stenoma catenifer,* avocado seed moth.

We are proposing to remove references to these specific pests from the regulations. The pest list would instead be maintained in the operational workplan provided to APHIS for approval by the NPPO of Mexico. An operational workplan is an agreement between APHIS' Plant Protection and Quarantine program, officials of the NPPO of a foreign government, and, when necessary, foreign commercial entities, that specifies in detail the phytosanitary measures that will comply with our regulations governing the import or export of a specific commodity. Operational workplans apply only to the signatory parties and establish detailed procedures and guidance for the day-to-day operations of specific import/export programs. Operational workplans also establish how specific phytosanitary issues are dealt with in the exporting country and make clear who is responsible for dealing with those issues. The existing systems approach for importing fresh Hass avocado fruit into the United States from Michoacán, Mexico, currently requires that an annual workplan be developed. This change would allow APHIS flexibility and responsiveness in adding or removing pests of concern from the list of actionable pests. (The current regulations refer to a ''bilateral work plan.'' For the sake of consistency with our other regulations, we would change the term to ''operational workplan'' in this rulemaking.)

Additionally, based on the findings of the PRA, we would add eight pests to the list of pests of concern to be maintained in the operational workplan. Of those, we would require field and packinghouse surveys for *Cryptaspasma perseana,* a tortricid moth, and *Conotrachelus serpentinus,* a weevil, but not for the other six pests listed below, which were determined to pose a medium or low chance of following the importation pathway of fresh Hass avocado fruit from Mexico. These pests, which would be addressed through port of entry inspection, are:

- Avocado sunblotch viroid;
- *Maconellicoccus hirsutus* (Green), pink hibiscus mealybug;
- *Pseudophilothrips perseae* (Watson), a thrips;
- *Scirtothrips aceri* (Moulton), a thrips;
- *Scirtothrips perseae* Nakahara, a thrips; and
- *Sphaceloma perseae* Jenkins, avocado scab.

We have determined that the existing mitigations would be sufficient to prevent these six pests from following the pathway of importation, in particular, packinghouse culling, restriction of shipments to commercial consignments only, and NPPO inspection. The six pests listed above produce symptoms on infested fruit that are macroscopic in nature and thus easily detectable upon surface inspection. Further, commercially produced fruit are grown and packed to meet quality standards that are much higher than non-commercially produced fruit and are therefore less likely to serve as hosts to pests of phytosanitary concern. Interceptions of pests in commercial shipments of fruit versus passenger baggage indicate commercially produced fruit represents a much lower risk of carrying pests.

Fruit Covering Requirements

In § 319.56–30, paragraph (c)(3)(vii) currently references the lid, insect-proof mesh, or other material required to be placed over the avocados prior to leaving the packinghouse to protect against fruit fly infestation. Paragraph (c)(3)(viii) describes refrigerated transit requirements for the avocado fruit within Mexico. Recently, a maritime shipment of fresh avocado fruit from Mexico arrived in Port Manatee, FL, for the first time. The avocados were in uncovered trays inside sealed refrigerated containers, and the shipment was delayed because the avocados were not covered with a lid, insect-proof mesh, or other material. As a result of this incident, we have examined the requirements in paragraphs (c)(3)(vii) and (c)(3)(viii) and determined that we should clarify our intentions regarding whether those lids, insect-proof mesh, or other material need to remain in place throughout the entire shipping process.

Since the lids, insect-proof mesh, or other material are intended to provide phytosanitary protection against fruit flies, and transport in refrigerated trucks or containers provides the same protection, we are proposing to amend the regulations in order to stipulate that those coverings would not be required when the avocado fruit is inside a refrigerated container or truck. Such coverings would therefore not be required to be applied at the packinghouse, as the avocados are transferred directly from inside the packinghouse into refrigerated containers or trucks, and all transit within Mexico is required to be completed in these containers or trucks. If the avocado fruit is transferred to a non-refrigerated container at an air or maritime port in Mexico for shipment to the United States, a covering would have to be applied.

Port of Entry Fruit Cutting

Currently, Hass avocado fruit are required to be biometrically sampled and cut in the field, at the packinghouse, and by an inspector at the port of first entry into the United

States. We received a request from U.S. Customs and Border Protection to amend the port of entry requirement, which is found in § 319.56–30(f), in order to allow the fruit to be cut at the discretion of the inspector. Given the lack of quarantine pest interceptions in shipments of avocado fruit from Mexico at the ports of first entry for the period from 1997 to 2014, we propose to amend the requirement. This will allow for operational flexibility. The other cutting and sampling requirements would remain unchanged.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

Mexican officials have requested that additional States in Mexico be allowed to export Hass avocados to the United States under the same systems approach that was implemented for Michoacán, Mexico, and has successfully kept pest infestations associated with imported avocados out of the United States. U.S. imports of avocado from Mexico have increased significantly over the years, from 311 million pounds in 2003 to over 1.1 billion pounds in 2013. U.S. avocado production over the 10 years from the 2002/03 season through the 2011/12 season averaged 423 million pounds per year, of which California accounted for 87.5 percent or over 375 million pounds. Nearly all of California's production is of the Hass variety.

While APHIS does not have information on the size distribution of U.S. avocado producers, according to the Census of Agriculture, there were a total of 93,020 fruit and tree nut farms in the United States in 2012. The average value of agricultural products sold by these farms was less than $274,000, which is well below the SBA's small-entity standard of $750,000. It is reasonable to assume that most avocado farms qualify as small entities. Between 2002 and 2012, the number of avocado operations in California grew by approximately 17 percent, from 4,801 to 5,602 operations.

Avocados produced in the State of Jalisco, north of Michoacán, are expected to be the first that would be exported to the United States under this rule. These imports would help meet the increasing year-round U.S. demand for avocados. Per capita avocado consumption in the United States grew from 1.1 pounds in 1989 to 4.5 pounds in 2011. A growing Hispanic population and greater awareness of the avocado's health benefits have helped to spur demand.

In 2012, Jalisco produced about 90 million pounds of Hass avocados. Given required phytosanitary safeguards, only a fraction of this quantity is expected to qualify for importation by the United States. But even if all of Jalisco's avocado production were to meet the requirements for U.S. entry, the total quantity would be equivalent to less than 8 percent of U.S. Hass avocado imports in 2013 of over 1.2 billion pounds. The proposed rule is therefore not expected to have a large impact on the U.S. avocado market or California producers because of potential imports solely from the Mexican State of Jalisco. Any market effects are as likely to be borne by other foreign suppliers, such as Chile and Peru, as by U.S. producers.

Executive Order 12988

This proposed rule would allow fresh Hass avocado fruit to be imported into the United States from all of Mexico. If this proposed rule is adopted, State and local laws and regulations regarding fresh Hass avocado fruit imported under this rule would be preempted while the fruit is in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.56–30 is amended as follows:

■ a. By revising the section heading.

■ b. In the introductory paragraph, by removing the words ''Michoacan, Mexico,'' and adding the word ''Mexico'' in their place.

■ c. By revising paragraph (c) introductory text.

■ d. In paragraph (c)(1)(i), by removing the words ''bilateral work plan'' and adding the words ''operational workplan'' in their place.

■ e. In paragraph (c)(1)(ii), by removing the words ''the large avocado seed weevil *Heilipus lauri,* the avocado seed moth *Stenoma catenifer,* and the small avocado seed weevils *Conotrachelus aguacatae* and *C. perseae*'' and adding the words ''avocado pests listed in the operational workplan'' in their place.

■ f. In paragraph (c)(2) introductory text, by removing the words ''annual work plan'' and adding the words ''operational workplan'' in their place.

■ g. In paragraph (c)(2)(i), by removing the words ''the avocado stem weevil *Copturus aguacatae''* and adding the words ''avocado pests listed in the operational workplan'' in their place.

■ h. In paragraph (c)(3) introductory text, by removing the words ''annual work plan'' and adding the words ''operational workplan'' in their place.

■ i. By revising paragraph (c)(3)(vii).

■ j. In paragraph (c)(3)(viii), by adding two sentences at the end of the paragraph.

■ k. In paragraph (e), by removing the words ''*Heilipus lauri, Conotrachelus*

aguacatae, C. perseae, Copturus aguacatae, or *Stenoma catenifer*'' and adding the words ''listed in the operational workplan'' in their place.

■ l. In paragraph (f), by removing the word ''will'' and adding the word ''may'' in its place.

The revisions and additions read as follows:

§ 319.56–30 Hass avocados from Mexico.

* * * * *

(c) *Safeguards in Mexico.* The avocados must have been grown in an orchard located in a municipality that meets the requirements of paragraph (c)(1) of this section. The orchard in which the avocados are grown must meet the requirements of paragraph (c)(2) of this section. The avocados must be packed for export to the United States in a packinghouse that meets the requirements of paragraph (c)(3) of this section. The Mexican national plant protection organization (NPPO) must provide an annual operational workplan to APHIS that details the activities that the Mexican NPPO will, subject to APHIS' approval of the workplan, carry out to meet the requirements of this section; APHIS will be directly involved with the Mexican NPPO in the monitoring and supervision of those activities. The personnel conducting the trapping and pest surveys must be hired, trained, and supervised by the Mexican NPPO or by the State delegate of the Mexican NPPO.

* * * * *

(3) * * *

(vii) The avocados must be packed in clean, new boxes or bulk shipping bins, or in clean plastic reusable crates. The boxes, bins, or crates must be clearly marked with the identity of the grower, packinghouse, and exporter.

(viii) * * * If, at the port of export for consignments shipped by air or sea, the packed avocados are transferred into a non-refrigerated container, the boxes, bins, or crates must be covered with a lid, insect-proof mesh, or other material to protect the avocados from fruit-fly infestation prior to leaving the packinghouse. Those safeguards must be intact at the time the consignment arrives in the United States.

* * * * *

Done in Washington, DC, this 11th day of February 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–03289 Filed 2–17–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0088; Directorate Identifier 2014–NM–179–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. 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 Bombardier, Inc. Model BD–100–1A10 (Challenger 300) airplanes. This proposed AD was prompted by testing of the spoiler electronic control unit (SECU) software for an upgrade, which revealed a timing error between the command and monitor channels. This proposed AD would require revising the maintenance or inspection program to incorporate repetitive operational tests of the aileron disconnect system, and corrective action if necessary. This proposed AD would also require modification and reidentification of the SECU, which would terminate the repetitive operational tests. We are proposing this AD to prevent a timing error in the SECU software, which, in combination with failure of the roll disconnect switch, could result in complete loss of spoiler functionality and consequent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by April 6, 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 Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2015–0088; 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: Assata Dessaline, Aerospace Engineer, Avionics and Service Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7301; fax 516–794–5531.

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–2015–0088; Directorate Identifier 2014–NM–179–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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–24, dated August 5, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model BD–

100–1A10 (Challenger 300) airplanes. The MCAI states:

> During testing of the software for an upgrade of the spoiler electronic control unit (SECU), a timing error between the Command and Monitor channels was found in the SECU software. This timing error, if not corrected, in combination with the failure of the roll disconnect switch, may lead to a complete loss of spoiler functionality and result in a reduction or complete loss of aeroplane roll control.
>
> This [TCCA] AD mandates the SECU software modification to correct the timing error and to change the inspection interval for a maintenance task based on System Functional Hazard Analysis [by revising the inspection or maintenance program.]

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–2015–0088.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc. has issued Service Bulletin 100–27–16, dated October 31, 2013. The service information describes procedures for modification and reidentification of the SECU. 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.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.*, inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Costs of Compliance

We estimate that this proposed AD affects 107 airplanes of U.S. registry.

We also estimate that it would take up to 6 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 up to $54,570, or up to $510 per product.

We have received no definitive data on the parts cost for doing the modification in this proposed AD.

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):

Bombardier, Inc.: Docket No. FAA–2015–0088; Directorate Identifier 2014–NM–179–AD.

(a) Comments Due Date

We must receive comments by April 6, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model BD–100–1A10 (Challenger 300) airplanes, equipped with a spoiler electronic control unit (SECU) having part number (P/N) C47330–006, C47330–007, or C47330–008; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Reason

This AD was prompted by testing of the spoiler electronic control unit (SECU) software, which revealed a timing error between the command and monitor channels in the software. We are issuing this AD to prevent a timing error in the SECU software, which, in combination with failure of the roll disconnect switch, could result in complete loss of spoiler functionality and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Revise the Maintenance or Inspection Program

Within 600 flight hours since the most recent operational test of the aileron disconnect system for spoiler functionality as of the effective date of this AD, or within 400 flight hours after the effective date of this AD, whichever occurs first: Revise the maintenance or inspection program, as applicable, to incorporate repetitive operational tests of the aileron disconnect system for spoiler functionality, and all

applicable corrective actions, using a method approved by the Manager, New York ACO, ANE–170, FAA.

Note 1 to paragraph (g) of this AD: Guidance on operational tests of the aileron disconnect system can be found in the BD–100–1A10 Time Limits/Maintenance Checks (TLMC) Manual.

(h) Modification of the SECU

Within 1,600 flight hours or 48 months after the effective date of this AD, whichever occurs first: Modify and re-identify the SECU, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–27–16, dated October 31, 2013. Doing the actions required by this paragraph terminates the actions required by paragraph (g) of this AD.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install an SECU, P/N C47330–006, C47330–007, or C47330–008, on any airplane.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–24, dated August 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–FAA–2015–0088.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may view this 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 February 2, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02695 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0242; Directorate Identifier 2014–NM–100–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 A300 B4–603, B4–605R, B4–620, B4–622, B4–622R airplanes; all Airbus Model A300 C4–605R Variant F airplanes; and certain Airbus Model A300 F4–605R airplanes. This proposed AD was prompted by the manufacturer's review of all repairs accomplished using the structural repair manual. This review was done using revised fatigue and damage tolerance calculations. This proposed AD would require an inspection of the surrounding panels of the left and right forward passenger doors, and corrective actions if necessary. We are proposing this AD to detect and correct previous incomplete or inadequate repairs to the surrounding panels of the left and right forward passenger doors and the fail-safe ring, which could negatively affect the structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by April 6, 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–2015–0242; 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–2015–0242; Directorate Identifier 2014–NM–100–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 2014–0101, dated May 2, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 B4–603, B4–605R, B4–620, B4–622, B4–622R airplanes; all Airbus Model A300 C4–605R Variant F airplanes; and certain Airbus Model A300 F4–605R airplanes. The MCAI states:

In the frame of the Ageing Airplane Safety Rule (AASR), all existing Structural Repair Manual (SRM) repairs were reviewed.

This analysis, which consisted in new Fatigue and Damage Tolerance calculations, revealed that some repairs in the area surrounding the forward passenger/crew door and the fail safe ring are no longer adequate.

These repairs, if not reworked, could affect the structural integrity of the aeroplane.

To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A300–53–6173 (later revised), to provide instructions for the inspection of repairs on the left-hand (LH) and right-hand (RH) forward door surrounding panels.

For the reasons described above, and further to the AASR implementation, this [EASA] AD requires a one-time inspection of the forward door surrounding panels to identify SRM repairs in these areas and, depending on findings, accomplishment of applicable corrective action(s).

Corrective actions include contacting the manufacturer for rework approval or repair instructions.

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–2015–0242.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014. The service information describes procedures for a one-time detailed of the area surrounding the forward passenger/crew door and the fail safe ring to determine if any repairs have been done, and corrective actions. 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 the service information identified previously 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 65 airplanes of U.S. registry.

We also estimate that it would take about 120 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 $663,000, or $10,200 per product.

In addition, we estimate that any necessary follow-on actions would take up to 730 work-hours and require parts costing up to $72,250, for a cost of up to $134,300 per product, depending on configuration. We have no way of determining the number of aircraft that might need these actions.

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–2015–0242; Directorate Identifier 2014–NM–100–AD.

(a) Comments Due Date

We must receive comments by April 6, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Model A300 B4–603, B4–605R, B4–620, B4–622, and B4–622R airplanes, all manufacturer serial numbers.

(2) Model A300 C4–605R Variant F airplanes, all manufacturer serial numbers.

(3) Model A300F4–605R airplanes, all manufacturer serial numbers, except those on which Airbus Modification 12699 was embodied in production.

(d) Subject

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

(e) Reason

This AD was prompted by the manufacturer's review of all repairs accomplished using the structural repair manual. This review was done using revised fatigue and damage tolerance calculations. We are issuing this AD to detect and correct previous incomplete or inadequate repairs to the surrounding panels of the left and right forward passenger doors and the fail-safe ring, which could negatively affect the structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

At the time specified in paragraph (g)(1) or (g)(2) of this AD, whichever is later: Do a detailed inspection of the surrounding panels of the left and right forward passenger doors to determine if any repairs have been done, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014.

(1) Prior to the accumulation of 30,000 total flight cycles or 67,500 total flight hours, whichever occurs first.

(2) Within 28 months after the effective date of this AD.

(h) Identification of Repairs

If any affected repair is found during the inspection required by paragraph (g) of this AD: Before further flight, identify the reworked area(s), the percentage of the rework, and the limits of the rework, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014.

(i) Corrective Actions

During the repair identification required by paragraph (h) of this AD, if any rework is found that is outside the allowable damage limits specified in Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014: Before further flight, rework or repair, as applicable, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(j) Exception to Service Information Specifications

Although Airbus Service Bulletin A300–53–6173, Revision 01, dated February 28, 2014, specifies to contact Airbus for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; EASA; or Airbus's EASA DOA.

(k) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–53–6173, dated August 1, 2013, which is not incorporated by reference in this AD.

(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: 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) *Required for Compliance (RC):* Except as required by paragraph (j) of this AD, if the service information 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 operator's 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; the EASA; or Airbus's EASA 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 2014–0101, dated May 2, 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–2015–0242.

(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 February 2, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02920 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0245; Directorate Identifier 2014–NM–135–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–24–10, which applies to certain The Boeing Company Model 747–400 and -400F series airplanes. AD 2012–24–10 currently requires installing new software, replacing the duct assembly with a new duct assembly, making wiring changes, and routing certain wire bundles. Since we issued AD 2012–24–10, we have received new reports of intermittent or blank displays of a certain integrated display unit (IDU) that were due to an intermittent false ground not addressed by the software installation or wiring changes required by AD 2012–24–10. This proposed AD would retain the requirements of AD 2012–24–10 and would require installing a new or serviceable pressure switch bracket and altitude pressure switch, and add an airplane to the applicability of the existing AD. We are proposing this AD to prevent IDU malfunctions, which could affect the ability of the flightcrew to read primary displays for airplane attitude, altitude, or airspeed, and consequently reduce the ability of the flightcrew to maintain control of the airplane.

DATES: We must receive comments on this proposed AD by April 6, 2015.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0245.

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–2015–0245; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Ana Martinez Hueto, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6592; fax: 425–917–6591; email: *ana.m.hueto@faa.gov.*

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–2015–0245; Directorate Identifier 2014–NM–135–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 because of those comments.

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

Discussion

On November 30, 2012, we issued AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), for certain The Boeing Company Model 747–400 and -400F series airplanes. AD 2012–24–10 requires installing new software, replacing the duct assembly with a new duct assembly, making wiring changes, and routing certain wire bundles. AD 2012–24–10 resulted from multiple reports of integrated display unit (IDU) malfunctions and mode control panel (MCP) malfunctions. We issued AD 2012–24–10 to prevent IDU malfunctions, which could affect the ability of the flightcrew to read primary displays for airplane attitude, altitude, or airspeed, and consequently reduce the ability of the flightcrew to maintain control of the airplane.

Actions Since AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), Was Issued

Since we issued AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), we have received reports of intermittent or blank displays of a certain IDU in the flight deck that were due to an intermittent false ground not addressed by the software installation or wiring changes required by AD 2012–24–10. The false ground exists on the 25,000 foot altitude analog/discrete signal of the environmental control systems miscellaneous card, which is a signal that is transmitted to the pack temperature controller. This false ground creates a potential to circumvent the control logic by allowing the 3-way valve to switch air sources before an aircraft reaches an altitude of 25,000 feet, defeating the intent of the corrective actions of AD 2012–24–10.

We have determined that the installation of a pressure switch bracket and an altitude pressure switch is needed on the forward side of the station 400 bulkhead to achieve an adequate level of safety. The installation of the altitude pressure switch would change the operating logic for the three-way valve, so that the source for equipment cooling air is changed as the airplane transitions through an altitude of 25,000 feet. Since we issued AD 2012–24–10, Boeing issued Special Attention Service Bulletin 747–21–2532; and Special Attention Service Bulletin 747–21–2533; both dated February 13, 2014; which contain procedures for installing the pressure switch bracket and altitude pressure switch discussed previously.

Since we issued AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), Boeing also issued a revision to Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011 (which was referenced as a source of service information in AD 2012–24–10). Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013, was issued to correct wiring instructions for 747–400BCF airplanes that provide crew rest heat below a 25,000 foot altitude, and to add an airplane configuration having variable number RT061 as Group 21 to the effectivity. The airplane that was added was recently converted from a passenger to a freighter configuration, which this proposed AD addresses. Since this

proposed AD adds this new airplane group to the applicability, we have added paragraph (j) to this proposed AD, which provides new compliance times for Group 21 airplanes.

Related Service Information Under 1 CFR Part 51

Boeing issued Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013. This service information describes procedures for changing the wiring and operating logic of the equipment cooling three-way valve and replacing the existing duct assembly with a new duct assembly on the main distribution manifold of the air conditioning system.

Boeing also issued Boeing Special Attention Service Bulletin 747–21–2532, dated February 13, 2014. This service information describes procedures for installing an altitude pressure switch on the forward side of the station 400 bulkhead for the three-way valve of the equipment cooling system. Boeing also issued Boeing Special Attention Service Bulletin 747–21–2533, dated February 13, 2014. This service information describes procedures for adding a second altitude signal to the switching logic for the three-way valve to provide a second, independent, altitude signal for the equipment cooling system.

For information on the procedures and compliance times, see this service information. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain all of the requirements of AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012.) This proposed AD would also require installing a pressure switch bracket and altitude pressure switch, and would add an airplane to the applicability.

Costs of Compliance

We estimate that this proposed AD affects 33 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Duct assembly and replacement wiring changes (retained actions from AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012).	44 work-hours × $85 per hour = $3,740	$20,121	$23,861	$787,413
Software changes (retained actions from AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012).	3 work-hours × $85 per hour = $255	0	255	8,415
Altitude pressure switch installation (new proposed action).	13 work-hours × $85 per hour = $1,105	5,230	6,335	209,055

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

Authority for This Rulemaking

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

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

Regulatory Findings

We have 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 that the 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 removing Airworthiness Directive (AD) 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), and adding the following new AD:

The Boeing Company: Docket No. FAA–2015–0245; Directorate Identifier 2014–NM–135–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by April 6, 2015.

(b) Affected ADs

This AD replaces AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012).

(c) Applicability

This AD applies to The Boeing Company Model 747–400 and –400F series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air Conditioning; 31, Instruments.

(e) Unsafe Condition

This AD was prompted by reports of intermittent or blank displays of a certain integrated display unit (IDU) in the flight deck. We are issuing this AD to prevent IDU malfunctions, which could affect the ability of the flightcrew to read primary displays for airplane attitude, altitude, or airspeed, and consequently reduce the ability of the flightcrew to maintain control of the airplane.

(f) Compliance

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

(g) Retained Software Update

This paragraph restates the requirements of paragraph (g) of AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), with revised service information. Within 12 months after January 16, 2013 (the effective date of AD 2012–24–10), except as provided by paragraph (j) of this AD: Install integrated display system software, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011; or Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013. As of the effective date of this AD, only Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013, may be used to accomplish the actions required by this paragraph.

Note 1 to paragraph (g) and (j) of this AD: Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011; and Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013; refer to Boeing Service Bulletin 747–31–2426, dated July 29, 2010 (for airplanes with Rolls-Royce engines); Boeing Service Bulletin 747–31–2427, dated July 29, 2010 (for airplanes with General Electric engines); and Boeing Service Bulletin 747–31–2428, dated July 29, 2010 (for airplanes with Pratt & Whitney engines); as additional sources of guidance for the software installation specified by paragraph (g) of this AD. Boeing Service Bulletin 747–31–2426, dated July 29, 2010; Boeing Service Bulletin 747–31–2427, dated July 29, 2010; and Boeing Service Bulletin 747–31–2428, dated July 29, 2010; are not incorporated by reference in this AD.

(h) Retained Duct Assembly Replacement and Wiring Changes

This paragraph restates the requirements of paragraph (h) of AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), with revised service information. Within 60 months after January 16, 2013 (the effective date of AD 2012–24–10), except as provided by paragraph (j) of this AD: Replace the duct assembly with a new duct assembly, do wiring changes, and route certain wire bundles, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011; or Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013. As of the effective date of this AD, only Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013, may be used to accomplish the actions required by this paragraph.

(i) New Installation of Pressure Switch Bracket and Altitude Pressure Switch

Within 60 months after the effective date of this AD: Install a new or serviceable pressure switch bracket and a new or serviceable altitude pressure switch on the forward side of the station 400 bulkhead, do wiring changes, route certain wire bundles, install a new hose assembly, and perform a leak check and a functional logic test, in accordance with the Accomplishment Instructions of the service information specified in paragraph (i)(1) or (i)(2) of this AD, as applicable.

(1) For Model 747–400F series airplanes: Boeing Alert Service Bulletin 747–21–2532, dated February 13, 2014.

(2) For Model 747–400BCF series airplanes: Boeing Alert Service Bulletin 747–21–2533, dated February 13, 2014.

(j) Actions for Group 21 Airplanes

For Group 21 airplanes, as identified in Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013, do the actions specified in paragraphs (j)(1) and (j)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013.

(1) Within 12 months after the effective date of this AD, install integrated display system software.

(2) Within 60 months after the effective date of this AD, replace the duct assembly with a new duct assembly, do wiring changes, and route certain wire bundles.

(k) 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 Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(m) Related Information

(1) For more information about this AD, contact Ana Martinez Hueto, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6592; fax: 425–917–6591; email: *ana.m.hueto@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 2, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02925 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0243; Directorate Identifier 2014–NM–114–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 A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. This proposed AD was prompted by reports of cracked aluminum support struts of the trimmable horizontal stabilizer (THS) caused by stress corrosion. This proposed AD would require inspections to identify the part number of each support strut, repetitive inspections for cracking of the THS support strut ends, installation of reinforcing clamps on strut ends, and replacement of support struts, if necessary. We are proposing this AD to detect and correct cracked THS support struts, which could lead to the rupture of all four support struts making the remaining structure unable to carry limit loads, which could result in loss of the THS and reduced control of the airplane.

DATES: We must receive comments on this proposed AD by April 6, 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–2015–0243; 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–2015–0243; Directorate Identifier 2014–NM–114–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 2014–0164, dated July 11, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The MCAI states:

> During scheduled maintenance, several Trimmable Horizontal Stabilizer (THS) support struts were found cracked at the strut ends. The THS is supported and articulated at frame (FR) 91 in the tail cone. Lateral movement is prevented by four diagonal support struts.
>
> Investigations revealed that the cracks were caused by stress corrosion and propagated from the inside to the outside of the strut.
>
> This condition, if not detected and corrected, could lead to the rupture of all four THS support struts at FR91, which would make the remaining structure unable to carry limit loads, potentially resulting in loss of the Horizontal Tail Plane.
>
> To address this unsafe condition, EASA issued [EASA] AD 2014–0121 [*http://ad.easa.europa.eu/ad/2014-0121*] to require repetitive High Frequency Eddy Current (HFEC) inspections of the THS support strut ends, installation of reinforcing clamps on strut ends and, depending on findings, replacement of damaged support struts. Installation of reinforcing clamps on strut ends is considered a temporary solution pending introduction of a re-designed support strut.
>
> Since that [EASA] AD was issued, it was discovered that the [EASA] AD appeared to also require HFEC inspections of steel struts, which are not prone to cracking. The unsafe condition exists only on support struts made of aluminum, which were introduced through Airbus modification (mod) 06101, but may also have been installed in service as replacement parts on aeroplanes in pre-mod 06101 configuration.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2014–0121, which is superseded, and clarifies the need for an initial identification of the support struts installed on aeroplanes in pre-mod 06101 configuration. The related Airbus Service Bulletins (SB) remain unchanged.

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–2015–0243.

Relevant Service Information Under 1 CFR Part 51

Airbus has issued the following service information. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

- Airbus Service Bulletin A300–53–0394, dated February 14, 2014. This service information describes procedures for reinforcing the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300 series airplanes.
- Airbus Service Bulletin A300–53–0395, dated February 14, 2014. This service information describes procedures for inspecting for cracking of the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300 series airplanes.
- Airbus Service Bulletin A300–53–6172, dated February 14, 2014. This service information describes procedures for reinforcing the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300–600 series airplanes.

• Airbus Service Bulletin A300–53–6174, dated February 14, 2014. This service information describes procedures for inspecting for cracking of the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A300–600 series airplanes.

• Airbus Service Bulletin A310–53–2136, dated February 14, 2014. This service information describes procedures for reinforcing the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A310 series airplanes.

• Airbus Service Bulletin A310–53–2137, dated February 14, 2014. This service information describes procedures for inspecting for cracking of the support struts of the THS at frame 91 in the fuselage tail section of Airbus Model A310 series airplanes. 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.

Differences Between This Proposed AD and the MCAI or Service Information

Unlike the procedures described in Airbus Service Bulletin A300–53–0395; Airbus Service Bulletin A300–53–6174; and Airbus Service Bulletin A310–53–2137; each dated February 14, 2014; this proposed AD would not permit further flight if cracks are detected in the aluminum support strut ends of the trimmable horizontal stabilizer at frame 91. We have determined that, because of the safety implications and consequences associated with that cracking, any cracked aluminum support strut ends of the trimmable horizontal stabilizer must be repaired or modified before further flight. This difference has been coordinated with EASA and Airbus.

Costs of Compliance

We estimate that this proposed AD affects 174 airplanes of U.S. registry.

We also estimate that it would take about 5 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 $2,100 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $439,350, or $2,525 per product.

In addition, we estimate that any necessary follow-on actions would take about 15 work-hours and require parts costing $10,000, for a cost of $11,275 per product. We have no way of determining the number of aircraft that might need these actions.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

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–2015–0243; Directorate Identifier 2014–NM–114–AD.

(a) Comments Due Date

We must receive comments by April 6, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1) through (c)(6) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Airbus Model A300 B4–605R and B4–622R airplanes.

(4) Airbus Model A300 F4–605R and F4–622R airplanes.

(5) Airbus Model A300 C4–605R Variant F airplanes.

(6) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracked aluminum support struts of the trimmable horizontal stabilizer (THS) caused by stress corrosion. We are issuing this AD to detect and correct cracked THS support struts, which could lead to the rupture of all four support struts making the remaining structure unable to carry limit loads, which could result in loss of the THS and reduced control of the airplane.

(f) Compliance

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

(g) Inspection for Part Number

For airplanes in pre-modification 06101 configuration: Within 12 months after the effective date of this AD, do an inspection to identify the part number (P/N) of each support strut installed on the trimmable horizontal stabilizer (THS) at frame (FR) 91, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) through (g)(3) of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection, provided those records can be relied upon for that purpose and the part number can be positively identified from that review. If no aluminum strut(s) having P/N R21449, R21449D, R21449G, or R21449H is found during any inspection required by this paragraph no further action is required by this AD for that horizontal stabilizer, except for paragraph (l) of this AD.

(1) For Airbus Model A300 series airplanes: Airbus Service Bulletin A300–53–0395, dated February 14, 2014.

(2) For Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes): Airbus Service Bulletin A300–53–6174, dated February 14, 2014.

(3) For Airbus Model A310 series airplanes: Airbus Service Bulletin A310–53–2137, dated February 14, 2014.

(h) Repetitive High Frequency Eddy Current (HFEC) Inspections

For airplanes in post-modification 06101 configuration; and for airplanes in pre-modification 06101 configuration on which one or more aluminum support strut(s) having P/N R21449, P/N R21449D, P/N R21449G, or P/N R21449H was found during the inspection by paragraph (g) of this AD: Within the applicable compliance times specified in paragraphs (h)(1), (h)(2), or (h)(3) of this AD, do an HFEC inspection for cracking of the aluminum THS support strut ends at FR 91, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) through (g)(3) of this AD. Reinforcing clamps already installed on strut ends must be removed before accomplishing the HFEC inspection and re-installed after the inspection, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraphs (g)(1) through (g)(3) of this AD. Repeat the inspection thereafter at intervals not to exceed 24 months.

(1) For airplanes having manufacturer serial number (MSN) 0499 through MSN 0747 inclusive (post-mod 06101): Within 12 months after the effective date of this AD.

(2) For airplanes having MSN 0748 through MSN 0878 inclusive (post-mod 06101): Within 18 months after the effective date of this AD.

(3) For airplanes having MSN 0001 through MSN 0498 inclusive (pre-mod 06101) having one or more aluminum struts: Within 24 months after the effective date of this AD.

(i) Installation of Reinforcing Clamps

Concurrently with the initial HFEC inspection required by paragraph (h) of this AD, identify struts having P/N R21449, P/N R21449D, P/N R21449G, or P/N R21449H with no reinforcing clamps previously installed, and before next flight, install reinforcing clamps on each strut end, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraphs (i)(1) through (i)(3) of this AD.

(1) For Airbus Model A300 series airplanes: Airbus Service Bulletin A300–53–0394, dated February 14, 2014.

(2) For Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes): Airbus Service Bulletin A300–53–6172, dated February 14, 2014.

(3) For Airbus Model A310 series airplanes: Airbus Service Bulletin A310–53–2136, dated February 14, 2014.

(j) Corrective Actions

If, during any inspection required by paragraph (h) of this AD, any cracking is found, before further flight, replace the affected THS support strut(s) with serviceable struts and install clamps on each strut end, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraphs (g)(1) through (g)(3) of this AD.

(k) Clarification

Installation of reinforcing clamps as required by paragraph (i) of this AD, and the replacement of support struts and/or the installation of clamps as required by paragraph (j) of this AD, do not constitute terminating action for the repetitive inspections required by paragraph (h) of this AD.

(l) Reporting

At the applicable time specified in paragraphs (l)(1) and (l)(2) of this AD: After accomplishment of any inspection required by paragraphs (g) and (h) of this AD, report all inspection results to Airbus, including no findings, in accordance with the Accomplishment Instructions of the applicable service bulletins specified in paragraphs (g)(1) through (g)(3) of this AD, and paragraphs (i)(1) through (i)(3) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(m) 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 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.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not 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 unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European

Aviation Safety Agency Airworthiness Directive 2014–0164, dated July 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–2015–0243.

(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 February 2, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02922 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0086; Directorate Identifier 2014–NM–191–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 A310–203 airplanes. This proposed AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. This proposed AD was prompted by reports that side link clevis bolts of the front engine mount do not meet the Design Service Goal (DSG) requirements on airplanes equipped with General Electric Company CF6–80A3 engines. This proposed AD would require repetitive replacement of all side link clevis engine mount bolts. We are proposing this AD to prevent failure of the front engine mount, and consequent possible departure of the engine.

DATES: We must receive comments on this proposed AD by April 6, 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–2015–0086; 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, Washington 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–2015–0086; Directorate Identifier 2014–NM–191–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

As described in FAA Advisory Circular 120 104 (*http://www.faa.gov/documentLibrary/media/Advisory_Circular/120-104.pdf*), several programs have been developed to support initiatives that will ensure the continued airworthiness of aging airplane structure. The last element of those initiatives is the requirement to establish a LOV of the engineering data that support the structural maintenance program under 14 CFR 26.21. This proposed AD is the result of an assessment of the previously established programs by Airbus during the process of establishing the LOV for Airbus Model A310–203 airplanes. The actions specified in this proposed AD are necessary to complete certain programs to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0191, dated August 29, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A310–203 airplanes. The MCAI states:

> During fatigue analysis performed in the scope of the Extended Service Goal, taking into account the certification loads and the new lift-off loads, Airbus determined that side link clevis engine mount bolts do not meet the Design Service Goal (DSG) requirements on aeroplanes equipped with CF6–80A3 engines.
>
> This condition, if not corrected, could lead to failure of the front engine mount, possibly resulting in-flight separation of the engine from the aeroplane.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A310–71–2038 to introduce a life limit on the side link clevis engine mount bolts.
>
> For the reason described above, this [EASA] AD requires implementation of the new life limit and replacement of all side link clevis engine mount bolts that have exceeded the new limit.

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–2015–0086.

Relevant Service Information Under 1 CFR Part 51

Airbus has issued Mandatory Service Bulletin A310–71–2038, including Appendices 01 and 02, dated April 8, 2014. The service information describes procedures for replacement of all side link clevis bolts on the CF6–80A3 front engine mount and subsequent re-identification of the newly installed bolts with a cross (to differentiate them from the old ones). 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 13 airplanes of U.S. registry.

We also estimate that it would take about 142 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 $2,900 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $194,610, or $14,970 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–2015–0086; Directorate Identifier 2014–NM–191–AD.

(a) Comments Due Date

We must receive comments by April 6, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A310–203 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by reports that side link clevis bolts of the front engine mount do not meet the Design Service Goal (DSG) requirements on airplanes equipped with General Electric Company CF6–80A3 engines. We are issuing this AD to prevent failure of the front engine mount, and consequent possible departure of the engine.

(f) Compliance

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

(g) Repetitive Bolt Replacement

Within 18 months after the effective date of this AD, replace the side link clevis bolts, nuts, and bushings of the front engine mount on both engines, and re-identify the new installed bolts with a cross (to differentiate them from the old ones), in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A310–71–2038, including Appendices 01 and 02, dated April 8, 2014. Repeat the replacement thereafter at intervals not to exceed 29 years.

(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 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.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0191, dated August 29, 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–2015–0086.

(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. 2015–02683 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 314 and 601

[Docket No. FDA–2013–N–0500]

Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products; Public Meeting; Request for Comments; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA) is announcing a 1-day public meeting entitled ''Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products.'' The purpose of the meeting is to provide a public forum for FDA to listen to comments on the proposed rule on ''changes being effected'' supplements that was published in the **Federal Register** of November 13, 2013, and alternatives offered to this proposed rule. FDA is also reopening the comment period for the proposed rule to receive submissions of additional written comments on the proposed rule as well as alternative proposals presented during the public meeting.

DATES: *Meeting.* The public meeting will be held on March 27, 2015, from 8 a.m. to 5 p.m. Registration to attend the meeting must be received by March 20, 2015. See the **SUPPLEMENTARY INFORMATION** section for information on how to register for the meeting.

Comments. The comment period for the proposed rule publilshed November 13, 2013 (78 FR 67985), is reopened. Submit either electronic or written comments regarding proposed alternatives to the proposed rule by April 27, 2015.

ADDRESSES: The public meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave, Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

You may submit comments by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

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

Instructions: All submissions received must include the Docket No. FDA–2013–N–0500 for the proposed rule. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

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

FOR FURTHER INFORMATION CONTACT: Ellen Molinaro, Center for Drug Evaluation and Research, Food and Drug Administration, Bldg. 51, Rm. 6218, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3601, FAX: 301–847–8440.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 13, 2013 (78 FR 67985), FDA proposed regulations to revise and clarify procedures for application holders of an approved drug or biological product to change the product labeling to reflect certain types of newly acquired safety-related information in advance of FDA's review of the change by submitting a changes being effected (CBE–0) supplement to FDA. The need to promptly communicate certain safety-related labeling changes based on newly acquired information is the basis for the ''changes being effected'' exception to the general requirement for FDA approval of revised labeling prior to distribution. The proposed rule, if finalized, would enable abbreviated new drug application (ANDA) holders for generic drugs to update product labeling promptly to reflect certain types of newly acquired safety-related information, irrespective of whether the revised labeling differs from that of the corresponding reference listed drug (RLD or brand drug) upon submission of a CBE–0 supplement to FDA. FDA's proposed revisions to its regulations to allow generic drug manufacturers to update product labeling through CBE–0 supplements in the same manner as brand drug manufacturers are intended to improve communication of important, newly acquired drug safety information to health care professionals and the public. For further information about this and other proposed regulatory changes described in the proposed rule, see 78 FR 67985.

FDA received numerous comments on the proposed rule from a diverse group of stakeholders, including comments proposing alternative approaches to communicating newly acquired safety-related information in a multisource environment. In November 2014, FDA received a request from two trade associations for a listening meeting with FDA to present an alternative to the proposed regulatory changes described in the proposed rule that they described as intended to meet shared public health goals regarding multisource drugs (see Ref. 1). In December 2014, an explanatory statement accompanying the Consolidated and Further Continuing Appropriations Act, 2015

(Pub. L. 113–235), supported a listening meeting between FDA and the regulated industries to consider alternative solutions to the proposed rule on safety labeling that will meet all public health goals relating to multisource drugs (see *https://www.congress.gov/congressional-record/2014/12/11/house-section/article/H9307-1*) (FDA has verified the Web site address, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**).

In view of these requests and to promote transparency, FDA will hold a public meeting at which any stakeholders may present or comment on the proposed rule or any alternative proposals intended to improve communication of important newly acquired drug safety information to health care professionals and the public.

In addition, FDA is reopening the comment period for the proposed rule (78 FR 67985) until April 27, 2015, to receive submissions of additional written comments on the proposed rule as well as alternative proposals presented during the public meeting.

II. Registration and Requests for Oral Presentations

If you would like to attend the public meeting, please register for the meeting by email to *CBESupplements.PublicMeeting@fda.hhs.gov* by March 20, 2015. The email should contain complete contact information for each attendee (including name, title, firm name or affiliation, address, email, telephone and fax numbers). Those without email access can register by contacting Ellen Molinaro (see **FOR FURTHER INFORMATION CONTACT**) by March 20, 2015. There is no fee to register for the meeting, and registration will be on a first-come, first-served basis. Early registration is recommended because seating is limited. Onsite registration on the day of the meeting also will be permitted on a space-available basis beginning at 7:30 a.m.

Individuals who wish to present at the public meeting must register on or before March 16, 2015, and provide complete contact information, including name, title, firm name or affiliation, address, email, telephone and fax numbers. You should provide a brief description of your presentation, and indicate the approximate desired length of your presentation, so that FDA can consider these in organizing the presentations. FDA will do its best to accommodate requests to speak and will determine the amount of time allotted to each presenter and the approximate time that each oral presentation is scheduled to begin. After reviewing the presentation requests, FDA will notify each participant before the meeting of the amount of time available and the approximate time their presentation is scheduled to begin. If time permits, individuals or organizations that did not register in advance may be granted the opportunity to make a presentation. An agenda will be posted on the FDA Web site at *http://www.fda.gov/Drugs/NewsEvents/ucm431265.htm* prior to the meeting. Presenters are encouraged to submit a copy of their presentation and related written material to the docket (see ''Comments'') in advance of the public meeting.

If you need special accommodations because of a disability, please contact Ellen Molinaro (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance.

III. Streaming Webcast of the Public Meeting

This public meeting will also be Webcast. Information about how to view the live Webcast of this meeting will be posted on the FDA Web site at *http://www.fda.gov/Drugs/NewsEvents/ucm431265.htm* prior to the meeting.

IV. Comments

Interested persons may submit either electronic comments regarding proposed alternatives to the proposed rule to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Electronic or written comments will be accepted after the public meeting until April 27, 2015.

V. Transcripts

Please be advised that as soon as possible after a transcript of the public meeting is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see **ADDRESSES**). 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.

VI. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**), and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter dated November 14, 2014, from Mr. Neas (GPhA) and Mr. Castellani (PhRMA) to Dr. Hamburg (FDA) regarding request for listening meeting on Expedited Agency Review proposal.

Dated: February 11, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–03211 Filed 2–17–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–102648–15]

RIN 1545–BM66

Request for Information on Suspensions of Benefits Under the Multiemployer Pension Reform Act of 2014

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Request for information.

SUMMARY: The Department of the Treasury invites public comments with regard to future guidance required to implement provisions of the Multiemployer Pension Reform Act of 2014, Division O of the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235 (MPRA). MPRA generally permits a sponsor of a multiemployer defined benefit plan that is in critical and declining status to suspend certain benefits following the provision of specified notice, consideration of public comments, approval of an application for suspension, and satisfaction of other specified conditions (including a participant vote).

DATES: Comments must be received by April 6, 2015.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–102648–15), Room 5205, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–102648–15), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW.,

Washington, DC, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–102648–15). All materials submitted will be shared with the Department of Labor and the Pension Benefit Guaranty Corporation, and will be available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Concerning the request for information, Jamie Dvoretzky at (202) 317–4102; concerning submission of comments, Regina Johnson at (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Section 212 of the Pension Protection Act of 2006, Public Law 109–280 (120 Stat. 780 (2006)) (PPA '06) added section 432 of the Internal Revenue Code (Code), which prescribes funding rules for certain multiemployer defined benefit plans in endangered and critical status and permits plans in critical status to be amended to reduce certain otherwise protected benefits (referred to as ''adjustable benefits''). Section 202 of PPA '06 amended section 305 of the Employee Retirement Income Security Act of 1974, Public Law 93–406 (88 Stat. 829 (1974)), as amended (ERISA), to prescribe parallel rules. PPA '06 provided that section 432 and ERISA section 305 would sunset for plan years beginning after December 31, 2014. However, section 101 of MPRA made them permanent, with certain modifications.

Section 201 of MPRA amended Code section 432 to add a new status, called ''critical and declining status,'' for multiemployer defined benefit plans. Section 432(b)(6) provides that a plan in critical status is treated as being in critical and declining status if the plan satisfies the criteria for critical status, and in addition is projected to become insolvent within the meaning of section 418E during the current plan year or any of the 14 succeeding plan years (or 19 succeeding plan years if the plan has a ratio of inactive participants to active participants that exceeds two to one or if the funded percentage of the plan is less than 80 percent).[1]

Section 201 of MPRA also amended section 432(e)(9) to prescribe benefit suspension rules for multiemployer defined benefit plans in critical and declining status. Section 432(e)(9)(A) provides that notwithstanding section 411(d)(6) and subject to the requirements of section 432(e)(9)(B) through (I), the plan sponsor of a plan in critical and declining status may, by plan amendment, suspend benefits that the sponsor deems appropriate. Section 432(e)(9)(B) defines ''suspension of benefits'' as the temporary or permanent reduction of any current or future payment obligation of the plan to any participant or beneficiary under the plan, whether or not in pay status at the time of the suspension of benefits, and sets forth other rules relating to suspensions. In the case of plans with 10,000 or more participants, section 432(e)(9)(B) requires the plan sponsor to select a plan participant in pay status (who may also be a plan trustee) to act as a retiree representative throughout the suspension approval process.

Section 432(e)(9)(C) prescribes the conditions that must be satisfied before a plan sponsor may suspend benefits. For example, section 432(e)(9)(C)(i) provides that the plan actuary must certify, taking into account the proposed suspensions of benefits (and, if applicable, a proposed partition of the plan under section 4233 of ERISA), that the plan is projected to avoid insolvency within the meaning of section 418E, assuming the suspensions of benefits continue until the suspensions of benefits expire by their own terms or, if no such expiration is set, indefinitely. Section 432(e)(9)(D) contains limitations on the benefits that may be suspended. For example, section 432(e)(9)(D)(ii) limits the applicability of a suspension in the case of a participant or beneficiary who has attained age 75 as of the effective date of the suspension and section 432(e)(9)(D)(iii) provides that no benefits based on disability (as defined under the plan) may be suspended.

Section 432(e)(9)(E) prescribes rules relating to possible benefit improvements while a suspension of benefits is in effect. Section 432(e)(9)(F) contains notice requirements associated with a suspension of benefits. These include the requirement under section 432(e)(9)(F)(i) that no suspension of benefits may be made unless notice to specified parties of the proposed suspension has been given by the plan sponsor (in the form and manner to be prescribed in guidance) concurrently with an application for approval of the suspension. Section 432(e)(9)(G) describes the process for approval or rejection of a plan sponsor's application for a suspension of benefits, including that the Treasury Secretary, in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Secretary of Labor, shall approve an application upon finding that the plan is eligible for the suspension and has satisfied the criteria of section 432(e)(9)(C), (D), (E), and (F). As part of this process, section 432(e)(9)(G)(ii) requires the publication of a request for comments within 30 days after receipt of an application for suspension of benefits, and section 432(e)(9)(G)(iii), (iv) and (v) prescribes rules for agency action and review of the application.

Section 432(e)(9)(H) contains rules relating to the participant vote that is required before any suspension of benefits may take effect, with special rules for systemically important plans. The special rules include an opportunity for the Participant and Plan Sponsor Advocate selected under section 4004 of ERISA to submit recommendations with respect to a suspension in certain circumstances. Section 432(e)(9)(I) contains provisions relating to judicial review.

An application for approval of a plan amendment to suspend benefits may be made in combination with an application to the PBGC for a partition of the plan, and a plan sponsor also may ask the PBGC for technical or financial assistance with a merger. The PBGC is issuing its own request for information to seek comment on the processes associated with applying for partition or merger assistance, including how such processes should be coordinated with the benefit suspension process. The agencies will coordinate on the development of processes that will apply to applications falling within their respective jurisdictions.

Request for Information

Comments are requested on matters that may be addressed in future guidance implementing section 432(e)(9), and in particular on the following:

1. How should future guidance address actuarial and other issues, including duration, related to the following certifications and determinations:

a. The actuary's certification under section 432(b)(3) that a multiemployer plan is in critical and declining status;

b. The actuary's section 432(e)(9)(C)(i) projection of continued solvency (taking into account the proposed suspension and, if applicable, a proposed partition under section 4233 of ERISA); and

c. The plan sponsor's section 432(e)(9)(C)(ii) determination that the plan is projected to become insolvent unless benefits are suspended?

2. For purposes of the section 432(e)(9)(D)(iii) limitation that a suspension is not permitted to apply to benefits based on disability (as defined

[1] Section 201(a) of MPRA makes parallel amendments to section 305 of ERISA. Under section 101 of Reorganization Plan No. 4 of 1978 (43 FR 47713), the Department of the Treasury has interpretive jurisdiction over the subject matter of this document for purposes of ERISA as well as the Code.

under the plan), how can a plan sponsor identify which benefits are based on disability?

3. For participants who have not yet retired:

a. What practical issues should be considered as a result of the fact that their benefits are not yet fixed (for example, their benefits could vary as a result of future accruals, when they decide to retire and which optional form of benefit they select)?

b. What practical issues should be considered in the case of a suspension of benefits that is combined with a reduction of future accruals or a reduction of section 432(e)(8) adjustable benefits (such as subsidized early retirement factors) under a rehabilitation plan?

4. For participants who have retired, what practical issues should be considered regarding the section 432(e)(9)(D)(ii) age limitations on suspensions, the application of the section 432(e)(9)(E) rules on benefit improvements, or other provisions?

5. With respect to the section 432(e)(9)(F) requirement to provide notice of the proposed suspension to plan participants and beneficiaries concurrently with the submission of the application for approval:

a. What suggestions do commenters have for the steps that are needed to satisfy the requirement to provide notice to the plan participants and beneficiaries ''who may be contacted by reasonable efforts,'' including the application of that requirement to terminated vested participants?

b. What practical issues do plan sponsors anticipate in providing individual estimates of the effect of the proposed suspensions on each participant and beneficiary?

c. If the suspension is combined with other reductions as described in request number 3.b, how will the notice of proposed suspension interact with the notices required for those other reductions?

d. What issues arise in coordinating benefit protections that are measured as of the date of suspension (such as the restriction on suspensions that apply to a participant or beneficiary who has attained age 75 as of the effective date of the suspension) with the timing of the application, notice, and voting process?

6. With respect to item 5, please provide any examples of notices of proposed suspension that commenters would like to be considered in the development of a model notice.

7. What issues arise in connection with the section 432(e)(9)(G)(ii) requirement to solicit comments on an application for suspension of benefits?

a. Should the comments received from contributing employers, employee organizations, participants and beneficiaries, and other interested parties be made available to the public?

b. How long should the comment period last?

8. With respect to the section 432(e)(9)(H) participant vote, what issues arise in connection with:

a. Preparing the ballot, including developing a statement in opposition to the suspension compiled from comments and obtaining approval of the ballot within the statutory time constraints for conducting a vote; and

b. Conducting the vote and obtaining certification of the results of the vote?

9. What other practical issues do commenters anticipate will arise in the course of implementing these provisions?

Timing of Applications and Notices

Section 201(b)(7) of MPRA provides that, not later than 180 days after the date of the enactment of this Act, the Treasury Secretary, in consultation with the Pension Benefit Guaranty Corporation and the Secretary of Labor, shall publish appropriate guidance to implement section 432(e)(9). In addition, section 432(e)(9)(F)(i) provides that no suspension of benefits may be made unless notice of the proposed suspension has been given by the plan sponsor concurrently with an application for approval of the suspension, and section 432(e)(9)(F)(iii)(I) provides that notice must be ''provided in a form and manner prescribed in guidance.'' Section 432(e)(9)(G)(i) provides that the Treasury Secretary, in consultation with the Pension Benefit Guaranty Corporation and the Secretary of Labor, shall approve an application for suspension upon finding that the plan has satisfied the criteria of section 432(e)(9)(C), (D), (E), and (F). Because appropriate guidance is required to implement section 432(e)(9), including the procedures for the plan sponsor to submit an application for approval of a suspension of benefits and provide concurrent notice, a plan sponsor should not submit an application for a suspension of benefits until a date specified in that future guidance.

Dated: February 11, 2015.

David G. Clunie,

Executive Secretary, Department of the Treasury.

[FR Doc. 2015–03290 Filed 2–13–15; 11:15 am]

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DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 11

[JMD Docket No. 152; A.G. Order No. 3493–2015]

RIN 1105–NYD

Department of Justice Debt Collection Regulations

AGENCY: Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule proposes to amend the regulations that govern debt collection at the Department of Justice (Department) to bring the regulations into conformity with government-wide standards, to update or delete obsolete references, and to make other clarifying or technical changes.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before April 20, 2015. Comments received by mail will be considered timely if they are postmarked on or before that date. The electronic Federal Docket Management System (FDMS) will accept comments until Midnight Eastern Time at the end of that day.

ADDRESSES: The Department encourages that all comments be submitted electronically through *http://www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *http://www.regulations.gov* Web site for easy reference. Paper comments that duplicate the electronic submission are not necessary as all comments submitted to *http://www.regulations.gov* will be posted for public review and are part of the official docket record. Should you wish to submit written comments via regular or express mail, however, they should be sent to: Dennis Dauphin, Director, Debt Collection Management Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: Dennis Dauphin, Director, Debt Collection Management Staff, or Morton J. Posner, Assistant General Counsel, Justice Management Division, U.S. Department of Justice, Washington, DC 20530, (202) 514–5343 or (202) 514–3452.

SUPPLEMENTARY INFORMATION: This rule updates the Department's debt collection regulations at 28 CFR part 11, subpart A—Retention of Private Counsel for Debt Collection, Subpart B—

Administration of Debt Collection, and Subpart C—Treasury Offset Program for Collection of Debts, and proposes a new Subpart D—Administrative Wage Garnishment.

Subpart A sets forth the Department's procedures governing the retention of private counsel for debt collection authorized in 31 U.S.C. 3718(b). The Federal Debt Recovery Act initiated a pilot program authorizing the Department to contract with private counsel on a provisional basis in a limited number of judicial districts. Public Law 99–578 (1986). The Debt Collection Improvement Act of 1996 (DCIA), Public Law 104–134, sec. 31001, made the pilot program permanent and authorized the Department to contract with private counsel in as many judicial districts as necessary. The Department proposes to amend this rule by removing references to the private counsel program as a ''pilot''; by replacing the term ''Contracting Officer's Technical Representative (COTR)'' with ''Contracting Officer's Representative (COR)'' to align with the definitions in Federal Acquisition Regulation. See 48 CFR 1.602–2, 2.101; by adding the term ''qualified HUBZone small business concerns'' as defined in section 3(p)(5) of the Small Business Act, 15 U.S.C. 632(p)(5), to conform to the DCIA; and by changing the obsolete references to a federal procurement statute and to the database used for notifying the public of federal procurement bidding opportunities. Another change corrects a typographical error.

Subpart B prescribes the standards and procedures for collecting a debt through administrative offset. The ten-year statute of limitations for administrative offset was repealed, Public Law 110–264, sec. 14219 (codified at 31 U.S.C. 3716(e)), the Department of the Treasury deleted the limitations period from its regulation, 74 FR 68149 (Dec. 23, 2009), and the Department proposes to delete the corresponding time limit from its own regulation.

Subpart C prescribes the standards and procedures for submitting past due, legally enforceable debts to the Department of the Treasury for collection by offset. These standards and procedures are authorized under the offset provisions of the Deficit Reduction Act of 1984, and the DCIA, codified in relevant part at 31 U.S.C. 3716 and 3720A, and the Department of the Treasury's implementing regulations at 31 CFR 285.2 and 285.5. The Department proposes to amend this subpart to conform to subsequent legal changes. The obsolete ten-year statute of limitations is being removed. Because the DCIA now mandates that agencies report consumer debt to credit bureaus, 31 U.S.C. 3711(e), it is no longer necessary to address the subject in Subpart C. The Department of the Treasury incorporated the Internal Revenue Service's former tax refund offset program into the Treasury Offset Program, so references to it are being updated. Other revisions provide clarity, make technical corrections, or correct a typographical error.

Proposed Subpart D would implement the Department's authority under the DCIA, 31 U.S.C. 3720D, to collect past due indebtedness through administrative wage garnishment. Wage garnishment is a process whereby an employer withholds amounts from an employee's wages and pays those amounts to the employee's creditor in satisfaction of a withholding order. The DCIA authorizes Federal agencies to issue administrative wage withholding orders to garnish up to 15 percent of the disposable pay of a debtor to satisfy delinquent nontax debt owed to the United States. The Department of the Treasury's implementing rule at 31 CFR 285.11 provides that ''[a]gencies shall prescribe regulations for the conduct of administrative wage garnishment hearings consistent with this section or shall adopt this section without change by reference.'' The Department proposes to add a Subpart D consistent with 31 CFR 285.11. Subpart D would apply to wages to be garnished by non-Federal employers.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The Department proposes to collect delinquent nontax debt owed it through an administrative wage garnishment (AWG) process. When an AWG order is issued, employers (including small businesses) that employ workers from whom the Department is collecting a delinquent debt will be required to certify the employee's employment and earnings, garnish wages, and remit withheld wages to the Department. Such procedures are mandated by Department of the Treasury regulations issued to implement the Debt Collection Improvement Act. Employment and salary information is contained in an employer's payroll records. Therefore, it will not take a significant amount of time or result in a significant cost for an employer to certify employment and earnings. Employers of delinquent debtors may be subject at any time to garnishment orders issued by a court to collect delinquent debts of their employees owed to governmental or private creditors. The addition of an AWG process will not significantly increase the burden to which employers are already subject to collect the delinquent debt of their employees.

Executive Orders 12866 and 13563—Regulatory Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), Principles of Regulation, and in accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' section 1(b), General Principles of Regulation.

The Department of Justice has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Further, both Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department has assessed the costs and benefits of this regulation and believes that the regulatory approach selected maximizes net benefits.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Paperwork Reduction Act

This rule imposes no information collection or record keeping requirements.

List of Subjects in 28 CFR Part 11

Administrative practice and procedure, Claims, Debt collection, Government contracts, Government employees, Income taxes, Lawyers, Wages.

Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 11 of title 28 of the Code of Federal Regulations is proposed to be amended as follows:

PART 11—DEBT COLLECTION

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

Authority: 5 U.S.C. 301, 5514; 28 U.S.C. 509, 510; 31 U.S.C. 3711, 3716, 3718, 3720A, 3720D.

Subpart A—Retention of Private Counsel for Debt Collection

§ 11.1 [Amended]

■ 2. Amend § 11.1 as follows:
■ a. Remove the word ''pilot'' from the first sentence; and
■ b. Remove the word ''Adminstration'' and add in its place the word ''Administration''.

§ 11.2 [Amended]

■ 3. Amend § 11.2 as follows:
■ a. In the heading, remove the words ''Pilot program'' and add in their place the words ''Private counsel debt collection program'';
■ b. In the first two sentences, remove the word ''pilot'';
■ c. In the third sentence, remove the words ''Contracting Officer's Technical Representative (COTR)'' and add in their place the words ''Contracting Officer's Representative (COR)''; and
■ d. In the fourth sentence, remove the term ''COTRs'' and add in its place the term ''CORs''.

§ 11.3 [Amended]

■ 4. Amend § 11.3 as follows:
■ a. In the first sentence, remove the words ''the Federal Property and Administrative Services Act of 1949, 41 U.S.C. 251 *et seq''* and add in their place the words ''41 U.S.C. 3307''.
■ b. In the second sentence, adding the phrase ''and law firms that are qualified HUBZone small business concerns'' after the phrase ''socially and economically disadvantaged individuals'';
■ c. In the second sentence and third sentence, remove the word ''pilot'' and add in its place the word ''program''; and
■ d. In the third sentence, remove the words ''Commerce Business Daily'' and add in their place the term ''FedBizOpps''.

Subpart B—Administration of Debt Collection

§ 11.4 [Amended]

■ 5. Amend § 11.4 as follows:
■ a. Remove the second sentence of paragraph (a); and
■ b. In paragraph (b)(3)(i), add the number ''1'' after the words ''26 U.S.C.''.
■ 6. Revise the heading of subpart C to read as follows:

Subpart C—Collection of Debts by Administrative and Tax Refund Offset

■ 7. Revise § 11.10 to read as follows:

§ 11.10 [Amended]

(a) The provisions of 31 U.S.C. 3716 allow the head of an agency to collect a debt through administrative offset. The provisions of 31 U.S.C. 3716 and 3720A authorize the Secretary of the Treasury, acting through the Bureau of the Fiscal Service (BFS) and other Federal disbursing officials, to offset certain payments to collect delinquent debts owed to the United States. This subpart authorizes the collection of debts owed to the United States by persons, organizations, and other entities by means of offsetting Federal and certain state payments due to the debtor. It allows for collection of debts that are past due and legally enforceable through offset, regardless of whether the debts have been reduced to judgment.

(b) Nothing in this subpart precludes the Department from pursuing other debt collection procedures to collect a debt that has been submitted to the Department of the Treasury under this subpart. The Department may use such debt collection procedures separately or in conjunction with the offset collection procedures of this subpart.

■ 8. Amend § 11.11 by revising paragraphs (a) and (b), and adding a paragraph (e) to read as follows:

§ 11.11 [Amended]

(a) *Debt.* Debt means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. For purposes of this section, the term debt does not include debts arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*), the tariff laws of the United States, or the Social Security Act (42 U.S.C. 301 *et seq.*), except to the extent provided in sections 204(f) and 1631(b)(4) of such Act (42 U.S.C. 404(f) and 1383(b)(4)(A), respectively) and 31 U.S.C. 3716(c). Debts that have been referred to the Department of Justice by other agencies for collection are included in this definition.

(b) *Past due.* A past due debt means a debt that has not been paid or otherwise resolved by the date specified in the initial demand for payment, or in an applicable agreement or other instrument (including a post-delinquency repayment agreement), unless other payment arrangements satisfactory to the Department have been made. Judgment debts remain past due until paid in full.

* * * * *

(e) *Legally enforceable.* Legally enforceable means that there has been a final agency determination that the debt, in the amount stated, is due, and there are no legal bars to collection by offset.

■ 9. Amend § 11.12 as follows:
■ a. Revise the section heading and paragraphs (a), (b)(2), (b)(3), and (c);
■ b. Remove paragraph (b)(4);
■ c. In paragraph (d)(5), remove the number ''65'' and add in its place the number ''60'';
■ d. In paragraph (d)(6) and paragraph (e), remove the term ''IRS'' and add in its place the term ''BFS'';
■ e. In the second sentence of paragraph (d)(6), remove the word ''of'' the second time it occurs and add in its place the word ''or''; and

■ f. Add paragraph (f).

The addition and revisions read as follows:

§ 11.12 Centralized offset.

(a) The Department must refer any legally enforceable debt more than 120 days past due to BFS for administrative offset purposes pursuant to 31 U.S.C. 3716(c)(6). The Department must refer any past due, legally enforceable debt to BFS for tax refund offset purposes pursuant to 31 U.S.C. 3720A(a) at least once a year. Prior to referring debts for offset, the Department must certify to BFS compliance with the provisions of 31 U.S.C. 3716(a) and 3720A(b). There is no time limit on when a debt can be collected by offset.

(b) * * *

(2) The Department intends to refer the debt to BFS for offset purposes;

(3) The debtor has 60 days from the date of notice in which to present evidence that all or part of the debt is not past due, that the amount is not the amount currently owed, that the outstanding debt has been satisfied, or, if a judgment debt, that the debt has been satisfied, or that collection action on the debt has been stayed, before the debt is referred to BFS for offset purposes.

* * * * *

(c) If the debtor neither pays the amount due nor presents evidence that the amount is not past due or is satisfied or that collection action is stayed, the Department will refer the debt to BFS for offset purposes.

* * * * *

(f) In the event that more than one debt is owed, payments eligible for offset will be applied in the order in which the debts became past due.

■ 10. Add a new § 11.13 to read as follows:

§ 11.13 Non-centralized offset.

(a) When offset under § 11.12 of this part is not available or appropriate, the Department may collect past due, legally enforceable debts through non-centralized administrative offset. See 31 CFR 901.3(c). In these cases, the Department may offset a payment internally or make an offset request directly to a Federal payment agency.

(b) At least 30 days prior to offsetting a payment internally or requesting a Federal payment agency to offset a payment, the Department will send notice to the debtor in accordance with the requirements of 31 U.S.C. 3716(a). When referring a debt for offset under this paragraph (b), the Department will certify, in writing, that the debt is valid, delinquent, and legally enforceable, and that there are no legal bars to collection by offset. In addition, the Department will certify its compliance with these regulations concerning administrative offset. See 31 CFR 901.3(c)(2)(ii).

■ 11. Amend part 11 by adding a new subpart D to read as follows:

Subpart D—Administrative Wage Garnishment

§ 11.21 Administrative wage garnishment.

(a) *Purpose.* In accordance with the Department of the Treasury government-wide regulation at 31 CFR 285.11, this section provides procedures for the Department of Justice to collect money from a debtor's disposable pay by means of administrative wage garnishment to satisfy delinquent nontax debt owed to the United States.

(b) *Scope.* (1) This section shall apply notwithstanding any provision of State law.

(2) Nothing in this section precludes the compromise of a debt or the suspension or termination of collection action in accordance with applicable law. See, for example, the Federal Claims Collection Standards (FCCS), 31 CFR parts 900–904.

(3) The receipt of payments pursuant to this section does not preclude the Department from pursuing other debt collection remedies, including the offset of Federal payments to satisfy delinquent nontax debt owed to the United States. The Department may pursue such debt collection remedies separately or in conjunction with administrative wage garnishment.

(4) This section does not apply to the collection of delinquent nontax debt owed to the United States from the wages of Federal employees from their Federal employment. Federal pay is subject to the Federal salary offset procedures set forth in 5 U.S.C. 5514 and other applicable laws.

(5) Nothing in this section requires the Department to duplicate notices or administrative proceedings required by contract or other laws or regulations.

(c) *Definitions.* As used in this section the following definitions shall apply:

Agency means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of the Federal Government, including government corporations. For purposes of this section, agency means either the agency that administers the program that gave rise to the debt or the agency that pursues recovery of the debt.

Business day means Monday through Friday. For purposes of computation, the last day of the period will be included unless it is a Federal legal holiday.

Day means calendar day. For purposes of computation, the last day of the period will be included unless it is a Saturday, a Sunday, or a Federal legal holiday.

Debt or *claim* means any amount of money, funds, or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by an individual, including debt administered by a third party as an agent for the Federal Government.

Debtor means an individual who owes a delinquent nontax debt to the United States.

Delinquent nontax debt means any nontax debt that has not been paid by the date specified in the agency's initial written demand for payment, or applicable agreement, unless other satisfactory payment arrangements have been made. For purposes of this section, the terms ''debt'' and ''claim'' are synonymous and refer to delinquent nontax debt.

Disposable pay means that part of the debtor's compensation (including, but not limited to, salary, bonuses, commissions, and vacation pay) from an employer remaining after the deduction of health insurance premiums and any amounts required by law to be withheld. For purposes of this section, ''amounts required by law to be withheld'' include amounts for deductions such as Social Security taxes and withholding taxes, but do not include any amount withheld pursuant to a court order.

Employer means a person or entity that employs the services of others and that pays their wages or salaries. The term employer includes, but is not limited to, State and local Governments, but does not include an agency of the Federal Government.

Evidence of service means information retained by the agency indicating the nature of the document to which it pertains, the date of mailing of the document, and to whom the document is being sent. Evidence of service may be retained electronically so long as the manner of retention is sufficient for evidentiary purposes.

Garnishment means the process of withholding amounts from an employee's disposable pay and the paying of those amounts to a creditor in satisfaction of a withholding order.

Withholding order means any order for withholding or garnishment of pay issued by an agency, or judicial or administrative body. For purposes of this section, the terms ''wage garnishment order'' and ''garnishment order'' have the same meaning as ''withholding order.''

(d) *General rule.* Whenever the agency determines that a delinquent debt is owed by an individual, the agency may initiate proceedings administratively to garnish the wages of the delinquent debtor.

(e) *Notice requirements.* (1) At least 30 days before the initiation of garnishment proceedings, the agency shall mail, by first class mail, to the debtor's last known address, a written notice informing the debtor of:

(i) The nature and amount of the debt;

(ii) The intention of the agency to initiate proceedings to collect the debt through deductions from pay until the debt and all accumulated interest, penalties, and administrative costs are paid in full; and

(iii) An explanation of the debtor's rights, including those set forth in paragraph (e)(2) of this section, and the timeframe within which the debtor may exercise those rights.

(2) The debtor shall be afforded the opportunity:

(i) To inspect and copy agency records related to the debt;

(ii) To enter into a written repayment agreement with the agency under terms agreeable to the agency; and

(iii) For a hearing in accordance with paragraph (f) of this section concerning the existence or the amount of the debt or the terms of the proposed repayment schedule under the garnishment order. However, the debtor is not entitled to a hearing concerning the terms of the proposed repayment schedule if these terms have been established by written agreement under paragraph (e)(2)(ii) of this section.

(3) The agency will retain evidence of service indicating the date of mailing of the notice.

(f) *Hearing*—

(1) *Request for hearing.* The agency shall provide a hearing, which at the agency's option may be oral or written, if the debtor submits a written request for a hearing concerning the existence or amount of the debt or the terms of the repayment schedule (for repayment schedules established other than by written agreement under paragraph (e)(2)(ii) of this section).

(2) *Type of hearing or review.* (i) For purposes of this section, whenever the agency is required to afford a debtor a hearing, the agency shall provide the debtor with a reasonable opportunity for an oral hearing when the agency determines that the issues in dispute cannot be resolved by review of the documentary evidence, as, for example, when the validity of the claim turns on the issue of credibility or veracity.

(ii) If the agency determines that an oral hearing is appropriate, the time and location of the hearing shall be established by the agency. An oral hearing may, at the debtor's option, be conducted either in person or by telephone conference. All travel expenses incurred by the debtor in connection with an in-person hearing will be borne by the debtor. All telephonic charges incurred during the hearing will be the responsibility of the agency.

(iii) In those cases when an oral hearing is not required by this section, the agency shall nevertheless accord the debtor a ''paper hearing,'' that is, the agency will decide the issues in dispute based upon a review of the written record. The agency will establish a reasonable deadline for the submission of evidence.

(3) *Effect of timely request.* Subject to paragraph (f)(12) of this section, if the debtor's written request is received by the agency on or before the 15th business day following the mailing of the notice described in paragraph (e)(1) of this section, the agency shall not issue a withholding order under paragraph (g) of this section until the debtor has been provided the requested hearing and a decision in accordance with paragraphs (f)(9) and (f)(10) of this section has been rendered.

(4) *Failure to timely request a hearing.* If the debtor's written request is received by the agency after the 15th business day following the mailing of the notice described in paragraph (e)(1) of this section, the agency shall provide a hearing to the debtor. However, the agency will not delay issuance of a withholding order unless the agency determines that the delay in filing the request was caused by factors over which the debtor had no control, or the agency receives information that the agency believes justifies a delay or cancellation of the withholding order.

(5) *Hearing official.* A hearing official may be any qualified individual, as determined by the head of the agency, including an administrative law judge.

(6) *Procedure.* After the debtor requests a hearing, the hearing official shall notify the debtor of:

(i) The date and time of a telephonic hearing;

(ii) The date, time, and location of an in-person oral hearing; or

(iii) The deadline for the submission of evidence for a written hearing.

(7) *Burden of proof.* (i) The agency will have the initial burden of proving, by a preponderance of the evidence, the existence or amount of the debt.

(ii) If the agency satisfies its initial burden, the debtor must prove, by a preponderance of the evidence, that no debt exists or that the amount of the debt is incorrect. In addition, the debtor may present evidence that the terms of the repayment schedule are unlawful or would cause a financial hardship to the debtor, or that collection of the debt may not be pursued due to operation of law.

(8) *Record.* The hearing official must maintain a summary record of any hearing provided under this section. A hearing is not required to be a formal evidentiary-type hearing. However, witnesses who testify in in-person or telephonic hearings will do so under oath or affirmation.

(9) *Date of decision.* The hearing official shall issue a written opinion stating the decision, as soon as practicable, but not later than 60 days after the date on which the request for such hearing was received by the agency. If an agency is unable to provide the debtor with a hearing and render a decision within 60 days after the receipt of the request for such hearing:

(i) The agency may not issue a withholding order until the hearing is held and a decision rendered; or

(ii) If the agency had previously issued a withholding order to the debtor's employer, the agency must suspend the withholding order beginning on the 61st day after the receipt of the hearing request and continuing until a hearing is held and a decision is rendered.

(10) *Content of decision.* The written decision shall include:

(i) A summary of the facts presented;

(ii) The hearing official's findings, analysis, and conclusions; and

(iii) The terms of any repayment schedules, if applicable.

(11) *Final agency action.* The hearing official's decision will be final agency action for purposes of judicial review under the Administrative Procedure Act (5 U.S.C. 701 *et seq.*).

(12) *Failure to appear.* In the absence of good cause shown, a debtor who fails to appear at a hearing scheduled pursuant to paragraph (f)(3) of this section will be deemed as not having timely filed a request for a hearing.

(g) *Wage garnishment order.* (1) Unless the agency receives information that the agency believes justifies a delay or cancellation of the withholding order, the agency will send, by first class mail, a withholding order to the debtor's employer:

(i) Within 30 days after the debtor fails to make a timely request for a hearing (*i.e.,* within 15 business days after the mailing of the notice described in paragraph (e)(1) of this section), or,

(ii) If a timely request for a hearing is made by the debtor, within 30 days after

a final decision is made by the agency to proceed with garnishment, or

(iii) As soon as reasonably possible thereafter.

(2) The withholding order sent to the employer under paragraph (g)(1) of this section shall be in a form prescribed by the Secretary of the Treasury. The withholding order shall contain the signature of, or the image of the signature of, the head of the agency or his/her delegatee. The order shall contain only the information necessary for the employer to comply with the withholding order. Such information includes the debtor's name, address, and Social Security Number, as well as instructions for withholding and information as to where payments should be sent.

(3) The agency will retain evidence of service indicating the date of mailing of the order.

(h) *Certification by employer.* Along with the withholding order, the agency shall send to the employer a certification in a form prescribed by the Secretary of the Treasury. The employer shall complete and return the certification to the agency within the timeframe prescribed in the instructions to the form. The certification will address matters such as information about the debtor's employment status and disposable pay available for withholding.

(i) *Amounts withheld.* (1) After receipt of the garnishment order issued under this section, the employer shall deduct from all disposable pay paid to the applicable debtor during each pay period the amount of garnishment described in paragraph (i)(2) of this section.

(2)(i) Subject to the provisions of paragraphs (i)(3) and (i)(4) of this section, the amount of garnishment shall be the lesser of:

(A) The amount indicated on the garnishment order up to 15 percent of the debtor's disposable pay; or

(B) The amount calculated pursuant to the formula set forth in 15 U.S.C. 1673(a)(2) (Restriction on Garnishment). The formula set forth at 15 U.S.C. 1673(a)(2) is the amount by which a debtor's disposable pay exceeds an amount equivalent to thirty times the Federal minimum wage. See 29 CFR 870.10.

(3) When a debtor's pay is subject to withholding orders with priority the following shall apply:

(i) Unless otherwise provided by Federal law, withholding orders issued under this section shall be paid in the amounts set forth under paragraph (i)(2) of this section and shall have priority over withholding orders that are served later in time. Notwithstanding the foregoing, withholding orders for family support shall have priority over withholding orders issued under this section.

(ii) If amounts are being withheld from a debtor's pay pursuant to a withholding order served on an employer before a withholding order issued pursuant to this section, or if a withholding order for family support is served on an employer at any time, the amounts withheld pursuant to the withholding order issued under this section shall be the lesser of:

(A) The amount calculated under paragraph (i)(2) of this section, or

(B) An amount equal to 25 percent of the debtor's disposable pay less the amount(s) withheld under the withholding order(s) with priority.

(iii) If a debtor owes more than one debt to the agency, the agency may issue multiple withholding orders provided that the total amount garnished from the debtor's pay for such orders does not exceed the amount set forth in paragraph (i)(2) of this section.

(4) An amount greater than that set forth in paragraphs (i)(2) and (i)(3) of this section may be withheld upon the written consent of the debtor.

(5) The employer shall promptly pay to the agency all amounts withheld in accordance with the withholding order issued pursuant to this section.

(6) An employer shall not be required to vary its normal pay and disbursement cycles in order to comply with the withholding order.

(7) Any assignment or allotment by an employee of his earnings shall be void to the extent it interferes with or prohibits execution of the withholding order issued under this section, except for any assignment or allotment made pursuant to a family support judgment or order.

(8) The employer shall withhold the appropriate amount from the debtor's wages for each pay period until the employer receives notification from the agency to discontinue wage withholding. The garnishment order shall indicate a reasonable period of time within which the employer is required to commence wage withholding.

(j) *Exclusions from garnishment.* The agency may not garnish the wages of a debtor who it knows has been involuntarily separated from employment until the debtor has been reemployed continuously for at least 12 months. To qualify for this exclusion, upon the request of the agency, the debtor must inform the agency of the circumstances surrounding an involuntary separation from employment.

(k) *Financial hardship.* (1) A debtor whose wages are subject to a wage withholding order under this section, may, at any time, request a review by the agency of the amount garnished, based on materially changed circumstances such as disability, divorce, or catastrophic illness that results in financial hardship.

(2) A debtor requesting a review under paragraph (k)(1) of this section shall submit the basis for claiming that the current amount of garnishment results in a financial hardship to the debtor, along with supporting documentation. Agencies shall consider any information submitted in accordance with procedures and standards established by the agency.

(3) If a financial hardship is found, the agency shall downwardly adjust, by an amount and for a period of time agreeable to the agency, the amount garnished to reflect the debtor's financial condition. The agency will notify the employer of any adjustments to the amounts to be withheld.

(l) *Ending garnishment.* (1) Once the agency has fully recovered the amounts owed by the debtor, including interest, penalties, and administrative costs consistent with the FCCS, the agency shall send the debtor's employer notification to discontinue wage withholding.

(2) At least annually, an agency shall review its debtors' accounts to ensure that garnishment has been terminated for accounts that have been paid in full.

(m) *Actions prohibited by the employer.* An employer may not discharge, refuse to employ, or take disciplinary action against the debtor due to the issuance of a withholding order under this section.

(n) *Refunds.* (1) If a hearing official, at a hearing held pursuant to paragraph (f)(2) of this section, determines that a debt is not legally due and owing to the United States, the agency shall promptly refund any amount collected by means of administrative wage garnishment.

(2) Unless required by Federal law or contract, refunds under this section shall not bear interest.

(o) *Right of action.* The agency may sue any employer for any amount that the employer fails to withhold from wages owed and payable to an employee in accordance with paragraphs (g) and (i) of this section. However, a suit may not be filed before the termination of the collection action involving a particular debtor, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period. For purposes of this section, ''termination of

the collection action'' occurs when the agency has terminated collection action in accordance with the FCCS or other applicable standards. In any event, termination of the collection action will be deemed to have occurred if the agency has not received any payments to satisfy the debt from the particular debtor whose wages were subject to garnishment, in whole or in part, for a period of 1 year.

Dated: February 3, 2015.

Eric H. Holder, Jr.

Attorney General.

[FR Doc. 2015–02587 Filed 2–17–15; 8:45 am]

BILLING CODE 4410–AR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 10

[Docket No. USCG–2015–0090]

Medical Waivers for Merchant Mariner Credential Applicants With the Following Conditions: Cardiomyopathy; Diabetes Mellitus; Narcolepsy; and Obstructive Sleep Apnea

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed policy clarification and request for comments.

SUMMARY: The Coast Guard is seeking public comment on the policy clarification proposed in this document regarding the specific medical documentation the Coast Guard will consider in determining whether a medical waiver is warranted for merchant mariners with cardiomyopathy, diabetes mellitus, or obstructive sleep apnea. Additionally, the proposed policy clarification specifies that narcolepsy, idiopathic hypersomnia, and other hypersomnias of central origin, are medically disqualifying and generally not waiverable due to significant risk of sudden and unpredictable incapacitation of individuals who have these conditions.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before May 19, 2015 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2015–0090 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail:* 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.

(4) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions about this document, call or email Lieutenant Ashley Holm, Mariner Credentialing Program Policy Division (CG–CVC–4), U.S. Coast Guard, telephone 202–372–2357, email *MMCPolicy@uscg.mil.* If you have questions on viewing material in the docket, call Docket Operations at 202–366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

You may submit comments and related material regarding whether the policy clarification proposed in this document should be incorporated into final policy on the medical evaluation guidelines for mariners with cardiomyopathy, diabetes mellitus, narcolepsy or obstructive sleep apnea. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this document (USCG–2015–0090) and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail or hand delivery, but please use only one of these means. 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–2015–0090) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this document.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8 ½ by 11 inches, suitable for copying and electronic filing. If you submit them 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.

Viewing comments and documents: To view comments, go to *http://www.regulations.gov,* type the docket number (USCG–2015–0090) 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

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 system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Background and Purpose

46 CFR 10.302 contains the medical standards that merchant mariners must meet prior to being issued a merchant mariner credential (MMC). In cases where the mariner does not meet the medical standards in 46 CFR 10.302, waivers may be granted when the Coast Guard determines that extenuating circumstances warrant special consideration. See 46 CFR 10.303. Current Coast Guard guidance in Enclosure (3) to Navigation and Vessel Inspection Circular 04–08, *Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials* (NVIC 04–08), which is available at *http://www.uscg.mil/hq/cg5/nvic/pdf/2008/NVIC%2004-08%20CH%201%20with%20Enclosures%2020130607.pdf.*), states that the conditions of cardiomyopathy, diabetes mellitus, narcolepsy and obstructive sleep apnea [1] require further

[1] Enclosure (3) to Navigation and Vessel Inspection Circular 04–08, Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials, Item number 179, specifies that sleep apnea and other sleep disorders are subject to further review. Obstructive sleep apnea (OSA) is one specific type of sleep apnea and is, therefore, subject to further review under the same item number.

review. The same guidance publishes the ''recommended evaluation data'' that should be submitted for each condition; however it does not specify the medical criteria that the Coast Guard will consider in evaluating whether the risks associated with these conditions are low enough to warrant a medical waiver.

Since the issuance of NVIC 04–08 on September 15, 2008, there have been several instances where mariners sought waivers for these conditions. In some cases, mariners with these conditions were granted waivers; in other cases, the conditions were deemed an unacceptable risk and medical certification was denied. Published guidance on the criteria that will be used in determining whether an applicant's medical condition warrants a medical waiver will support Coast Guard efforts to consistently evaluate merchant mariners with these conditions and assess whether the risk associated with an applicant's medical condition is sufficiently mitigated to warrant a medical waiver under 46 CFR 10.303.

Under the proposed policy, a medical waiver will be required for the conditions of cardiomyopathy, sleep apnea, and diabetes mellitus.

In determining whether a mariner having one of the aforementioned conditions warrants a medical waiver under 46 CFR 10.303, the Coast Guard seeks public input on whether the Coast Guard should consider the following specific medical documentation and medical criteria:

I. NVIC 04–08, Condition #77: Cardiac decompensation or cardiomyopathy. Individuals with these conditions may be denied medical certification unless they meet the criteria for a medical waiver.

1. Submit a cardiology consultation, nuclear exercise stress test, echocardiogram and 24-hour Holter monitor.

2. Criteria for consideration for a waiver include: a left ventricular ejection fraction of ≥35%, no symptomatic or clinically significant heart failure in the past 2 years (must be New York Heart Association Class I), absence of significant ischemia on stress testing, exercise capacity of ≥8 METs, no history of syncope or ventricular arrhythmia in the past three years; and the written opinion of the treating cardiologist or electrophysiologist supports low risk for sudden death, ventricular arrhythmia, adverse cardiac event and sudden incapacitation based upon objective testing and standard evaluation tools.

3. **Note:** Individuals with cardiomyopathy who have had an implantable cardioverter defibrillator (ICD) placed, will be evaluated under the criteria for condition #81, Anti-tachycardia devices or implantable defibrillators.[2] Individuals with cardiomyopathy who have been advised to undergo placement of an ICD by their cardiologist, but have failed to comply, do not meet the low risk criteria for consideration for a medical waiver. These individuals may be denied medical certification.

Justification: The Coast Guard recognizes that there is significant clinical variation within the population of individuals with cardiomyopathy, and that not all individuals with cardiomyopathy carry the same risks of sudden incapacitation or sudden death. These criteria seek to discern those individuals with cardiomyopathy who have factors that mitigate their risk, and who have prognostic indicators suggestive of a low risk of sudden incapacitation or adverse cardiac event.

II. NVIC 04–08, Condition # 193: Diabetes mellitus treated with insulin or with history of diabetic ketoacidosis (DKA). Individuals with this condition may be denied medical certification unless they meet the criteria for a medical waiver:

1. Submit an evaluation from the treating physician documenting interval history and two current glycated hemoglobin (HbA1c) levels separated by at least 90 days, the most recent of which is no more than 90 days old. An ophthalmology consultation may be required. Graded exercise testing may be required.

2. If the evaluation of the treating physician supports good compliance with the treatment regimen, the absence of recent, severe hypoglycemic episodes,[3] and the absence of impairing diabetic complications, then mariners with a consistent pattern of HbA1c levels of less than or equal to 10% may be considered for a waiver, with annual reporting requirements.

3. Mariners with HbA1c levels greater than 10% are generally not considered for a waiver unless extenuating circumstances confirm temporary irregularity due to acute illness, medication interaction, or other short-term occurrence that is not likely to recur.

Justification: Although poorly controlled diabetes can lead to long term diabetic complications, the consequences of hypoglycemia pose an immediate threat of sudden incapacitation with a greater risk to public and maritime safety.

III. NVIC 04–08, Condition #194: Diabetes requiring oral medication.

1. Submit an evaluation from the treating physician documenting interval history and two current glycated hemoglobin (HbA1c) levels separated by at least 90 days, the most recent of which is no more than 90 days old. Ophthalmology consultation may be required. Graded exercise testing may be required.

2. If the evaluation of the treating physician supports good compliance with the treatment regimen, the absence of recent, severe hypoglycemic (*) episodes, and the absence of impairing diabetic complications, then mariners with a consistent pattern of HbA1c levels of less than 8% may be considered for a waiver with biennial (every two years) reporting requirements; and mariners with HbA1c levels between 8%–10% inclusive may be considered for a waiver, with annual reporting requirements.

3. Mariners with HbA1c levels of greater than 10% are generally not considered for waiver unless extenuating circumstances confirm temporary irregularity due to acute illness, medication interaction, or other short-term occurrence that is not likely to recur.

Justification: Although poorly controlled diabetes can lead to long term diabetic complications, the consequences of hypoglycemia pose an immediate threat of sudden incapacitation with risk to public and maritime safety.

IV. NVIC 04–08, Condition # 179: Obstructive Sleep Apnea, Central Sleep Apnea, Narcolepsy, Periodic Limb Movement, Restless Leg Syndrome or other sleep disorders.

1. Submit all pertinent medical information, including sleep studies and a status report. If surgically treated, please submit a post-operative polysomnogram to document cure.

2. Narcolepsy,idiopathic hypersomnia and other hypersomnias of central origin: Due to the significant risk of sudden and unpredictable incapacitation of individuals who have these conditions, narcolepsy, idiopathic hypersomnia and other hypersomnias of central origin are considered disqualifying. Additionally, the Coast Guard does not consider the conditions

[2] NVIC 04–08 Condition #81, Anti-tachycardia devices or implantable cardioverter defibrillators directs that conditions requiring use of these devices are ''generally not waiverable.'' Enclosure (7) to NVIC 04–08 contains the criteria for consideration for a medical waiver for conditions requiring use of these devices. The criteria are summarized as follows: (1) The applicant does not have a diagnosis of a cardiac channelopathy affecting the electrical conduction of the heart (to include Brugada syndrome, Long QT syndrome, etc.); (2) The applicant does not have a prior history of ventricular fibrillation or episodes of sustained ventricular tachycardia within the last three years; (3) The ICD or anti-tachycardia device was implanted more than three years ago; (4) The ICD has not fired nor has the applicant required anti-tachycardia pacing therapy within the last three years; (5) There are no additional risk factors for inappropriate shock such as uncontrolled atrial fibrillation; (6) The applicant's left ventricular ejection fraction is greater than 35% with a steady or improving trend; (7) There is no history of any symptomatic or clinically significant heart failure in the past two years; (8) There is no evidence of significant reversible ischemia on myocardial perfusionimaging exercise stress testing; (9) The applicant's exercise capacity on formal stress testing (using standard Bruce Protocol) is greater than or equal to the 8 METs (metabolic equivalents); (10) The applicant's treating cardiologist or electrophysiologist provides a written assessment of the individual that supports a determination that the mariner is at low risk for future arrhythmia, adverse cardiac event or sudden incapacitation based upon objective testing and standard evaluation tools; (11) The applicant does not have any other medical conditions which may alone, or incombination with an ICD or anti-tachycardia device, affect the mariner's fitness.

[3] Recent, severe hypoglycemic episode is an episode of hypoglycemia within the prior 12 months resulting in seizure, loss of consciousness or altered consciousness, or requiring assistance from another person for treatment.

of narcolepsy,idiopathic hypersomnia, or other hypersomnias of central origin, as low enough risk to warrant consideration for a medical waiver.

3. Obstructive Sleep Apnea (OSA):

A. Medical waivers for OSA require submission of an annual sleep specialist evaluation that documents treatment efficacy, the patient's treatment compliance and an assessment for symptoms of daytime sleepiness. If treated with CPAP/BiPAP, the evaluation should include a compliance information report from the positive airway pressure device that covers the preceding 12 months. For OSA treated by other means, submit a polysomnogram demonstrating the effectiveness of the alternative therapy.

B. For purposes of receiving or maintaining a medical waiver, minimum compliance with positive airway pressure therapy is defined as:

(i) Proper use of the CPAP/BiPAP device for at least four hours per night (or per major sleep period) during all major sleep periods while acting under the authority of the mariner credential, and

(ii) Proper use of the CPAP/BiPAP device for at least four hours per night (or per major sleep period) on at least 70% of all nights (or major sleep periods).

Authority: This document is issued under the authority of 5 U.S.C. 552(a) and 46 U.S.C. 7101 *et seq.*

Dated: February 10, 2015.

J.C. Burton,

Captain, U.S. Coast Guard, Director of Inspections & Compliance.

[FR Doc. 2015–03109 Filed 2–17–15; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 80, No. 32
Wednesday, February 18, 2015

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0025]

Okanagan Specialty Fruits, Inc.; Determination of Nonregulated Status of Apples Genetically Engineered To Resist Browning

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that apple events developed by Okanagan Specialty Fruits, Inc., designated as events GD743 and GS784, which have been genetically engineered to resist browning, are no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Okanagan Specialty Fruits, Inc., in its petition for a determination of nonregulated status, our analysis of available scientific data, and comments received from the public in response to our previous notices announcing the availability of the petition for nonregulated status and its associated environmental assessment and plant pest risk assessment. This notice also announces the availability of our written determination and finding of no significant impact.

DATES: Effective February 18, 2015.

ADDRESSES: You may read the documents referenced in this notice and the comments we received at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0025* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 10–161–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 10–161–01p) from Okanagan Specialty Fruits, Inc., (Okanagan) of British Columbia, Canada, seeking a determination of nonregulated status of apples (*Malus x domestica*) designated as events GD743 and GS784, which have been genetically engineered to resist browning. The petition states that these apples are unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public comment when considering petitions for determinations of nonregulated status of genetically engineered (GE) organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on July 13, 2012 (77 FR 41362–41363, Docket No. APHIS–2012–0025), APHIS announced the availability of the Okanagan petition for public comment. APHIS solicited comments on the petition for 60 days ending on September 11, 2012, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 1,939 comments on the petition. Several of these comments included electronic attachments consisting of consolidated documents of many identical or nearly identical letters, for a total of 72,745 comments. Issues raised during the comment period included concerns regarding marketing and economic impacts; cross-pollination; and health, nutrition, and food safety. APHIS decided, based on its review of the petition and its evaluation and analysis of the comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that involves a new crop trait or raises substantive new issues. According to our public review process for such petitions (see footnote 1), APHIS first solicits written comments from the public on a draft environmental assessment (EA) and a plant pest risk assessment (PPRA) for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and the PPRA and other information, APHIS revises the PPRA as necessary and prepares a final EA and, based on the final EA, a National Environmental Policy Act

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

[2] To view the notice, the petition, the comments we received, and other supporting documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0025.*

(NEPA) decision document (either a finding of no significant impact (FONSI) or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS furnishes a response to the petitioner, either approving or denying the petition. APHIS also publishes a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

APHIS sought public comment on a draft EA and a PPRA from November 8, 2013, to January 30, 2014.[3] APHIS solicited comments on the draft EA, the PPRA, and whether the subject apples are likely to pose a plant pest risk. APHIS received 105,971 comments during the comment period, of which 100,976 were form letters. The majority of the comments expressed general opposition to APHIS making a determination of nonregulated status of GE organisms. Issues raised during the comment period included concerns regarding potential effects on human and animal health and nontarget organisms and economic impacts on apple growers. APHIS has addressed the issues raised during the comment period and has provided responses to comments as an attachment to the FONSI.

National Environmental Policy Act

After reviewing and evaluating the comments received during the comment period on the draft EA and the PPRA and other information, APHIS has prepared a final EA. The EA has been prepared to provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the determination of nonregulated status of Okanagan's apple events GD743 and GS784. The EA was prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on our EA, the response to public comments, and other pertinent scientific data, APHIS has reached a FONSI with regard to the preferred alternative identified in the EA (to make a determination of nonregulated status of apple events GD743 and GS784).

Determination

Based on APHIS' analysis of field and laboratory data submitted by Okanagan, references provided in the petition, peer-reviewed publications, information analyzed in the EA, the PPRA, comments provided by the public, and information provided in APHIS' response to those public comments, APHIS has determined that Okanagan's apple events GD743 and GS784 are unlikely to pose a plant pest risk and therefore are no longer subject to our regulations governing the introduction of certain GE organisms.

Copies of the signed determination document, PPRA, final EA, FONSI, and response to comments, as well as the previously published petition and supporting documents, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 12th day of February 2015.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–03272 Filed 2–17–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[1/21/2015 through 2/11/2015]

Firm name	Firm address	Date accepted for investigation	Product(s)
Detroit Tool & Engineering, Inc	1107 Springer Road, Lebanon, MO 65536.	2/6/2015	The firm manufactures customized fabricated metal products including HVAC, appliances, heavy truck, machine bases, fixtures, electrical panels and rotating safety clamps.
Master Hatters of Texas, Inc	2945 Market Street, Garland, TX 75041.	2/11/2015	The firm manufactures hats.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no

[3] In a notice (see footnote 2) published in the **Federal Register** on November 8, 2013, (78 FR 67100–67101, Docket No. APHIS–2012–0025), APHIS announced the availability of a draft EA and a PPRA for public comment for 30 days, ending December 9, 2013. In a notice published in **Federal Register** on December 31, 2013, (78 FR 79568–79569, Docket No. APHIS–2012–0025), APHIS reopened the comment period on the draft EA and the PPRA for an additional 30 days, ending January 30, 2014. We also indicated in that notice that we would consider all comments received between December 10, 2013 (the day after the close of the original comment period) and the date of the notice.

later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: February 11, 2015.

Michael S. DeVillo,

Eligibility Examiner.

[FR Doc. 2015–03258 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on March 4, 2015, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than February 25, 2015.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 10, 2014, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 sections 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: February 12, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–03320 Filed 2–17–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Processing Equipment Technical Advisory Committee: Notice of Open Meeting

The Materials Processing Equipment Technical Advisory Committee (MPETAC) will meet on March 10, 2015, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks and introductions.
2. Presentation of papers and comments by the Public.
3. Discussions on results from last, and proposals from last Wassenaar meeting.
4. Report on proposed and recently issued changes to the Export Administration Regulations.
5. Other business.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than March 3, 2015.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482–2813.

Dated: February 12, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–03322 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Open Meeting

The Materials Technical Advisory Committee will meet on March 5, 2015, 10:00 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Opening Remarks and Introduction of Dr. Richard Duncan, Director Chemical and Biological Controls Division.
2. Remarks from BIS senior management.
3. Presentation on NSF Workshop on the Global Movement and Tracking of Chemical Manufacturing Equipment in May 2014 by Clara Zahradnik from DuPont.
4. Report from working groups: Public Domain issues, Composite Working Group, Biological Working Group, Pump and Valves Working Group.
5. Report on regime-based activities.
6. Public Comments and New Business.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@*

bis.doc.gov no later than February 26, 2015.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482–2813.

Dated: February 12, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–03325 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Technical Advisory Committees; Notice of Recruitment of Private-Sector Members

SUMMARY: Seven Technical Advisory Committees (TACs) advise the Department of Commerce on the technical parameters for export controls applicable to dual-use commodities and technology and on the administration of those controls. The TACs are composed of representatives from industry representatives, academic leaders and U.S. Government representing diverse points of view on the concerns of the exporting community. Industry representatives are selected from firms producing a broad range of goods, technologies, and software presently controlled for national security, non-proliferation, foreign policy, and short supply reasons or that are proposed for such controls, balanced to the extent possible among large and small firms.

TAC members are appointed by the Secretary of Commerce and serve terms of not more than four consecutive years. The membership reflects the Department's commitment to attaining balance and diversity. TAC members must obtain secret-level clearances prior to appointment. These clearances are necessary so that members may be permitted access to the classified information needed to formulate recommendations to the Department of Commerce. Each TAC meets approximately four times per year. Members of the Committees will not be compensated for their services.

The seven TACs are responsible for advising the Department of Commerce on the technical parameters for export controls and the administration of those controls within the following areas: Information Systems TAC: Control List Categories 3 (electronics), 4 (computers), and 5 (telecommunications and information security); Materials TAC: Control List Category 1 (materials, chemicals, microorganisms, and toxins); Materials Processing Equipment TAC: Control List Category 2 (materials processing); Regulations and Procedures TAC: The Export Administration Regulations (EAR) and Procedures for implementing the EAR; Sensors and Instrumentation TAC: Control List Category 6 (sensors and lasers); Transportation and Related Equipment TAC: Control List Categories 7 (navigation and avionics), 8 (marine), and 9 (propulsion systems, space vehicles, and related equipment) and the Emerging Technology and Research Advisory Committee: (1) The identification of emerging technologies and research and development activities that may be of interest from a dual-use perspective; (2) the prioritization of new and existing controls to determine which are of greatest consequence to national security; (3) the potential impact of dual-use export control requirements on research activities; and (4) the threat to national security posed by the unauthorized exports of technologies.

To respond to this recruitment notice, please send a copy of your resume to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov*.

Deadline: This Notice of Recruitment will be open for one year from its date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Yvette Springer on (202) 482–2813.

Dated: February 12, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–03323 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–010, C–570–011]

Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing antidumping duty (AD) and countervailing duty (CVD) orders on certain crystalline silicon photovoltaic products (certain solar products) from the People's Republic of China (the PRC). Also, as explained in this notice, the Department is amending its final affirmative CVD determination to correct an error regarding the inclusion of a subsidy program that was not properly reflected on the record of the CVD investigation.

DATES: *Effective Date:* February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen at (202) 482–2769 or Thomas Martin at (202) 482–3936 (AD); or Gene Calvert at (202) 482–3586 or Justin Neuman at (202) 482–0486 (CVD), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On December 23, 2014, the Department published its affirmative final determination of sales at less than fair value (LTFV) in the AD investigation of certain solar products from the PRC,[1] and its final affirmative determination that countervailable subsidies are being provided to producers and exporters of certain solar products from the PRC.[2] On February 5, 2015, the ITC notified the Department of its final determination pursuant to

[1] *See Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 79 FR 76970 (December 23, 2014).

[2] *See Countervailing Duty Investigation of Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 79 FR 76962 (December 23, 2014) (*CVD Final Determination*).

sections 735(d) and 705(d) of the Tariff Act of 1930, as amended (the Act), that an industry in the United States is materially injured within the meaning of sections 735(b)(1)(A)(i) and 705(b)(1)(A)(i) of the Act by reason of LTFV imports and subsidized imports of subject merchandise from the PRC.[3]

Scope of the Orders

The merchandise covered by these orders are modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. For purposes of these orders, subject merchandise includes modules, laminates and/or panels assembled in the PRC consisting of crystalline silicon photovoltaic cells produced in a customs territory other than the PRC.

Subject merchandise includes modules, laminates and/or panels assembled in the PRC consisting of crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Excluded from the scope of these orders are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of these orders are modules, laminates and/or panels assembled in the PRC, consisting of crystalline silicon photovoltaic cells, not exceeding 10,000 mm^2 in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cells. Where more than one module, laminate and/or panel is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all modules, laminates and/or panels that are integrated into the consumer good. Further, also excluded from the scope of these orders are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, laminates and/or panels, from the PRC.[4]

Merchandise covered by these orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these orders is dispositive.

Amendment to the CVD Final Determination

On December 23, 2014, the Department published its affirmative final determination in the CVD investigation.[5] On December 24, 2014, Changzhou Trina Solar Energy Co., Ltd. (Trina Solar) and Wuxi Suntech Power Co., Ltd. (Wuxi Suntech), respondents in the CVD investigation, submitted timely ministerial error allegations and requested that the Department correct the alleged ministerial errors in the subsidy margin calculations.[6] On December 29, 2014, SolarWorld Americas, Inc., the petitioner in the CVD investigation, submitted timely rebuttal comments on Trina Solar's and Wuxi Suntech's allegations.[7] No other interested party submitted ministerial error allegations or replied to Trina Solar's or Wuxi Suntech's submissions.

After analyzing comments and rebuttals from all interested parties, we determined, in accordance with section 705(e) of the Act and 19 CFR 351.224(e), that we made a ministerial error in our calculations for the *CVD Final Determination* with respect to Trina Solar. At the verification of Trina Solar's questionnaire responses, we discovered unreported subsidy programs in Trina Solar's accounting system. We translated certain line items from that accounting system at verification and found that every translated line item represented a countervailable subsidy in our *CVD Final Determination.* In so doing, we inadvertently countervailed a subsidy program that did not appear among the list of translated subsidy programs submitted as a verification exhibit.[8] This amended final CVD determination corrects this error and revises the *ad valorem* subsidy rate for Trina Solar.

In the *CVD Final Determination,* we based the estimated subsidy rate for ''all others'' by calculating the simple average of Trina Solar's and Wuxi Suntech's estimated subsidy rates.[9] Because the subsidy rate for all others is based on the rates for Trina Solar and Wuxi Suntech, and the rate for Trina Solar changed because of the aforementioned ministerial error, we have revised the calculation for the estimated subsidy rate for all others in this amended final CVD determination.[10] The amended estimated *ad valorem* subsidy rates are provided below.

Antidumping Duty Order

As stated above, on February 5, 2015, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination in its investigation, in which it found that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of certain solar products from the PRC.[11] Because the ITC determined that imports of certain solar products from the PRC are materially injuring a U.S. industry, unliquidated entries of such merchandise from the PRC, entered or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount

[3] *See* the ITC Notification Letter to the Deputy Assistant Secretary for Enforcement and Compliance referencing ITC Investigation Nos. 701–TA–511 and 731–TA–1246–1247 (February 5, 2015).

[4] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012).

[5] *See CVD Final Determination.*

[6] *See* the Letter to the Secretary from Trina Solar, ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Ministerial Errors Allegation,'' (December 24, 2014); *see also* the Letter to the Secretary from Wuxi Suntech, ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Ministerial Error Comments of Wuxi Suntech Power Co., Ltd.,'' (December 24, 2014).

[7] *See* the Letter to the Secretary, ''Crystalline Silicon Photovoltaic Products from the People's Republic of China: Response to Trina's Ministerial Error Allegation,'' (December 29, 2014); *see also* the Letter to the Secretary, ''Crystalline Silicon Photovoltaic Products from the People's Republic of China: Response to Suntech's Ministerial Error Comments,'' (December 29, 2014).

[8] For a detailed discussion of all alleged ministerial errors, as well as the Department's analysis, *see* the memorandum, ''Amended Final Determination in the Countervailing Duty Investigation of Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Ministerial Error Allegations,'' (February 6, 2015) (Ministerial Error Memorandum).

[9] *See CVD Final Determination,* 79 FR at 76964.

[10] *See* Ministerial Error Memorandum at 10.

[11] *See ITC Determination.*

by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of certain solar products from the PRC. These antidumping duties will be assessed on unliquidated entries of certain solar products from the PRC entered, or withdrawn from warehouse, for consumption on or after July 31, 2014, the date of publication of the *AD Preliminary Determination,*[12] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

Continuation of Suspension of Liquidation (AD)

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation of all appropriate entries of certain solar products from the PRC as described in the ''Scope of the Orders'' section, which were entered, or withdrawn from warehouse, for consumption on or after July 31, 2014, the date of publication in the **Federal Register** of the notice of an affirmative preliminary determination that certain solar products are being, or are likely to be, sold in the United States at LTFV. Further, consistent with our practice, where the product from the PRC under investigation is also subject to a concurrent CVD investigation, the Department will instruct CBP to require a cash deposit [13] equal to the weighted-average amount by which the normal value exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through.[14] The cash deposit rates, before any adjustments for export subsidies and estimated domestic subsidy pass-through, are as follows: (1) For each exporter/producer combination listed in the table below, the cash deposit rate will be equal to the dumping margin listed for that exporter/producer combination in the table; (2) for all other combinations of PRC exporters/producers of the merchandise under consideration, the cash deposit rate will be equal to the dumping margin established for the PRC-wide entity; and (3) for all non-PRC exporters of the merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension-of-liquidation instructions will remain in effect until further notice.

Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins indicated below, adjusted, where appropriate, for export subsidies and estimated domestic subsidy pass-through, as discussed above.[15]

Provisional Measures (AD)

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination in an AD investigation may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of certain solar products from the PRC, we extended the four-month period to no more than six months in this case.[16] As stated above, in the investigation covering certain solar products from the PRC, the Department published the preliminary determination in the AD investigation on July 31, 2014. Therefore, the six-month period beginning on the date of publication of the preliminary determination in the AD investigation ended on January 27, 2015. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of certain solar products from the PRC, entered, or withdrawn from warehouse, for consumption on or after January 27, 2015, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Exporter	Producer	Weighted-average dumping margin (percent)
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd.	Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd.	26.71
Renesola Jiangsu Ltd./Renesola Zhejiang Ltd./Jinko Solar Co. Ltd./Jinko Solar Import and Export Co., Ltd.	Renesola Jiangsu Ltd./Jinko Solar Co. Ltd	78.42
Anji DaSol Solar Energy Science & Technology Co., Ltd	Anji DaSol Solar Energy Science & Technology Co., Ltd	52.13
Asun Energy Co., Ltd. (a/k/a Suzhou Asun Energy Co., Ltd.)	Asun Energy Co., Ltd. (a/k/a Suzhou Asun Energy Co., Ltd.).	52.13
Baoding Tianwei Yingli New Energy Resources Co. , Ltd	Baoding Tianwei Yingli New Energy Resources Co., Ltd., Yingli Energy (China) Co., Ltd., and Lixian Yingli New Energy Co., Ltd.	52.13
BYD (Shangluo) Industrial Co., Ltd	BYD (Shangluo) Industrial Co., Ltd	52.13
Canadian Solar International Limited	Canadian Solar Manufacturing (Luoyang) Inc., Canadian Solar Manufacturing (Changshu), Inc.	52.13

[12] *See Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 79 FR 44399 (July 31, 2014) (*AD Preliminary Determination*).

[13] *See* Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations, 76 FR 61042 (October 3, 2011).

[14] *See* sections 772(c)(1)(C) and 777A(f) of the Act.

[15] With respect to the final affirmative countervailing duty determination in the companion investigation, because the provisional measures period has expired, the Department will only order the resumption of the suspension of liquidation, and require cash deposits for countervailing duties equal to the final subsidy rates, upon issuance of a final affirmative injury determination by the ITC. As a result, the Department will make an adjustment to AD cash deposits, where appropriate, for export subsidies and estimated domestic subsidy pass-through as of the date of publication of the ITC's final affirmative injury determination.

[16] *See AD Preliminary Determination,* 79 FR at 44396.

Exporter	Producer	Weighted-average dumping margin (percent)
Canadian Solar Manufacturing (Changshu), Inc	Canadian Solar Manufacturing (Changshu), Inc	52.13
Canadian Solar Manufacturing (Luoyang) Inc	Canadian Solar Manufacturing (Luoyang) Inc	52.13
CEEG Nanjing Renewable Energy Co., Ltd	CEEG Nanjing Renewable Energy Co., Ltd	52.13
Changzhou Almaden Co., Ltd	Changzhou Almaden Co., Ltd	52.13
Chint Solar (Zhejiang) Co., Ltd	Chint Solar (Zhejiang) Co., Ltd	52.13
ET Solar Industry Limited	ET Solar Industry Limited	52.13
Hainan Yingli New Energy Resources Co. Ltd	Hainan Yingli New Energy Resources Co. Ltd	52.13
Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	52.13
Hanwha SolarOne (Qidong) Co., Ltd	Hanwha SolarOne (Qidong) Co., Ltd	52.13
Hanwha SolarOne Hong Kong Limited	Hanwha SolarOne (Qidong) Co., Ltd	52.13
Hefei JA Solar Technology Co., Ltd	Hefei JA Solar Technology Co., Ltd	52.13
Hengdian Group DMEGC Magnetics Co., Ltd	Hengdian Group DMEGC Magnetics Co., Ltd	52.13
Hengshui Yingli New Energy Resources Company Limited	Hengshui Yingli New Energy Resources Company Limited	52.13
Jiangyin Hareon Power Co., Ltd	Jiangyin Xinhui Solar Co., Ltd.; Altusvia Energy Taicang Co., Ltd.; Hareon Solar Technology Co., Ltd.	52.13
Jiawei Solarchina Co., Ltd	Jiawei Solarchina (Shenzhen) Co., Ltd	52.13
Jiawei Technology (HK) Ltd	Shenzhen Jiawei Photovoltaic Lighting Co. Ltd	52.13
LDK Solar Hi-Tech (Nanchang) Co., Ltd	LDK Solar Hi-Tech (Nanchang) Co., Ltd	52.13
Lixian Yingli New Energy Company Ltd	Lixian Yingli New Energy Company Ltd	52.13
MOTECH (Suzhou) Renewable Energy Co., Ltd	MOTECH (Suzhou) Renewable Energy Co., Ltd	52.13
Ningbo Qixin Solar Electrical Appliance Co., Ltd	Ningbo Qixin Solar Electrical Appliance Co., Ltd	52.13
Perlight Solar Co., Ltd	Perlight Solar Co., Ltd	52.13
Risen Energy Co., Ltd	Risen Energy Co., Ltd	52.13
Shanghai JA Solar Technology Co., Ltd	Shanghai JA Solar Technology Co., Ltd	52.13
Shanghai Solar Energy Science & Technology Co., Ltd	Lianyungang Shenzhou New Energy Co., Ltd	52.13
Shenzhen Jiawei Photovoltaic Lighting Co. Ltd	Shenzhen Jiawei Photovoltaic Lighting Co. Ltd	52.13
Shenzhen Sungold Solar Co., Ltd	Shenzhen Sungold Solar Co., Ltd	52.13
Shenzhen Topray Solar Co., Ltd	Shenzhen Topray Solar Co., Ltd	52.13
Sun Earth Solar Power Co., Ltd	Sun Earth Solar Power Co., Ltd	52.13
Sunny Apex Development Ltd	Shenzhen Jiawei Photovoltaic Lighting Co. Ltd., Wuhan FYY Technology Co., Ltd	52.13
SunPower Systems SARL	SunEnergy (S.Z.) Co., Ltd	52.13
tenKsolar (Shanghai) Co., Ltd	tenKsolar (Shanghai) Co., Ltd	52.13
Upsolar Global Co., Ltd. and including Upsolar Group, Co., Ltd.	Shandong Dahai Group Co. Ltd	52.13
Wanxiang Import & Export Co., Ltd	Zhejiang Wanxiang Solar Co., Ltd	52.13
Wuhan FYY Technology Co., Ltd	Wuhan FYY Technology Co., Ltd	52.13
Wuxi Suntech Power Co., Ltd	Wuxi Suntech Power Co., Ltd	52.13
Yingli Energy (China) Company Limited	Yingli Energy (China) Company Limited, Baoding Tianwei Yingli New Energy Resources Co. , Ltd. and Lixian Yingli New Energy Co. , Ltd.	52.13
Yingli Green Energy International Trading Limited	Yingli Energy (China) Company Limited, Baoding Tianwei Yingli New Energy Resources Co., Ltd.,. and Hainan Yingli New Energy Resources Co., Ltd	52.13
Zhongli Talesun Solar Co., Ltd	Zhongli Talesun Solar Co., Ltd	52.13
PRC-Wide Rate		165.04

Countervailing Duty Order

As stated above, on February 5, 2015, in accordance with section 705(d) of the Act, the ITC notified the Department of its final determination in this investigation, in which it found that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of imports of certain solar products from the PRC.[17]

Therefore, in accordance with section 706(a) of the Act, the Department will direct CBP to assess, upon further instruction by the Department, countervailing duties equal to the amounts listed below for all relevant entries of certain solar products from the PRC. These countervailing duties will be assessed on unliquidated entries of certain solar products from the PRC entered, or withdrawn from warehouse, for consumption on or after June 10, 2014, the date of publication of the *CVD Preliminary Determination,*[18] and before October 8, 2014, the date on which the Department instructed CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Entries of certain solar products from the PRC made on or after October 8, 2014, and prior to the date of publication of the ITC's final determination in the **Federal Register** are not liable for the assessment of countervailing duties, due to the Department's discontinuation, effective October 8, 2014, of the suspension of liquidation.

Suspension of Liquidation (CVD)

In accordance with section 706 of the Act, we will instruct CBP to reinstitute the suspension of liquidation on all relevant entries of certain solar products from the PRC. We will also instruct CBP

[17] *See ITC Determination.*

[18] *See Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination,* 79 FR 33174 (June 10, 2014) (*CVD Preliminary Determination*).

to require cash deposits equal to the amounts indicated below. These instructions suspending liquidation will remain in effect until further notice. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, cash deposits equal to the amounts indicated below: [19]

Company	Subsidy rate (percent) (*ad valorem*)
Wuxi Suntech Power Co., Ltd	27.64
Changzhou Trina Solar Energy Co., Ltd	49.21
All Others	38.43

Notifications to Interested Parties

This notice constitutes the antidumping duty and countervailing duty orders with respect to certain solar products from the PRC pursuant to sections 736(a) and 706(a) of the Act. Interested parties can find an updated list of orders currently in effect by either visiting *http://enforcement.trade.gov/stats/iastats1.html* or by contacting the Department's Central Records Unit, Room 7046 of the main Commerce Building.

These orders and the amended *CVD Final Determination* are published in accordance with sections 705(e), 706(a), 736(a), and 777(i) of the Act, and 19 CFR 351.211(b) and 351.224(e).

Dated: February 10, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–03183 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–853]

Certain Crystalline Silicon Photovoltaic Products From Taiwan: Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the ''Department'') and the International Trade Commission (the ''ITC''), the Department is issuing an antidumping duty (''AD'') order on certain crystalline silicon photovoltaic products (''certain solar products'') from Taiwan.

DATES: *Effective Date:* February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Magd Zalok AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0650 or (202) 482–4162.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the ''Act'') and 19 CFR 351.210(c), on December 23, 2014, the Department published an affirmative final determination of sales at less than fair value (''LTFV'') in the investigation of certain solar products from Taiwan.[1] On February 5, 2015, the ITC notified the Department of its affirmative determinations that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of certain solar products from the People's Republic of China and Taiwan.[2]

Scope of the Order

The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.

Subject merchandise includes crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Modules, laminates, and panels produced in a third-country from cells produced in Taiwan are covered by this investigation. However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by this investigation.

Excluded from the scope of this investigation are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of this investigation are crystalline silicon photovoltaic cells, not exceeding 10,000 mm^2 in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cells. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Further, also excluded from the scope of this investigation are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (''PRC'').[3] Also excluded from the scope of this investigation are modules, laminates, and panels produced in the PRC from crystalline silicon photovoltaic cells produced in Taiwan that are covered by an existing proceeding on such modules, laminates, and panels from the PRC.

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

Antidumping Duty Order

As stated above, on February 5, 2015, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination in its investigation, in which it found that an industry in the United States is materially injured by reason of imports of certain solar products from Taiwan. Because the ITC determined that imports of certain solar products from

[19] *See* section 706(a)(3) of the Act.

[1] *See Certain Crystalline Silicon Photovoltaic Products: Final Determination of Sales at Less Than Fair Value,* 79 FR 76966 (December 23, 2014).

[2] *See* ITC Notification letter to the Deputy Assistant Secretary for Enforcement and Compliance referencing ITC Investigation Nos. 701–TA–511 and 731–TA–1246–1247 (Final).

[3] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012).

Taiwan are materially injuring a U.S. industry, unliquidated entries of such merchandise from Taiwan, entered or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (''CBP'') to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of certain solar products from Taiwan. These antidumping duties will be assessed on unliquidated entries of certain solar products from Taiwan entered, or withdrawn from warehouse, for consumption on or after July 31, 2014, the date of publication of the preliminary determination,[4] and which are subject to the scope of this Order, as described above. However, antidumping duties will not be assessed on entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all entries of certain solar products from Taiwan. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits at rates equal to the estimated weighted-average dumping margins indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require a cash deposit at rates equal to the estimated weighted-average dumping margins listed below.[5] The relevant all-others rate for Taiwan, applies to all producers or exporters not specifically listed.

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of certain solar products from Taiwan, we extended the four-month period to no more than six months in this case.[6] As stated above, in the investigation covering certain solar products from Taiwan, the Department published the preliminary determination on July 31, 2014. Therefore, the six-month period beginning on the date of publication of the preliminary determination ended on January 27, 2015. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of certain solar products from Taiwan, entered, or withdrawn from warehouse, for consumption on or after January 27, 2015, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation resumes on the date of publication of the ITC's final determination in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

TAIWAN

Exporter or producer	Estimated weighted-average dumping margin (percent)
Gintech Energy Corporation	27.55
Motech Industries, Inc.	11.45
All Others	19.50

Notifications to Interested Parties

This notice constitutes the AD order with respect to certain solar products from Taiwan pursuant to section 736(a) of the Act. Interested parties can find a list of AD orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html*.

This order is published in accordance with sections 736(a) of the Act and 19 CFR 351.211(b).

Dated: February 10, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–03179 Filed 2–17–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Notice of Correction to Preliminary Results of Countervailing Duty Administrative Review; 2012 and Partial Rescission of Countervailing Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, Office VII, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

On January 8, 2015, the Department of Commerce published in the **Federal Register** its notice of preliminary results and partial rescission for the countervailing duty administrative review of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China for the period of review March 26, 2012, through December 31, 2012.[1] Appendices to this notice, which listed companies for which the administrative review was rescinded and companies for which the administrative review would continue, inadvertently contained certain errors and omissions. Corrected versions of Appendix II, listing companies for which the review has been rescinded, and Appendix III, listing companies for which the review will continue, not selected for individual review, are attached to this

[4] *See Certain Crystalline Silicon Photovoltaic Products From Taiwan: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 79 FR 44395 (July 31, 2014) (''Taiwan Prelim Determination'').

[5] *See* section 736(a)(3) of the Act.

[6] *See Taiwan Prelim Determination,* 79 FR at 44396.

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2012; and Partial Rescission of Countervailing Duty Administrative Review,* 80 FR 1019 (January 8, 2015) (*Preliminary Results*).

notice. No other changes have been made to the *Preliminary Results.*

This corrected preliminary results and partial rescission is issued and published in accordance with section 751 of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 6, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix II

Companies for which review was rescinded
1. Aiko Solar
2. Amplesun Solar
3. Beijing Hope Industry
4. Best Solar Hi-tech
5. CEEG (Shanghai) Solar Science Technology Co., Ltd.
6. CEEG Nanjing Renewable Energy Co., Ltd.
7. China Sunergy (Nanjing) Co., Ltd.
8. China Sunergy
9. Chinalight Solar
10. CNPV Dongying Solar Power Co., Ltd.
11. Dai Hwa Industrial
12. EGing
13. ENN Solar Energy
14. General Solar Power
15. Golden Partner Development
16. Goldpoly (Quanzhou)
17. Hairun Photovoltaics Technology Co., Ltd
18. Hanwha Solar One (Qidong) Co., Ltd.
19. Hareon Solar Technology
20. HC Solar Power Co., Ltd.
21. JA Solar Technology Yangzhou Co., Ltd.
22. Jetion Solar (China) Co., Ltd.
23. Jia Yi Energy Technology
24. Jiasheng Photovoltaic Tech.
25. Jiangxi Green Power Co. Ltd.
26. Jiawei Solar Holding
27. Jiawei Solarchina Co. (Shenzhen), Ltd
28. JingAo Solar Co., Ltd.
29. Jiutai Energy
30. Linuo Photovoltaic
31. Ningbo Komaes Solar Technology Co., Ltd.
32. Perfectenergy
33. Polar Photovoltaics
34. Qiangsheng (QS Solar)
35. QXPV (Ningbo Qixin Solar Electrical Appliance Co., Ltd)
36. Refine Solar
37. Risen Energy Co, Ltd.
38. Risun Solar (JiangXi Ruijing Solar Power Co., Ltd.)
39. Sanjing Silicon
40. Shanghai Chaori Solar Energy
41. Shanghai JA Solar Technology Co., Ltd.
42. Shanghai Solar Energy Science & Technology Co., Ltd.
43. Shangpin Solar
44. Shanshan Ulica
45. Shenzhen Global Solar Energy Tech.
46. Shuqimeng Energy Tech
47. Skybasesolar
48. Solargiga Energy Holdings Ltd.
49. Sunflower
50. Sunlink PV
51. Sunvim Solar Technology
52. Tainergy Tech
53. tenKsolar (Shanghai) Co., Ltd.
54. Tianjin Jinneng Solar Cell
55. Topsolar
56. Trony
57. Weihai China Glass Solar
58. Wuxi Sun-shine Power Co., Ltd.
59. Wuxi University Science Park International Incubator Co., Ltd.
60. Yuhan Sinosola Science & Technology Co., Ltd.
61. Yuhuan Solar Energy Source Co., Ltd.
62. Yunnan Tianda
63. Yunnan Zhuoye Energy
64. Zhejinag Leye Photovoltaic Science and Technology Co., Ltd.
65. Zhejiang Top Point Photovoltaic Co., Ltd.
66. Zhejiang Wanxiang Solar Co, Ltd.
67. Zhenjiang Huantai Silicon Science and Technology Co., Ltd.

Appendix III

Companies for which review will continue, but not selected for individual review
1. Baoding Jiansheng Photovoltaic Technology Co., Ltd.
2. Boading Tianwei Yingli New Energy Resources Co., Ltd.
3. Beijing Tianneng Yingli New Energy Resources Co. Ltd.
4. Canadian Solar International Limited
5. Canadian Solar Manufacturing (Changshu) Inc.
6. Canadian Solar Manufacturing (Luoyang) Inc.
7. Changzhou NESL Solartech Co., Ltd.
8. Changzhou Trina Solar Energy Co., Ltd.
9. Chint Solar (Zhejiang) Co., Ltd.
10. CSG PVTech Co., Ltd.
11. DelSolar Co., Ltd.
12. De-Tech Trading Limited HK
13. Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.
14. Eoplly New Energy Technology Co., Ltd.
15. Era Solar Co., Ltd.
16. ET Solar Energy Limited.
17. Hainan Yingli New Energy Resources Co., Ltd.
18. Hangzhou Zhejiang University Sunny Energy Science and Technology Co. Ltd.
19. Hendigan Group Dmegc Magnetics
20. Hengshui Yingli New Energy Resources Co., Ltd.
21. Himin Clean Energy Holdings Co., Ltd.
22. Innovosolar
23. Jiangsu Green Power PV Co., Ltd.
24. Jiangxi Sunlink PV Technology Ltd.
25. Jiangsu Jiasheng Photovoltaic Technology Co., Ltd.
26. Jiangsu Sunlink PV Technology Co., Ltd.
27. Jiawei Solarchina Co. Ltd.
28. Jinko Solar Co., Ltd.
29. Jinko Solar Import and Export Co., Ltd.
30. Jinko Solar International Limited
31. Konca Solar Cell Co., Ltd.
32. Kuttler Automation Systems (Suzhou) Co. Ltd.
33. LDK Solar Hi-tech (Suzhou) Co., Ltd.
34. LDK Solar Hi-tech (Nanchang)
35. Leye Photovoltaic Science & Technology Co., Ltd.
36. Lixian Yingli New Energy Resources Co., Ltd.
37. Luoyang Suntech Power Co., Ltd.
38. Magi Solar Technology
39. Motech (Suzhou) Renewable Energy Co., Ltd.
40. MS Solar Investments LLC
41. Ningbo Ulica Solar Science & Technology Co., Ltd.
42. Ningbo Qixin Solar Electrical Appliance Co. Ltd.
43. Ningbo ETDZ Holdings Ltd.
44. Perlight Solar Co., Ltd.
45. ReneSola
46. Renesola Jiangsu Ltd.
47. Shenzen Topray Solar Co., Ltd.
48. Shanghai Machinery Complete Equipment (Group) Corp., Ltd.
49. Shenglong PV Tech.
50. Shenzhen Suntech Power Co., Ltd.
51. ShunFeng PV
52. Solarbest Energy—Tech (Zhejiang) Co., Ltd.
53. Sopray Energy
54. Sumec Hardware & Tools Co., Ltd.
55. Sun Earth Solar Power Co., Ltd.
56. Suntech Power Co., Ltd.
57. Suzhou Shenglong PV-Tech Co., Ltd.
58. Tianwei New Energy (Chengdu) PV Module Co., Ltd.
59. Tianjin Yingli New Energy Resources Co, Ltd.
60. Trina Solar (Changzhou) Science & Technology Co, Ltd.
61. Topray
62. Upsolar Group, Co. Ltd.
63. Wanxiang Import & Export Co., Ltd.
64. Wuxi Sunshine Power
65. Wuxi Suntech Power Co., Ltd.
66. Yangzhou Rietech Renewal Energy Co., Ltd.
67. Yangzhou Suntech Power Co., Ltd.
68. Yingli Energy (China) Company Limited.
69. Yingli Green Energy International Trading Company Limited.
70. Zhejiang Jiutai New Energy Co. Ltd.
71. Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.
72. Zhejiang Xinshun Guangfu Science and Technology Co., Ltd.
73. Zhejiang ZG-Cells Co, Ltd.
74. Zhenjiang Rietech New Energy Science & Technology Co., Ltd.
75. Zhiheng Solar Inc.
76. Zhejiang Sunflower Light Energy Sciences & Technology Limited Liability Company

[FR Doc. 2015–03340 Filed 2–17–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–023, C–560–829]

Certain Uncoated Paper From the People's Republic of China and Indonesia: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Patricia Tran at (202) 482–1503 or Joy Zhang at (202) 482–1168 (People's Republic of China (PRC)); David Goldberger at (202) 482–4136 or

Katherine Johnson at (202) 482–4929 (Indonesia), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION

The Petitions

On January 21, 2015, the Department of Commerce (Department) received countervailing duty (CVD) petitions concerning imports of certain uncoated paper from the PRC and Indonesia filed in proper form on behalf of United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union; Domtar Corporation; Finch Paper LLC; P.H. Glatfelter Company; and Packaging Corporation of America (collectively, the petitioners). The CVD petitions were accompanied by antidumping duty (AD) petitions concerning imports of certain uncoated paper from Australia, Brazil, the PRC, Indonesia, and Portugal.[1] The petitioners are domestic producers of uncoated paper,[2] and a certified union with workers engaged in the manufacture and production of the domestic like product in the United States.[3]

On January 26 and 27, 2015, the Department requested information and clarification for certain areas of the Petitions.[4] The petitioners filed responses to these requests on January 29 and 30, 2015.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (''the Act''), the petitioners allege that the Government of the PRC (GOC) and the Government of Indonesia (GOI) are providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of certain uncoated paper from the PRC and Indonesia, respectively, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

The Department finds that the petitioners filed the Petitions on behalf of the domestic industry because the petitioners are interested parties as defined in sections 771(9)(C) and (D) of the Act. The Department also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigations that the petitioners are requesting.[6]

Period of Investigations

The period of the investigation for both the PRC and Indonesia is January 1, 2014, through December 31, 2014.[7]

Scope of the Investigations

The product covered by these investigations is certain uncoated paper from the PRC and Indonesia. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[8]

As discussed in the preamble to the Department's regulations,[9] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Standard Time (''EST'') on March 2, 2015, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. EST on March 12, 2015, which is 10 calendar days after the initial comments deadline.[10]

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the PRC and Indonesia CVD investigations, as well as the concurrent Australia, Brazil, the PRC, Indonesia, and Portugal AD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[11] An electronically-filed document must be received successfully in its entirety by the time and date it is

[1] *See* ''Petitions for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Australia, Brazil, China, Indonesia, and Portugal and Countervailing Duties on Imports from China and Indonesia,'' dated January 21, 2015 (Petitions).

[2] *See* Volume I of the Petitions, at I–2 and Exhibit I–2.

[3] *Id.* at, I–1—I–2 and Exhibit I–2.

[4] *See* Letter from the Department to the petitioners entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Uncoated Paper from the People's Republic of China (PRC): Supplemental Questions,'' dated January 26, 2015 (PRC Deficiency Questionnaire); Letter from the Department to the petitioners, ''Petitions for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal, and Countervailing Duties on Imports of Certain Uncoated Paper from Indonesia and the People's Republic of China: Supplemental Questions,'' dated January 26, 2015 (General Issues Questionnaire); Letter from the Department to the petitioners entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Uncoated Paper from Indonesia: Supplemental Questions,'' dated January 27, 2015 (Indonesia Deficiency Questionnaire); and Memorandum to the File entitled ''Petitions for the Imposition of Countervailing Duties on Imports of Certain Uncoated Paper from the People's Republic of China: Addendum to Supplemental Questions,'' dated January 27, 2015 (PRC Addendum).

[5] *See* Letter from the petitioners entitled ''Certain Uncoated Paper From The People's Republic Of China/Petitioners' Response To The Department's Questions Regarding The Petition,'' dated January 29, 2015 (PRC CVD Supplement); Letter from the petitioners entitled ''Certain Uncoated Paper From Indonesia/Petitioners' Response To The Department's Questions Regarding The Petition,'' dated January 30, 2015 (Indonesia CVD Supplement); and Letter from the petitioners entitled ''Certain Uncoated Paper From Australia, Brazil, The People's Republic of China, Indonesia, And Portugal/Petitioners' Response To The Department's General Questions Regarding The Petition,'' dated January 30, 2015 (General Issues Supplement).

[6] *See* the ''Determination of Industry Support for the Petitions'' section below.

[7] 19 CFR 351.204(b)(2).

[8] *See* General Issues Questionnaire; *see also* General Issues Supplement.

[9] *See Antidumping Duties; Countervailing Duties; Final rule,* 62 FR 27296, 27323 (May 19, 1997).

[10] According to the Department practice, when a date falls on a weekend or a federal holiday, submissions become due the next business day; *see Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[11] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (ACCESS). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the reference to the Regulations can be found at 79 FR 69046 (November 20, 2014).

due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOC and the GOI of the receipt of the Petitions. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOC and the GOI the opportunity for consultations with respect to the Petitions.[12] Consultations were held with the GOC on February 5, 2015. Consultations were held with the GOI on February 9, 2015. All memoranda are on file electronically *via* ACCESS.[13]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we determined that uncoated paper constitutes a single domestic like product and we analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, the petitioners provided their shipments of the domestic like product in 2014, and compared their shipments to the estimated total shipments of the domestic like product for the entire domestic industry.[17] Because total industry production data for the domestic like product for 2014 are not reasonably available and the petitioners have established that shipments are a reasonable proxy for production data,[18] we relied upon the shipment data provided by the petitioners for purposes of measuring industry support.[19]

Based on the data provided in the Petitions, supplemental submission, and other information readily available to the Department, we determine that the petitioners have established industry support.[20] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total shipments [21] of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[22] Second, the domestic producers (or workers) met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total shipments of the domestic like product.[23] Finally, the domestic producers (or workers) met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the shipments of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[24] Accordingly, the

[12] *See* Letter of Invitation from the Department to the GOI dated January 21, 2015, and Letter of Invitation from the Department to the GOC dated January 26, 2015.

[13] *See supra* fn.10 for information pertaining to ACCESS.

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[16] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Certain Uncoated Paper from the People's Republic of China (PRC CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Petitions Covering Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal (Attachment II); and Countervailing Duty Investigation Initiation Checklist: Certain Uncoated Paper from Indonesia (Indonesia CVD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

[17] *See* Volume I of the Petitions, at I–2 through I–4 and Exhibit I–3; *see also* General Issues Supplement, at 5–8 and Exhibits I–S4 through I–S7.

[18] *See* Volume I of the Petitions, at I–3 and Exhibit I–4.

[19] For further discussion, *see* PRC CVD Checklist and Indonesia CVD Checklist, at Attachment II.

[20] *Id.*

[21] As mentioned above, the petitioners have established that shipments are a reasonable proxy for production data. Section 351.203(e)(1) of the Department's regulations states ''production levels may be established by reference to alternative data that the Secretary determines to be indicative of production levels.''

[22] *See* section 702(c)(4)(D) of the Act; *see also* PRC CVD Checklist and Indonesia CVD Checklist, at Attachment II.

[23] *Id.*

[24] *Id.*

Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that the petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigations that they are requesting the Department initiate.[25]

Injury Test

Because Indonesia and the PRC are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Indonesia and the PRC materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. The petitioners allege that subject imports exceed the negligibility threshold of three percent provided for under section 771(24)(A) of the Act.[26] In CVD petitions, section 771(24)(B) of the Act provides that imports of subject merchandise from developing countries must exceed the negligibility threshold of four percent. The petitioners also demonstrate that subject imports from Indonesia, which has been designated as a developing country under section 771(36)(A) of the Act, exceed the negligibility threshold provided for under section 771(24)(B) of the Act.[27]

The petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; adverse impact on the domestic industry, including mill closures, decline in production, and decline in shipments; reduced employment variables; and adverse impact on financial performance.[28] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[29]

Initiation of Countervailing Duty Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioners supporting the allegations.

The petitioners allege that producers/exporters of certain uncoated paper in the PRC and Indonesia benefited from countervailable subsidies bestowed by the governments of these countries, respectively. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of certain uncoated paper from the PRC and Indonesia receive countervailable subsidies from the governments of these countries, respectively.

The PRC

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 21 of the 22 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the PRC CVD Initiation Checklist.

Indonesia

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 14 of the 15 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the Indonesia CVD Initiation Checklist.

A public version of the initiation checklist for each investigation is available on ACCESS and at *http://trade.gov/enforcement/news.asp.*

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Respondent Selection

The petitioners named eight companies as producers/exporters of certain uncoated paper from the PRC and six companies as producers/exporters of certain uncoated paper from Indonesia.[30] Following standard practice in CVD investigations, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of uncoated paper during the period of investigation under the following Harmonized Tariff Schedule of the United States (''HTSUS'') numbers: 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO shortly after the announcement of these case initiations. The Department invites comments regarding CBP data and respondent selection within five calendar days of publication of this **Federal Register** notice. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. EST by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOC and GOI *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter (as named in the Petitions), consistent with 19 CFR 351.203(c)(2).

ITC Notification

We notified the ITC of our initiation, as required by section 702(d) of the Act.

[25] *Id.*

[26] *See* Volume I of the Petitions, at I–23, I–24 and Exhibit I–12; *see also* General Issues Supplement, at 11 and Exhibit I–S11.

[27] *Id.*

[28] *See* Volume I of the Petitions, at I–22 through I–43 and Exhibits I–3 and I–10 through I–26; *see also* General Issues Supplement, at 1, 8–11 and Exhibits I–S1 and I–S8 through I–S13.

[29] *See* Indonesia CVD Initiation Checklist and PRC CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal.

[30] *See* Volume I of the Petitions, at Exhibit I–7.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of certain uncoated paper from the PRC and/or Indonesia are materially injuring, or threatening material injury to, a U.S. industry.[31] A negative ITC determination for either country will result in the investigation being terminated with respect to that country;[32] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to these investigations. Interested parties should review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013–08227.txt,* prior to submitting factual information in these investigations.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[33] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction information filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013, and thus are applicable to these investigations. Interested parties should review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[34] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[35] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: February 10, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The merchandise covered by these investigations includes uncoated paper in sheet form; weighing at least 40 grams per square meter but not more than 150 grams per square meter; that either is a white paper with a GE brightness level[1] of 85 or higher

[31] *See* section 703(a) of the Act.

[32] *Id.*

[33] *See Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013).

[34] *See* section 782(b) of the Act.

[35] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[1] One of the key measurements of any grade of paper is brightness. Generally speaking, the brighter the paper the better the contrast between the paper and the ink. Brightness is measured using a GE Reflectance Scale, which measures the reflection of light off a grade of paper. One is the lowest reflection, or what would be given to a totally black grade, and 100 is the brightest measured grade. ''Colored paper'' as used in this scope definition means a paper with a hue other than white that reflects one of the primary colors of magenta,

or is a colored paper; whether or not surface-decorated, printed (except as described below), embossed, perforated, or punched; irrespective of the smoothness of the surface; and irrespective of dimensions (Certain Uncoated Paper).

Certain Uncoated Paper includes (a) uncoated free sheet paper that meets this scope definition; (b) uncoated groundwood paper produced from bleached chemi-thermo-mechanical pulp (BCTMP) that meets this scope definition; and (c) any other uncoated paper that meets this scope definition regardless of the type of pulp used to produce the paper.

Specifically excluded from the scope are (1) paper printed with final content of printed text or graphics and (2) lined paper products, typically school supplies, composed of paper that incorporates straight horizontal and/or vertical lines that would make the paper unsuitable for copying or printing purposes.

Imports of the subject merchandise are provided for under Harmonized Tariff Schedule of the United States (HTSUS) categories 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.

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yellow, and cyan (red, yellow, and blue) or a combination of such primary colors.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–918]

Steel Wire Garment Hangers From the People's Republic of China; 2013–2014; Partial Rescission of the Sixth Antidumping Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On November 28, 2014, the Department of Commerce (''Department'') published a notice of initiation of an administrative review of the antidumping duty order on steel wire garment hangers from the People's Republic of China (''PRC'') based on multiple timely requests for an administrative review. The review covers 42 companies. Based on withdrawals of the requests for review of certain companies from M&B Metal Products Co., Ltd. (''Petitioner''), and Hangzhou Yingqing Material Co. Ltd (''Yingqing Material''), we are now rescinding this administrative review with respect to 35 companies.

DATES: Effective Date: February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Katie Marksberry, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–7906.

Background

In October 2014, the Department received multiple timely requests to conduct an administrative review of the antidumping duty order on steel wire garment hangers from the PRC.[1] Based upon these requests, on November 28, 2014, the Department published a notice of initiation of an administrative review of the *Order* covering the period October 1, 2013, to September 30, 2014.[2] The Department initiated the administrative review with respect to 42 companies.[3] On December 19, 2014, Petitioner withdrew its request for an administrative review on 35 companies.[4] Additionally, on February 2, 2015, Yingqing Material withdrew its request for a review of itself.[5]

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. All requests for administrative reviews on the 35 companies listed in the Appendix were withdrawn.[6] Accordingly, we are rescinding this review, in part, with respect to these entities, in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as the only reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751 and 777(i)(l) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 6, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

APPENDIX

1 Da Sheng Hanger Ind. Co., Ltd.

[1] *See Notice of Antidumping Duty Order: Steel Wire Garment Hangers From the People's Republic of China,* 73 FR 58111 (October 6, 2008) (''*Order*'').

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 70850 (November 28, 2014).

[3] *Id.*

[4] *See* Letter to the Department from Petitioners, Re: Petitioner's Withdrawal of Review Requests for Specific Companies, dated December 19, 2014.

[5] *See* Letter to the Department from Yingqing Material; Re: Withdrawal from Review, dated February 2, 2015.

[6] As stated in *Change in Practice in NME Reviews,* the Department will no longer consider the non-market economy (''NME'') entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

2 Feirongda Weaving Material Co. Ltd.
3 Hangzhou Qingqing Mechanical Co. Ltd.
4 Hangzhou Yingqing Material Co. Ltd
5 Hongye (HK) Group Development Co. Ltd.
6 Liaoning Metals & Mineral Imp/Exp Corp.
7 Nanton Eason Foreign Trade Co., Ltd.
8 Ningbo Bingcheng Import & Export Co., Ltd.
9 Ningbo Peacebird Import & Export Co., Ltd.
10 Shang Zhou Leather Shoes Plant
11 Shanghai Bao Heng Relay Making Co., Ltd.
12 Shanghai Ding Ying Printing & Dyeing Co. Ltd.
13 Shanghai Ganghun Beddiry Clothing Factory
14 Shanghai Guoxing Metal Products Co. Ltd.
15 Shanghai Jianhai International Trade Co., Ltd.
16 Shanghai Lian Development Co. Ltd.
17 Shanghai Shuang Qiang Embroidery Factory
18 Shanghai Tonghui
19 Shangyu Baoli Electro Chemical Aluminum Products Co., Ltd.
20 Shangyu Baoxiang Metal Manufactured Co. Ltd.
21 Shangyu Tongfang Labour Protective Articles Co., Ltd.
22 Shaoxing Guochao Metallic Products Co., Ltd.
23 Shaoxing Liangbao Metal Manufactured Co. Ltd.
24 Shaoxing Meideli Hanger Co. Ltd.
25 Shaoxing Shunji Metal Clotheshorse Co., Ltd.
26 Shaoxing Shuren Tie Co., Ltd.
27 Shaoxing Zhongbao Metal Manufactured Co., Ltd.
28 Shaoxing Zhongdi Foreign Trade Co., Ltd.
29 Tianjin Innovation International
30 Tianjin Tailai Import and Export Co. Ltd.
31 Wesken International (Kunshan) Co. Ltd.
32 Xia Fang Hanger (Cambodia) Co., Ltd.
33 Zhejiang Hongfei Plastic Industry Co. Ltd.
34 Zhejiang Jaguar Import and Export Co. Ltd.
35 Zhejiang Lucky Cloud Hanger Co., Ltd.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 25, 2014, the Department of Commerce (the Department) published the *Preliminary Results* of the antidumping duty administrative review of certain pasta from Italy and provided interested parties an opportunity to comment.[1] The review initially covered two mandatory respondents, Molino e Pastificio Tomasello S.p.A. (Tomasello), and Rummo,[2] and eight non-selected companies.[3] We rescinded the review with respect to Alica and Lensi in the *Preliminary Results.*[4] The period of review (POR) is July 1, 2012, through June 30, 2013. As a result of our analysis of the comments and information received, these final results differ from the *Preliminary Results.* For the final weighted-average dumping margin, *see* the ''Final Results of Review'' section below.

DATES: *Effective Date:* February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore (Tomasello) or Cindy Robinson (Rummo), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3692 or (202) 482–3797, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2014, the Department published the *Preliminary Results.* In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results.*[5] On September 24, 2014, Rummo and Tomasello submitted case briefs. On September 24, 2014, Rummo also requested a hearing. On October 3, 2014, Petitioners[6] filed a rebuttal brief with respect to Rummo. On November 13, 2014, the Department held a public hearing.[7] On December 19, 2014, the Department issued a memorandum extending the time period for issuing the final results of this administrative review from December 23, 2013 to February 21, 2014.[8]

Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta. The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.[9]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum.[10] A list of the issues that parties raised and to which we responded is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on-file electronically via ACCESS. ACCESS is available to registered users at *http://access.trade.gov* and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.ita.doc.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we recalculated Rummo's and Tomasello's weighted-average dumping margins for these final results.

[1] *See Certain Pasta From Italy: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission;* 2012–2013, 79 FR 50614 (August 25, 2014) (*Preliminary Results*).

[2] The ''Rummo Group'' consists of Rummo S.p.A., a producer and seller of subject merchandise, Lenta Lavorazione, a seller of subject merchandise, Pasta Castiglioni, a producer and seller of subject merchandise, and the ultimate holding company (with no operations), Rummo S.p.A. Molino e Pastificio (collectively, ''Rummo'').

[3] The non-selected companies are: Alica srl (Alica); Dalla Costa Alimentare srl; Delverde Industrie Alimentari S.p.A.; Ghigi Industria Agroalimentare in San Clemente srl; Pasta Lensi S.r.l (Lensi); Pasta Zara S.p.A.; Pastificio Toscano srl; Valdigrano di Flavio Pagani S.r.L. We rescinded, in part, this administrative review with respect to Alica and Lensi.

[4] *See Preliminary Results.*

[5] The Department issued the briefing schedule in a Memorandum to the File, dated January 7, 2014. This briefing schedule indicated that the case and rebuttal briefs were due by close of business January 15, 2014 and January 22, 2014, respectively.

[6] The Petitioners are New World Pasta Company and Dakota Growers Pasta Company.

[7] *See* the hearing transcript dated November 13, 2014, which is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building.

[8] Because February 21, 2015, is a Saturday, the deadline for the final results will be Monday, February 23, 2015.

[9] For a full description of the scope of the order, *see* the ''Issues and Decision Memorandum for the Final Results of the 17th Antidumping Duty Administrative Review: Certain Pasta from Italy; 2012–2013'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Issues and Decision Memorandum).

[10] *Id.*

For Rummo, we revised our margin program by utilizing the non-consolidated customer code for one of Rummo's consolidated customers.[11] As a result of this change, we applied the average-to-average (A-to-A) comparison to calculate Rummo's weighted-average dumping margin. In addition, we made a correction to our margin program for Rummo's U.S. direct selling expenses which were inadvertently double counted in the *Preliminary Results.*[12]

We made a change to our margin program for Tomasello with respect to certain billing adjustments. As a result of this revision, we applied the average-to-transaction (A-to-T) method for the U.S. sales passing the Cohen's *d* test and the A-to-A method for the U.S. sales not passing the Cohen's *d* test to calculate the weighted-average dumping margin for Tomasello.[13]

As a result of the aforementioned recalculations of Tomasello's and Rummo's rates, the weighted-average dumping margin for the six non-selected companies changed.

Final Results of the Review

As a result of this review, the Department determines the following weighted-average dumping margins [14] for the period July 1, 2012, through June 30, 2013, are as follows:

Producer and/or Exporter	Weighted-average dumping margin (percent)
Rummo S.p.A. Molino e Pastificio, Rummo S.p.A., Lenta Lavorazione, and Pasta Castiglioni (collectively the Rummo Group)	4.26
Molino e Pastificio Tomasello S.p.A.	1.71
Dalla Costa Alimentare srl	2.36
Delverde Industrie Alimentari S.p.A	2.36
Ghigi Industria Agroalimentare in San Clemente srl	2.36
Valdigrano di Flavio Pagani S.r.L	2.36
Pasta Zara S.p.A	2.36
Pastificio Toscano srl;	2.36

Duty Assessment

The Department shall determine and the CBP shall assess antidumping duties on all appropriate entries.[15] For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.,* at or above 0.5 percent), the Department will issue appraisement instructions directly to CBP to assess antidumping duties on appropriate entries.

To determine whether the duty assessment rates covering the period were *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), for each respondent we calculated importer (or customer)-specific *ad valorem* rates by aggregating the amount of dumping calculated for all U.S. sales to that importer or customer and dividing this amount by the total entered value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* and the respondent has reported reliable entered values, we apply the assessment rate to the entered value of the importer's/customer's entries during the review period. Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis* and we do not have reliable entered values, we calculate a per-unit assessment rate by aggregating the amount of dumping for all U.S. sales to each importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[16] This clarification will apply to entries of subject merchandise during the POR produced by the respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see* the *Automatic Assessment Clarification.*

We intend to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.45 percent, the all-others rate established in the antidumping investigation as modified by the section 129 determination. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)

[11] *See* Issues and Decision Memorandum at comment 4; *see also* Memorandum to the File, Through Eric B. Greynolds, Program Manager, Office III, from Cindy Robinson, Case Analyst, Office III, titled ''Certain Pasta from Italy: Calculation Memorandum—the Rummo Group,'' dated December 23, 2014 (Rummo Calc. Memo), for details.

[12] *See* Issues and Decision Memorandum at comment 5 and Rummo Calc. Memo for details.

[13] *See* Sales Analysis Memorandum for the Final Results for Molino e Pastificio Tomasello S.p.A. (Tomasello).

[14] The rate applied to the non-selected companies is a weighted-average percentage margin calculated based on the publicly-ranged U.S. volumes of the two reviewed companies with an affirmative dumping margin, for the period July 1, 2012, through June 30, 2013. *See* Memorandum to the File, titled, ''Certain Pasta from Italy: Margin for Respondents Not Selected for Individual Examination,'' from Stephanie Moore, Case Analyst, through Eric B. Greynolds, Program Manager, dated concurrently with this notice.

[15] In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[16] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68FR 23954* (*May 6, 2003*) (*Automatic Assessment Clarification*).

to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: February 10, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Final Issues and Decision Memorandum

I. Summary
II. Background
III. Scope
IV. List of Comments
Comment 1: Consideration of an Alternative Comparison Method in Administrative Reviews
Comment 2: The Utilization of the Cohen's d Test in Differential Pricing Analysis
Comment 3: Application of the Average-to-Transaction Method to Non-dumped U.S. Sales
Comment 4: Definition of ''Purchaser'' in the Differential Pricing Analysis
Comment 5: Correction for Rummo's U.S. Direct Selling Expenses
Comment 6: The Commission Offset for Rummo's Constructed Export Price (CEP) Sales
Comment 7: Treatment of Tomasello's Billing Adjustments
V. Analysis
VI. Recommendation

[FR Doc. 2015–03334 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Settlement

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective: February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6312 and (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 2010, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico. The period of review (POR) is November 1, 2008, through October 31, 2009.[1]

In the *Final Results,* the Department assigned to Mueller Comercial de Mexico, S. de R.L. de C.V. (Mueller), an exporter of certain circular welded non-alloy steel pipe from Mexico to the United States, a rate of 19.81 percent for the 2008–09 period of review. The Department had conducted administrative reviews of Mueller, Tuberia Nacional, S.A. de C.V. (TUNA), and Ternium, S.A.de C.V. (Ternium). The Department based Mueller's margin, in part, on facts available because an unaffiliated supplier refused to supply the Department with its costs of production, necessary to conduct the sales-below-cost test on Mueller's home market sales.

Following the publication of the *Final Results,* Mueller filed a lawsuit with the United States Court of International Trade (CIT) challenging the Department's final results of administrative review.[2] The CIT upheld the Department's final results.[3] Mueller timely appealed to the United States Court of Appeals for the Federal Circuit (CAFC or Court).[4] The CAFC remanded for the Department to reconsider the margin calculated for Mueller.[5]

The United States and Mueller have now entered into an agreement to settle this dispute. The Court issued its amended Order of Judgment by Stipulation on February 6, 2015.[6] Pursuant to the Court's amended Order of Judgment by Stipulation, the amended final weighted-average dumping margin for Mueller Comercial de Mexico, S. de R.L. de C.V. is 13.70 percent, as agreed to by the parties.

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). The Department intends to issue assessment instructions to CBP within 15 days after the date of publication of these amended final results of review in the **Federal Register**.

Because Mueller's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), the Department has calculated importer-specific antidumping duty assessment rates. We calculated importer-specific *ad valorem* antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered value associated with those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.* Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis.*

Cash Deposit Requirements

The cash deposit rate for Mueller will be that stipulated in the settlement agreement, 13.70 percent.

Notification to Importers

This notice also serves as a final reminder to importers of their

[1] *See Certain Circular Welded Non-Alloy Steel Pipe From Mexico: Final Results of Antidumping Duty Administrative Review,* 76 FR 36086 (June 21, 2011) (*Final Results*).

[2] *See Mueller Comercial de Mexico, S. de R.L. de C.V.* v. *United States,* Court No. 11–00319, Slip Op. 12–156 (December 21, 2012).

[3] *See Mueller Comercial de Mexico, S. de R.L. de C.V.* v. *United States,* Court No. 11–00319, Slip Op. 13–57 (May 2, 2013).

[4] *See Mueller Comercial de Mexico, S. de R.L. de C.V.* v. *United States,* 753 F.3rd 1227 (Fed. Circ., 2014).

[5] *Id.,* at 1235–36.

[6] *See Mueller Comercial de Mexico, S. de R.L. de C.V.* v. *United States,* Court No. 11–00319, Slip Op. 15–9 (February 6, 2015).

responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and the subsequent assessment of double antidumping duties.

We are issuing this determination and publishing these final results of antidumping duty administrative review pursuant to settlement and notice in accordance with 19 U.S.C. 1516(e).

Dated: February 12, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–03478 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–873; A–791–815]

Ferrovanadium From the People's Republic of China and the Republic of South Africa: Continuation of Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of determinations by the Department of Commerce (the ''Department'') and the International Trade Commission (the ''ITC'') that revocation of the antidumping duty orders on ferrovanadium from the People's Republic of China (''PRC'') and the Republic of South Africa (''South Africa'') would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of these antidumping duty orders.

DATES: *Effective Date:* February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill or Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3518 or 202–482–5193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2013, the Department published a notice of initiation of the second sunset reviews of the antidumping duty orders on ferrovanadium from the PRC and South Africa, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[1] As a result of its reviews, the Department determined that revocation of the antidumping duty orders on ferrovanadium from the PRC and South Africa would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail should the orders be revoked.[2] On February 3, 2015, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on ferrovanadium from the PRC and South Africa would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Orders

The scope of these orders covers all ferrovanadium regardless of grade, chemistry, form, shape, or size. Ferrovanadium is an alloy of iron and vanadium that is used chiefly as an additive in the manufacture of steel. The merchandise is commercially and scientifically identified as vanadium. It specifically excludes vanadium additives other than ferrovanadium, such as nitride vanadium, vanadium-aluminum master alloys, vanadium chemicals, vanadium oxides, vanadium waste and scrap, and vanadium-bearing raw materials such as slag, boiler residues and fly ash. Merchandise under the following Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 2850.00.2000, 8112.40.3000, and 8112.40.6000 are specifically excluded. Ferrovanadium is classified under HTSUS item number 7202.92.00. Although the HTSUS item number is provided for convenience and Customs purposes, the Department's written description of the scope of these orders remains dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping orders on ferrovanadium from the PRC and South Africa. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: February 6, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–03336 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 65614 (November 1, 2013).

[2] *See Ferrovanadium from the People's Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders,* 79 FR 14216 (March 13, 2014).

[3] *See Ferrovanadium from China and South Africa; Determinations,* 80 FR 5787 (February 3, 2015).

DEPARTMENT OF COMMERCE

International Trade Administration

Cyber Security Business Development Mission to Poland and Romania May 11–15, 2015

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, is amending the Notice published at 79 FR 58746 (September 30, 2014), regarding the executive-led Cyber Security Business Development Mission to Poland and Romania, scheduled for May 11–15, 2015, to announce new leadership in the trade mission and to extend the date of the application deadline from March 1, 2015 to the new deadline of March 13, 2015.

SUPPLEMENTARY INFORMATION: Amendments to Announce Leadership and Revise the Dates.

Background

The United States Department of Commerce is pleased to announce that the Cyber Security Business Development Mission to Poland and Romania will now be led by the Deputy Secretary of Commerce, Bruce H. Andrews. Due to this change in leadership, it has been determined that

additional time is needed to allow for additional recruitment and marketing in support of the Mission. Applications will now be accepted through March 13, 2014 (and after that date if space remains and scheduling constraints permit). Interested U.S. companies and trade associations/organizations providing cyber security software and critical infrastructure goods and services which have not already submitted an application are encouraged to do so.

The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the Notice published at 79 FR 58746 (September 30, 2014) The applicants selected will be notified as soon as possible.

Contact Information

Gemal Brangman, International Trade Specialist, Trade Missions, U.S. Department of Commerce, Washington, DC 20230, Tel: 202–482–3773, Fax: 202–482–9000, *Gemal.Brangman@trade.gov.*

Frank Spector,

Trade Missions Program.

[FR Doc. 2015–03341 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–807, A–351–842, A–570–022, A–560–828, A–471–807]

Certain Uncoated Paper From Australia, Brazil, the People's Republic of China, Indonesia, and Portugal: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* February 18, 2015.

FOR FURTHER INFORMATION CONTACT: George McMahon or Eve Wang at (202) 482–1167 or (202) 482–6231 (Australia); Julia Hancock or Paul Walker at (202) 482–1394 or (202) 482–0413 (Brazil); Christopher Hargett or Stephanie Moore at (202) 482–4161 or (202) 482–3692 (the People's Republic of China (PRC)); Stephen Bailey or Blaine Wiltse at (202) 482–0193 or (202) 482–6345 (Indonesia); and Kabir Archuletta at (202) 482–2593 (Portugal), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On January 21, 2015, the Department of Commerce (the Department) received the antidumping duty (AD) petitions concerning imports of certain uncoated paper (uncoated paper) from Australia, Brazil, the PRC, Indonesia, and Portugal, filed in proper form on behalf of the petitioners.[1,2] The Petitions were accompanied by two countervailing duty (CVD) petitions on imports of uncoated paper from the PRC and Indonesia.[3] The petitioners are domestic producers of uncoated paper,[4] and a certified union with workers engaged in the manufacture and production of the domestic like product in the United States.[5]

On January 26, 2015, the Department requested additional information and clarification of certain areas of the Petitions.[6] Additionally, on January 27, 2015, the Department held a teleconference call with the petitioners regarding issues in the Petition on the PRC and the scope of the Petitions.[7] The petitioners filed responses to these requests on January 29, 2015, and January 30, 2015.[8,9] On February 2 and 3, 2015, the Department requested additional information and clarification of certain areas of the Petitions on Australia, Brazil, Indonesia, and the PRC.[10] The petitioners filed responses to these requests on February 3, 2015.[11]

[1] United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union; Domtar Corporation; Finch Paper LLC; P.H. Glatfelter Company; and Packaging Corporation of America (collectively known as (the petitioners)).

[2] *See* Petitions for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Australia, Brazil, the People's Republic of China (PRC), Indonesia, and Portugal; and Countervailing Duties on Imports from the People's Republic of China and Indonesia, dated January 21, 2015 (Petitions).

[3] *See* Petitions.

[4] *See* Volume I of the Petitions, at I–2 and Exhibit I–2.

[5] *Id.,* at I–1–I–2 and Exhibit I–2.

[6] *See* Letter from the Department to the petitioners entitled ''Re: Petitions for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal, and Countervailing Duties on Imports of Certain Uncoated Paper from Indonesia and the People's Republic of China: Supplemental Questions'' dated January 26, 2015 (General Issues Supplemental Questionnaire), and country-specific letters from the Department to the petitioners concerning supplemental questions on each of the country-specific records, dated January 26, 2015.

[7] *See* Memorandum to the File from Whitney Schalbik, Import Policy Analyst, entitled ''Re: Petitions for the Imposition of Antidumping Duties on Imports of Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal and Countervailing Duties on Imports of Uncoated Paper from the People's Republic of China and Indonesia; Subject: Phone Call with Counsel to the Petitioners'' dated January 27, 2015.

[8] *See* Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Response to the Department's January 26, 2015 Supplemental Questions—Portugal Dumping Allegation'' dated January 29, 2015 (Portugal Supplement).

[9] *See* Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Response to the Department's General Questions Regarding the Petition'' dated January 30, 2015 (General Issues Supplement); Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Response to the Department's January 26, 2015, Supplemental Questionnaire: Australia Dumping Allegation'' dated January 30, 2015 (Australia Supplement); Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Brazil—Petitioners' Response to the Department's Questions Regarding the Petition'' dated January 30, 2015 (Brazil Supplement); Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Response to the Department's January 26, 2015, Supplemental Questionnaire: Indonesia Dumping Allegation'' dated January 30, 2015 (Indonesia AD Supplement); and Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from the PRC—Petitioners' Response to the Department's Questions Regarding the Petition'' dated January 30, 2015 (PRC AD Supplement).

[10] *See* Memorandum to the File from Michael Martin, Lead Accountant, Office of Accounting, from Angie Sepulveda, Senior Accountant, entitled ''Petition for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Australia: Financial Expense,'' dated February 2, 2015; Letter from the Department to the petitioners entitled ''Petition for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Brazil: Second Supplemental Questions'', dated February 2, 2015; Letter from the Department to the petitioners entitled ''Petition for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Indonesia: Second Supplemental Questions'', dated February 2, 2015; and Letter from the Department to the petitioners entitled ''Petition for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from the People's Republic of China: PRC: Second Supplemental Questions,'' dated February 2, 2015.

[11] *See* Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Response to the Department's February 2, 2015, Supplemental Questions—Australia Dumping Allegation'' dated February 3, 2015 (Australia Second Supplement); Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Response to the Department's February 2, 2015, Supplemental Questions—Brazil Dumping Allegation'' dated February 3, 2015 (Brazil Second Supplement); Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Response to the Department's February 2, 2015, Supplemental Questions—Indonesia Dumping Allegation'' dated February 3, 2015 (Second Indonesia AD Supplement); and Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic offo China, and Portugal—Petitioners'/Petitioners' Response to the

Additionally, on February 3, 2015, the Department issued a third request for additional information and clarification of certain areas of the Petition on Australia.[12] The petitioners filed their response to the Department's third request on the Petition on Australia on February 4, 2015.[13]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

The Department finds that the petitioners filed these Petitions on behalf of the domestic industry because the petitioners are interested parties as defined in sections 771(9)(C) and (D) of the Act. The Department also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that the petitioners are requesting.[14]

Periods of Investigation

Because the Petitions were filed on January 21, 2015, the periods of investigation (POI) are, pursuant to 19 CFR 351.204(b)(1), as follows: January 1, 2014, through December 31, 2014, for Australia, Brazil, Indonesia, and Portugal; and July 1, 2014, through December 31, 2014, for the PRC.

Scope of the Investigations

The product covered by these investigations is uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in Appendix I of this notice.

Comments on the Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[15]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[16] The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Daylight Time (EDT) on March 2, 2015, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. EDT on March 12, 2015, which is 10 calendar days after the initial comments.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[17,18] An electronically-filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of uncoated paper to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: 1) General product characteristics and 2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe uncoated paper, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

Department's February 2, 2015, Supplemental Department's Additional Questions—China Dumping Allegation ''Regarding the Petition,'' dated February 3, 2015 (the PRC Second PRC AD Supplement).

[12] *See* Memorandum to the File from George McMahon, Case Analyst, Office III, entitled ''Petition for the Imposition of Antidumping Duties on Imports of Certain Uncoated Paper from Australia: Phone Call with Cousel for Petitioners,'' dated February 3, 2015.

[13] *See* Letter from the petitioners to the Department entitled ''Re: Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal—Petitioners' Submission of Revised Information Per the Department of Commerce's Request—Australia Dumping Allegation'' dated February 4, 2015 (Australia Third Supplement).

[14] *See* the ''Determination of Industry Support for the Petitions'' section below.

[15] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplement.

[16] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[17] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and the handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[18] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all comments must be filed by 5:00 p.m. EDT on March 2, 2015, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. EDT on March 12, 2015. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of the Australia, Brazil, Indonesia, PRC, and Portugal LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[19] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[20]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we determined that uncoated paper constitutes a single domestic like product and we analyzed industry support in terms of that domestic like product.[21]

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, the petitioners provided their shipments of the domestic like product in 2014, and compared their shipments to the estimated total shipments of the domestic like product for the entire domestic industry.[22] Because total industry production data for the domestic like product for 2014 are not reasonably available and the petitioners have established that shipments are a reasonable proxy for production data,[23] we relied upon the shipment data provided by the petitioners for purposes of measuring industry support.[24]

Based on the data provided in the Petitions, supplemental submissions, and other information readily available to the Department, we determine that the petitioners have established industry support.[25] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total shipments [26] of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[27] Second, the domestic producers (or workers) met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total shipments of the domestic like product.[28] Finally, the domestic producers (or workers) met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the shipments of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[29] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that the petitioners filed the Petitions on behalf

[19] *See* section 771(10) of the Act.

[20] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[21] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Uncoated Paper from Australia (Australia AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Petitions Covering Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal (Attachment II); Antidumping Duty Investigation Initiation Checklist: Uncoated Paper from Brazil (Brazil AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Uncoated Paper from the People's Republic of China (PRC AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Uncoated Paper from Indonesia (Indonesia AD Initiation Checklist), at Attachment II; and Antidumping Duty Investigation Initiation Checklist: Uncoated Paper from Portugal (Portugal AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

[22] *See* Volume I of the Petitions, at I–2 through I–4 and Exhibit I–3; *see also* General Issues Supplement, at 5–8 and Exhibits I–S4 through I–S7.

[23] *See* Volume I of the Petitions, at I–3 and Exhibit I–4.

[24] For further discussion, *see* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, PRC AD Initiation Checklist, Indonesia AD Initiation Checklist, and Portugal AD Initiation Checklist, at Attachment II.

[25] *Id.*

[26] As mentioned above, the petitioners have established that shipments are a reasonable proxy for production data. Section 351.203(e)(1) of the Department's regulations states ''production levels may be established by reference to alternative data that the Secretary determines to be indicative of production levels.''

[27] *See* section 732(c)(4)(D) of the Act; *see also* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, PRC AD Initiation Checklist, Indonesia AD Initiation Checklist, and Portugal AD Initiation Checklist, at Attachment II.

[28] *Id.*

[29] *Id.*

of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to the AD investigations that they are requesting the Department initiate.[30]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[31]

The petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; adverse impact on the domestic industry, including mill closures, decline in production, and decline in shipments; reduced employment variables; and adverse impact on financial performance.[32] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[33]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which the Department based its decision to initiate investigations of imports of uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For Australia, the petitioners based U.S. export price (EP) on the average unit value (AUV) of imports from Australia obtained from ITC Dataweb under Harmonized Tariff Schedule of the United States (HTSUS) subheading, 4802.56.1000, for the period of January through November 2014 (the most recent data available for the POI). The petitioners state that all imports of uncoated paper from Australia entered under this HTSUS subheading during the POI,[34] and that this HTSUS subheading appears to include data for imports of uncoated paper most comparable to the products used to calculate NV.[35]

For Brazil, the petitioners based EP on a price quote for subject merchandise produced in Brazil by a producer of uncoated paper and AUVs of U.S. imports from Brazil obtained from ITC Dataweb under HTSUS subheadings 4802.56.1000 and 4802.56.7040 [36] for the period of January through November 2014 (the most recent data available for the POI). The petitioners state that these HTSUS subheadings most closely correspond to the specific product that is the basis for NV.[37] The price quote is supported by an affidavit from a person that directly received this information.[38]

For Indonesia, the petitioners based EP on the AUVs of U.S. imports from Indonesia obtained from ITC Dataweb under HTSUS subheadings 4802.56.1000 and 4802.56.7040 for the period of January through November 2014 (the most recent data available for the POI). The petitioners state that these HTSUS subheadings cover uncoated paper most comparable to the products used to calculate NV. The petitioners also based EP on transaction-specific prices. To do so, the petitioners obtained ship manifest data from the U.S. Customs and Border Protection's (CBP) Automated Manifest System (AMS), compiled by Stewart Trade Data Services, Inc., and directly linked monthly U.S. port-specific import statistics by HTSUS subheading (obtained *via* Department of Commerce, Foreign Trade Division Merchandise Imports and Stewart Trade Data Services, Inc.) for imports of uncoated paper to shipments by the Indonesian producer(s) identified in the ship manifest data.[39]

For the PRC, the petitioners based EP on the AUV of U.S. imports from the PRC obtained from ITC Dataweb under HTSUS subheading 4802.56.7040 for the period of July through November 2014 (the most recently available data for the POI). The petitioners assert that this HTSUS subheading most closely corresponds to the product used to calculate NV. The petitioners also based EP on producer-specific prices for a PRC producer of uncoated paper for shipments from the PRC under HTSUS subheading 4802.56.7040 during the period of July through November 2014. The petitioners obtained ship manifest data from CBP's AMS, *via* Datamyne, and linked monthly U.S. port-specific import statistics (obtained from the U.S. Census Bureau *via* Datamyne), for imports of uncoated paper entered under HTSUS subheading 4802.56.7040 to shipments by the PRC producer identified in the ship manifest data. [40]

With respect to the PRC, the petitioners originally provided import statistics and ship manifest data for imports of uncoated paper from the PRC and Hong Kong to use as the basis for calculating EP, alleging that imports from the PRC are being transshipped through Hong Kong and that imports from Hong Kong are actually imports from the PRC. Because the allegation of transshipment is more appropriately dealt with in the course of the investigation, we have relied on the AUV of imports of uncoated paper from the PRC and the producer-specific prices for the PRC producer's shipments that are clearly designated as originating from the PRC in both the official import statistics and the ship manifest data for purposes of the initiation.[41]

For Portugal, the petitioners based EP on the AUVs of U.S. imports from Portugal obtained from ITC Dataweb under HTSUS subheadings 4802.56.4000 and 4802.56.7040 [42] for the period January through November 2014 (the most recent data available for the POI). The petitioners state that these HTSUS subheadings cover uncoated paper most comparable to the products used to calculate NV.[43]

For each country's respective AUV, price quote, and/or transaction-specific price, that forms the basis of EP, the

[30] *Id.*

[31] *See* Volume I of the Petitions, at I–23, I–24 and Exhibit I–12; *see also* General Issues Supplement, at 11 and Exhibit I–S11.

[32] *See* Volume I of the Petitions, at I–22 through I–43 and Exhibits I–3 and I–10 through I–26; *see also* General Issues Supplement, at 1, 8–11 and Exhibits I–S1 and I–S8 through I–S13.

[33] *See* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, PRC AD Initiation Checklist, Indonesia AD Initiation Checklist, and Portugal AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal.

[34] The petitioners stated and the Department confirmed that U.S. import data from were available through November 2014 at the time of the petition filing. Accordingly, the U.S. import data covers the period January 2014—November 2014. *See* Volume II of the Petition at II–19 and Exhibit II–42; *see also* Australia AD Supplement, at II–SQ–7.

[35] *See* Australia AD Initiation Checklist for further information on this U.S. price calculation.

[36] *See* Brazil AD Initiation Checklist.

[37] *See id.*

[38] *See id.*

[39] *See* Indonesia AD Initiation Checklist.

[40] *See* PRC AD Initiation Checklist.

[41] *See id.*

[42] The petitioners also calculated an AUV using export data from Portugal. Because the AUVs calculated from U.S. import data are available and the petitioners did not claim the U.S. import data are unreliable, we have relied on the AUVs the petitioners calculated using U.S. import data, in accordance with our normal practice with respect to calculating AUVs. *See* Portugal AD Initiation Checklist. *See* Portugal AD Initiation Checklist.

[43] *See* Portugal AD Initiation Checklist.

petitioners, based on the stated terms of delivery, deducted from these prices the adjustments, charges, and expenses associated with exporting and delivering the product to the U.S. customer, where appropriate.[44]

Normal Value

For Australia, Brazil, Indonesia, and Portugal, the petitioners based NV on price quotes or price information from producer(s) and/or distributors/resellers of uncoated paper.[45] [46] For each country, the petitioners provided an affidavit or declaration from a market researcher for the price quotes or price information that specified the price and quantity, terms of delivery, and terms of payment.[47] Additionally, the petitioners made deductions for adjustments, charges, and movement expenses consistent with the terms of delivery, where applicable.[48]

With respect to the PRC, the petitioners state that the Department has a long-standing policy of treating the PRC as a non-market economy (NME) country for antidumping purposes.[49] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. The Department has not revoked the PRC's NME status as of the date of these Petitions. Moreover, no recent changes to the PRC's economy require reconsideration of its NME status. Accordingly, the NV of the product is appropriately based on factors of production (FOPs), valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of the investigation covering merchandise from the PRC, all parties, including the public, will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

For the PRC, the petitioners calculated NV using the NME methodology prescribed by the applicable statute and regulations. The petitioners provided the FOPs used in the manufacture of uncoated paper and valued FOPs based on a market economy country selected as a surrogate.[50]

The petitioners identified South Africa as a country that is economically comparable to the PRC, based on per-capita GNI data.[51] The petitioners contend that South Africa is the appropriate surrogate country for the PRC because it is at a level of economic development comparable to that of the NME country, and is a significant producer of comparable merchandise, *i.e.,* uncoated paper. The petitioners further state that the South African data for valuing the FOPs for uncoated paper are available and reliable.[52] Based on the information provided by the petitioners, we believe it is appropriate to use South Africa as a surrogate country for initiation purposes. Interested parties will have the opportunity to submit comments regarding surrogate-country selection and will be provided an opportunity to submit publicly available information to value FOPs no later than 30 days before the scheduled date of the preliminary determination.[53]

Factors of Production

Because the petitioners do not have access to actual FOPs for any PRC manufacturers, the petitioners based consumption rates, including direct materials, labor, energy, and packing, for the production of merchandise under consideration on the experience of a U.S. producer.[54] The petitioners valued the FOPs using surrogate value information from South Africa.[55]

Valuation of Raw Materials

The petitioners valued the direct material FOPs using publicly available South African import data obtained from Global Trade Atlas (GTA) in U.S. dollars for the period May 2014 through October 2014.[56] The petitioners excluded all import values from all countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies, from countries previously determined by the Department to be NME countries, and from unspecified partner countries.[57]

Valuation of Labor

The petitioners calculated the labor expense rate using 2012 data for South Africa from the International Labor Organization (ILO).[58] The petitioners adjusted this rate for inflation using the consumer price index for South Africa published by the International Monetary Fund and converted the rate to U.S. dollars using the POI average exchange rate.[59]

Valuation of Energy and Water

The petitioners valued electricity using rates published by Eskom, a South African electricity generator, effective April 2014 to March 2015.[60] The petitioners valued natural gas using the prices charged for piped natural gas by Sasol Gas Limited, reported by the Energy Regulator of South Africa, for the period April 2012 through March 2013.[61] The petitioners converted natural gas values from cost per kiloJoule to cost per million British thermal units, adjusted for inflation using the South African producer price index, and converted to U.S. dollars using POI average exchange rates.[62] The petitioners valued hog fuel and fuel oil #2 from South African import statistics.[63] The petitioners valued water using water rates reported by Rand Water, a water service provider in South Africa, for the period July 2010 through June 2011, adjusted for inflation and converted to U.S. dollars.[64]

Valuation of Factory Overhead, Selling, General and Administrative Expenses, and Profit

The petitioners calculated surrogate financial ratios (*i.e.,* factory overhead expenses, selling, general, and administrative expenses (SG&A), and profit) based on the 2013 financial statements of Mondi Ltd (Mondi), a

[44] For further information on the U.S. price calculation, *see* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Indonesia AD Initiation Checklist, PRC AD Initiation Checklist, and Portugal AD Initiation Checklist.

[45] *See* Australia AD Initiation Checklist; Brazil AD Initiation Checklist; Indonesia AD Initiation Checklist; and Portugal AD Initiation Checklist.

[46] The petitioners submitted several other methods as potential options to calculate NV but because we are using the aforementioned prices as the basis for NV, in accordance with our standard methodology, the Department is not using the other NV calculation methods provided by the petitioners for purposes of determining antidumping duty margins for purposes of initiation. *See* Australia AD Initiation Checklist; Brazil AD Initiation Checklist; Indonesia AD Initiation Checklist; and Portugal AD Initiation Checklist.

[47] *Id.*

[48] *Id.*

[49] *See* Volume VII of the Petitions, at VII–6, VII–7.

[50] *See* Volume VII of the Petition, at Exhibits 18–20, and 22—23.

[51] *See* Volume VII of the Petition, at 7, citing Memorandum to Minoo Hatton, ''Request for a list of Surrogate Countries for a New Shipper Review of the Antidumping Duty Order on Small Diameter Graphite Electrodes from the People's Republic of China'' (September 30, 2014).

[52] *See* Volume VII of the Petition, at VII–7 through VII–9.

[53] *See* 19 CFR 351.301(c)(3)(i).

[54] *See* Volume VII of the Petition, at 13 and Exhibit VII–18; PRC AD Supplement, at Exhibit VII–S5.

[55] *See* Volume VII of the Petition, at 14–16.

[56] *See* Volume VII of the Petition, at 14 and Exhibit VII–20.

[57] *Id.*

[58] *See* PRC Supplement, at 2 and Exhibit VII–S4.

[59] *Id.,* at 7 and Exhibit II–11; s*ee also* PRC AD Supplement, at 5, item 9, and Exhibits II–S7 and II–S8.

[60] *See* Volume VII of the Petitions, at 15 and Exhibit VII–23.

[61] *Id.*

[62] *Id.*

[63] *Id.*

[64] *Id.*

South African producer of identical merchandise.

Valuation of Packing Inputs

The petitioners valued packing materials using publicly available South African import data obtained from GTA. The petitioners valued labor associated with packing using information published by the ILO.[65]

Sales-Below-Cost Allegation

The petitioners also provided information demonstrating reasonable grounds to believe or suspect that sales of uncoated paper in the Australian, Brazilian, and Indonesian markets were made at prices below the cost of production (COP) within the meaning of section 773(b) of the Act and requested that the Department conduct a country-wide sales-below-cost investigation of uncoated paper imports from Australia, Brazil, and Indonesia.[66]

With respect to sales-below-cost allegations in the context of investigations, the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act states that an allegation of sales below COP need not be specific to individual exporters or producers.[67] The SAA states further that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country . . . on a country-wide basis for purposes of initiating an antidumping investigation.'' [68] Consequently, the Department intends to consider the petitioners' allegations on a country-wide basis for each respective country for purposes of this initiation.

Finally, the SAA provides that section 773(b)(2)(A) of the Act retains the requirement that the Department have ''reasonable grounds to believe or suspect that below-cost sales have occurred before initiating such an investigation.'' [69] '' 'Reasonable grounds' will exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices.'' [70] As explained in the ''Cost of Production'' section below, we find reasonable grounds exist that indicate sales in Australia, Brazil, and Indonesia were made at below-cost prices.

Cost of Production

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (COM); selling, general, and administrative (SG&A) expenses; financial expenses; and packing expenses.

For Australia, the petitioners calculated COM (except for depreciation) based on the experience of a U.S. producer adjusted for known differences between the United States and Australia, during the proposed POI. The petitioners multiplied the U.S. producer's usage quantities by publicly-available data to value the inputs used to manufacture uncoated paper in Australia. To determine the depreciation, SG&A, and financial expense rates, the petitioners relied on financial statements of a producer of uncoated paper in Australia.[71]

For Brazil, the petitioners calculated COM (except for depreciation) based on the experience of a U.S. producer adjusted for known differences between the United States and Brazil, during the proposed POI. The petitioners multiplied the U.S. producer's usage quantities by publicly-available data to value the inputs used to manufacture uncoated paper in Brazil. To determine the depreciation, SG&A, and financial expense rates, the petitioners relied on financial statements of a producer of uncoated paper in Brazil.[72]

For Indonesia, the petitioners calculated COM based on the experience of a U.S. producer adjusted for known differences between the United States and Indonesia during the proposed POI. The petitioners multiplied the U.S. producer's usage quantities by publicly-available data to value the inputs used to manufacture uncoated paper in Indonesia. To determine the depreciation, SG&A, and financial expense rates, the petitioners relied on financial statements of a producer of uncoated paper in Indonesia.[73]

Based upon a comparison of the ex-factory price of the foreign like product in the home market to the COP of the product for Australia, Brazil, and Indonesia, respectively, we find reasonable grounds to believe or suspect that sales of the foreign like product in the home market were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act.[74] Accordingly, the Department is initiating a country-wide cost investigation relating to sales of uncoated paper in Australia, Brazil, and Indonesia, respectively.

Normal Value Based on Constructed Value

For Australia, because they alleged sales below cost, pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners also calculated NV based on constructed value (CV). The petitioners calculated CV using the same average COM, SG&A, financial expense, and packing figures used to compute the COP. The petitioners relied on the same financial statements used as the basis for the depreciation and SG&A expense rates to calculate the profit rate. However, because these financial statements did not report a profit, the petitioners conservatively did not include a profit rate.[75]

For Brazil, because they alleged sales below cost, pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners also calculated NV based on CV. The petitioners calculated CV using the same average COM, SG&A, financial expense, and packing figures used to compute the COP. The petitioners relied on the same financial statements used as the basis for the depreciation and SG&A expense rates to calculate the profit rate. However, because these financial statements did not report a profit, the petitioners conservatively did not include a profit rate.[76]

For Indonesia, because they alleged sales below cost, pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners also calculated NV based on CV. The petitioners calculated CV using the same average COM, SG&A, financial expense, and packing figures used to compute the COP. The petitioners relied on the same financial statements used as the basis for the depreciation and SG&A expense rates to calculate the profit rate.[77]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV (based on home market price and

[65] *See* Volume VII at of the Petitions, at 14 and Exhibits VII–19, VII–20 and VII–22.

[66] *See* Australia AD Initiation Checklist; Brazil AD Initiation Checklist; and Indonesia AD Initiation Checklist.

[67] *See* SAA, H.R. Doc. No. 103–316, at 833 (1994).

[68] *Id.*

[69] *Id.*

[70] *Id.*

[71] *See* Australia AD Initiation Checklist.

[72] *See* Brazil AD Initiation Checklist.

[73] *See* Indonesia AD Initiation Checklist.

[74] *See* Australia AD Initiation Checklist; Brazil AD Initiation Checklist; and Indonesia AD Initiation Checklist.

[75] *See* Australia AD Initiation Checklist.

[76] *See* Brazil AD Initiation Checklist.

[77] *See* Indonesia AD Initiation Checklist.

constructed value) in accordance with section 773(a) of the Act, the estimated dumping margin(s) for uncoated paper from: 1) Australia range from 49.90 percent to 222.46 percent; [78] 2) Brazil range from 86.90 percent to 172.07 percent; [79] 3) Indonesia range from 12.08 to 66.82 percent; [80] and 4) Portugal range from 2.23 to 22.59 percent.[81] Based on comparisons of EP to NV, in accordance with section 773(c) of the Act, the estimated dumping margins for uncoated paper from the PRC range from 243.65 to 271.87 percent.[82]

Initiation of LTFV Investigations

Based upon the examination of the AD Petitions on uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of uncoated paper from Australia, Brazil, Indonesia, the PRC, and Portugal are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

The petitioners named six companies as producers/exporters of uncoated paper from Indonesia.[83] Following standard practice in AD investigations involving market-economy countries, the Department will, where appropriate, select respondents based on CBP data for U.S. imports of uncoated paper under HTSUS numbers: 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. For Indonesia, we intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five-business days of publication of this **Federal Register** notice.[84] The Department invites comments regarding respondent selection within seven days of publication of this **Federal Register** notice.

Although the Department normally relies on import data from CBP to select a limited number of producers/exporters for individual examination in AD investigations, the Petitions identified only one company as a producer/exporter of uncoated paper in Australia: Paper Australia Pty. Ltd.; two companies as producers/exporters of uncoated paper in Brazil: International Paper and Suzano Papel e Celulose S.A.; and one company as a producer/exporter of uncoated paper in Portugal: Portucel/Soporcel.[85] In addition, the petitioners provided information from independent third party sources as support for identifying those producers/exporters from Australia, Brazil, and Portugal.[86] Furthermore, we currently know of no additional producers/exporters of merchandise under consideration from these countries. Accordingly, the Department intends to examine all known producers/exporters in the investigations for Australia, Brazil, and Portugal (*i.e.,* the companies cited above for each respective investigation). We invite interested parties to comment on this issue. Parties wishing to comment must do so within five days of the publication of this notice in the **Federal Register**. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. EST by the date noted above.

With respect to the PRC, the petitioners identified eight potential respondents.[87] In accordance with our standard practice for respondent selection in cases involving NME countries, we intend to issue quantity-and-value questionnaires to each potential respondent and base respondent selection on the responses received. In addition, the Department will post the quantity-and-value questionnaire along with filing instructions on the Enforcement and Compliance Web site at *http://www.trade.gov/enforecement/news.asp.*

Exporters/producers of uncoated paper from the PRC that do not receive quantity-and-value questionnaires by mail may still submit a quantity-and-value response and can obtain a copy from the Enforcement and Compliance Web site. The quantity-and-value questionnaire must be submitted by all the PRC exporters/producers no later than February 24, 2015, which is two weeks from the signature date of this notice. All quantity-and-value questionnaires must be filed electronically *via* ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[88] The specific requirements for submitting a separate-rate application in the PRC investigation are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[89] For exporters and producers who submit a separate-rate application and have been selected as mandatory respondents, these exporters and producers will only be eligible for consideration for separate-rate status when they respond to all parts of the questionnaire as mandatory respondents. The Department requires that respondents from the PRC submit a response to both the quantity-and-value questionnaire and the separate-rate application by their respective deadlines in order to receive consideration for separate-rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. Policy Bulletin 05.1 states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination

[78] *See* Australia AD Initiation Checklist.

[79] *See* Brazil AD Initiation Checklist.

[80] *See* Indonesia AD Initiation Checklist.

[81] *See* Portugal AD Initiation Checklist.

[82] *See* PRC AD Initiation Checklist.

[83] *See* Volume I of the Petitions, at Exhibit I–7.

[84] *See Certain Steel Nails From India, the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 79 FR 36019, 36024 (June 25, 2014).

[85] *See* Volume I of the Petitions, at Exhibit I–7.

[86] See Volume II of the Petitions, at II–1–II–2 at footnote 1, and Exhibit II–3; Volume V of the Petitions, at V–1 through V–2 and Exhibit V–1; Volume VI of the Petitions, at Exhibits VI–1 and VI–2.

[87] *See* Volume I of the Petitions, at Exhibit I–7.

[88] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[89] Although in past investigations this deadline was 60 days, consistent with section 351.301(a) of the Department's regulations, which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.

* * * * *

This practice is necessary to prevent the avoidance of payment of antidumping duties by firms shifting exports through exporters with the lowest assigned cash-deposit rates. The Department's previous practice of accounting for changes in producers during administrative reviews is not sufficient to prevent these activities, because in many industries, producer can appear and disappear frequently prior to the administrative review. Only by limiting the application of the separate rate to specific combinations of exporters and one or more producers can the Department prevent the ''funneling'' of subject merchandise through the exporters with the lowest rates.[90]

Therefore, for the Department to grant separate-rate status, the identity of all producers supplying a particular exporter eligible for a separate rate *must* be public information to ensure that CBP can apply the rate to the proper combination of exporter(s) and producer(s) eligible for a particular rate.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of Australia, Brazil, Indonesia, the PRC, and Portugal *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of uncoated paper from Australia, Brazil, Indonesia, the PRC, and/or Portugal are materially injuring or threatening material injury to a U.S. industry.[91] A negative ITC determination for any country will result in the investigation being terminated with respect to that country; [92] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to these investigations. Review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these investigations.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[93] The modification clarifies that parties may request an extension of time limits before a time limit established under 19 CFR 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c) or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2) filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity-and-value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013, and thus are applicable to these investigations. Review *Extension of Time Limits,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[94] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at

[90] *See* Policy Bulletin 05.1 at 6–7 (emphasis added).

[91] *See* section 733(a) of the Act.

[92] *Id.*

[93] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

[94] *See* section 782(b) of the Act.

the end of the *Final Rule*.[95] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3627 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Dated: February 10, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The merchandise covered by these investigations includes uncoated paper in sheet form; weighing at least 40 grams per square meter but not more than 150 grams per square meter; that either is a white paper with a GE brightness level [1] of 85 or higher or is a colored paper; whether or not surface-decorated, printed (except as described below), embossed, perforated, or punched; irrespective of the smoothness of the surface; and irrespective of dimensions (Certain Uncoated Paper).

Certain Uncoated Paper includes (a) uncoated free sheet paper that meets this scope definition; (b) uncoated ground wood paper produced from bleached chemi-thermo-mechanical pulp (BCTMP) that meets this scope definition; and (c) any other uncoated paper that meets this scope definition regardless of the type of pulp used to produce the paper.

Specifically excluded from the scope are (1) paper printed with final content of printed text or graphics and (2) lined paper products, typically school supplies, composed of paper that incorporates straight horizontal and/or vertical lines that would make the paper unsuitable for copying or printing purposes.

Imports of the subject merchandise are provided for under Harmonized Tariff Schedule of the United States (HTSUS) categories 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.

[FR Doc. 2015–03338 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–DS–P

[95] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[1] One of the key measurements of any grade of paper is brightness. Generally speaking, the brighter the paper the better the contrast between the paper and the ink. Brightness is measured using a GE Reflectance Scale, which measures the reflection of light off a grade of paper. One is the lowest reflection, or what would be given to a totally black grade, and 100 is the brightest measured grade. ''Colored paper'' as used in this scope definition means a paper with a hue other than white that reflects one of the primary colors of magenta, yellow, and cyan (red, yellow, and blue) or a combination of such primary colors.

DEPARTMENT OF COMMERCE

International Trade Administration

Second Japan-U.S. Decommissioning and Remediation Fukushima Recovery Forum, Tokyo, Japan April 9–10, 2015

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Event Description

The U.S. Department of Commerce's International Trade Administration (ITA), with the support of the U.S. Department of Energy, is organizing the second Japan-United States Decommissioning and Remediation Fukushima Recovery Forum (''Fukushima Recovery Forum'') on April 9–10, 2015 in Tokyo, Japan. Building on the first Fukushima Recovery Forum held in February 2014, the 2nd Fukushima Recovery Forum will continue to develop U.S.-Japanese cooperation on Fukushima recovery efforts. The event will allow U.S. firms to hear from Japanese Ministries, utilities, and commissioning entities on the status of Fukushima recovery. It will be a forum for U.S. and Japanese firms to make contacts while sharing experiences, expertise, and lessons learned in remediation and decommissioning, including work underway at Fukushima Dai-ichi Nuclear Power Station, and in Tohoku, the area affected by the accident at Fukushima. The event also addresses interest in cooperation in areas related to nuclear power as Japan moves forward with its plan for restarting its nuclear reactors and decommissioning some of its commercial reactor fleet. U.S. firms will also network with Japanese firms and identify potential business partners.

ITA hopes that this cooperation between the U.S. and Japanese private sectors will lead to solutions that will enhance Fukushima recovery efforts. ITA is seeking the participation of a maximum of 25 U.S. companies or representatives of trade organizations that produce technology or provide services in the decommissioning or remediation sector, including water treatment and waste management. Staff from the U.S. Department of Commerce's Global Markets, Industry & Analysis (I&A), and U.S. & Foreign Commercial Service (CS) units will also be available in Tokyo to provide export counseling and civil nuclear trade policy guidance to participating companies.

Support for the Fukushima Recovery Forum was confirmed at meetings of the U.S-Japan Bilateral Commission on Civil Nuclear Cooperation. The Bilateral Commission is a senior-level, forum for consultations on mutual issues of concern to further strengthen bilateral cooperation and advance shared interests in the area of civil nuclear cooperation. The Bilateral Commission is chaired by the Department of Energy and Japan's Ministry of Economy, Trade, and Industry (METI).

The Decommissioning and Environmental Management Working Group (DEMWG) under the Bilateral Commission addresses the long-term consequences of the Fukushima accident, including facility decommissioning, spent fuel storage, decontamination, and remediation of contaminated areas. The Fukushima Recovery Forum is under the auspices of the DEMWG to further industry cooperation in support of Fukushima recovery efforts.

Event Goals

The Fukushima Recovery Forum is an event to bring together U.S. and Japanese private sector firms in the remediation, decommissioning, and waste management industries to develop relationships that will assist with the recovery of the Fukushima region. The Forum is intended to create better market opportunities for U.S. companies. It will do this by:

- Allowing U.S. firms to meet key Japanese officials involved in the planning of decommissioning, remediation, and other work related to Fukushima Recovery.
- Creating a venue where U.S. and Japanese firms can share experiences,

expertise, and lessons learned in remediation and decommissioning, including on work already completed at Fukushima Dai-ichi, and in Tohoku.

- Giving U.S. and Japanese firms an opportunity to discuss key technical challenges related to Fukushima clean-up and nuclear decommissioning.
- Fostering collaboration between the U.S. and Japanese private sector to solve other challenges related to remediation and decommissioning.
- Providing an opportunity for companies from both the United States and Japan to network, build relationships and identify partners for current projects and potential joint future work.

Event Scenario

On March 11, 2011, an earthquake and tsunami hit Japan and led to a series of events at the Fukushima Dai-ichi Nuclear Power Station in which several units and their adjacent spent fuel pools experienced beyond-design-basis accidents. The four reactors at the site (Units 1–4) that received the brunt of the damage (of the six reactors at the site) also have integral spent fuel pools containing significant amounts of spent nuclear fuel, which were also damaged by the disaster and the subsequent explosions. Japan faces an unprecedented cleanup and decontamination challenge that will take many years to resolve as it strives to decommission Fukushima Dai-ichi and remediate the surrounding areas. In response to the Fukushima nuclear accident, the Japanese government introduced a system that limits the maximum operating period for nuclear power plants to 40 years. In January 2015, Japanese utilities announced plans to decommission five aging nuclear reactors.

The U.S. Government, and specifically the U.S. Department of Energy and its National Laboratories, have been involved in numerous exchanges of scientific and technical information and expertise with the Government of Japan to find solutions to problems created by the accident at Fukushima Dai-ichi related to decommissioning and decontamination. The U.S. Department of Commerce's International Trade Administration (ITA), with the support of the U.S. Department of Energy, proposed the Japan-United States Decontamination and Remediation Fukushima Recovery Forum to bring U.S. and Japanese firms together to complement the existing exchanges of information and expertise by providing an opportunity for coordination between the U.S. and Japanese private sectors to find solutions from U.S. firms that would assist Japan with its recovery process. In February 2014, ITA organized the first Japan-U.S. Decommissioning and Remediation Fukushima Recovery Forum in Tokyo. This two day event brought together 51 representatives from 26 U.S. firms and 101 representatives from 46 Japanese firms to discuss potential partnerships to help with Fukushima recovery.

Participating firms will:

- Receive a briefing on the status of Fukushima Dai-ichi decommissioning and decontamination work from relevant officials from the Japanese Government and industry.
- Participate in panel or breakout discussions focusing on decontamination, remediation and waste management. Firms with appropriate experience or technologies will be asked to present during these discussions.
- Exchange views on viable solutions to the challenges on Fukushima recovery with counterparts from the Japanese private sector;
- Participate in one-on-one networking sessions with interested Japanese firms;
- Attend a networking reception with senior leaders from Japan's Government and industry hosted by a senior U.S. Government representative from the U.S. Embassy in Tokyo;
- Take advantage of the Commercial Service in Tokyo's business advisory services if there is sufficient interest by participating U.S. firms and mission resources can accommodate such interest.
- There may be an opportunity to participate in an optional tour to the Fukushima Dai-ichi Nuclear Power Plant. This tour would incur additional fees.

Proposed Schedule

April 9

Participate in discussions with U.S. and Japanese firms consisting of presentations and dialogues on specific aspects of Fukushima Recovery, including decommissioning, remediation, waste management, and water management.

Participate in networking opportunities with Japanese firms.

Attend a networking reception with senior leaders from Japan's Government and industry hosted by a senior U.S. Government representative from the U.S. Embassy in Tokyo.

April 10

Participate in briefings by Japanese Government officials and other entities on the status of the situation at the Fukushima Dai-ichi Nuclear Power Station and surrounding area.

Participate in networking activities coordinated by ITA staff.

Event updates related to the Fukushima Recovery Forum can be found at: *http://export.gov/japan/fukushima/forum/*.

Participation Requirements

All parties interested in participating in the Fukushima Recovery Forum must submit an application package for consideration by the U.S. Department of Commerce. All applicants will be evaluated based on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A maximum of 25 companies will be selected to participate in the Forum from the applicant pool. U.S. companies already doing business in Japan as well as U.S. companies seeking to enter to the Japanese market for the first time may apply.

Fees and Expenses:

After a company has been selected to participate in the Forum, a participation fee is required. The participation fee is *$930* for large firms and *$665* for small or medium-sized firms.[1] The fee for each additional company representative is $500. As space permits, up to four additional representatives can be accommodated per company. Fees will cover the cost for interpreters, a booklet containing information about participating U.S. and Japanese firms, and reception costs.

Exclusions:

The participation fee does not include personal travel expenses such as airfare, lodging, most meals, incidentals, and local ground transportation and personal interpreters used during the networking sessions. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms. Business visas may be required. Government fees and processing expenses to obtain visas are also not included in the Fukushima Recovery Forum costs. However, the U.S. Department of Commerce will provide instructions to each participant on the procedures required to obtain necessary business visas.

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/size*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008. For additional information, see *http://www.export.gov/newsletter/march2008/initiatives.html.*

Conditions for Participation

Applicants must submit a completed mission application signed by a company official, together with supplemental application materials, including adequate information on the company's products and/or services, interest in doing business in Japan, and goals for participation by February 27, 2015. If the U.S. Department of Commerce receives an incomplete application, it may reject the application, request additional information, or take the lack of information into account in its evaluation.

Each applicant must also certify that the products or services it seeks to export through its participation in the Fukushima Recovery Forum are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content.

Selection Criteria for Participation

Selection will be based on the following criteria:

- Suitability of the company's products or services to the Japanese decommissioning or remediation sector, including water management and waste management;
- The company's potential for business in Japan, including likelihood of exports resulting from participation in the Fukushima Recovery Forum;
- The company's ability to identify and engage on policy issues relevant to U.S. competitiveness in the Japanese decontamination or remediation sectors; and
- Consistency of the company's goals and objectives with the scope of the Fukushima Recovery Forum.

Additional factors, such as balance of company size, industry subsector, location, and demographics, may also be considered during the review process.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeframe for Recruitment and Participation

Recruitment for the Fukushima Recovery Forum will be conducted in an open and public manner, including publication in the **Federal Register**, posting on CS Japan's Web site, notices by industry trade associations and other multiplier groups, and publicity through the ITA network. Recruitment will begin immediately and conclude no later than February 27, 2015. The U.S. Department of Commerce will review applications and make selection decisions beginning on or about March 2, 2015. Applications received after March 2, 2015 will be considered only if space and scheduling constraints permit.

Applications for participation in the Fukushima Recovery Forum are available on line at: *http://export.gov/japan/fukushima/forum/*.

DATES: The Fukushima Recovery Forum will take place April 9–10, 2015. Applications are due no later than February 27, 2015.

Contacts

Danius Barzdukas, Japan Desk/Office of East Asia and APEC, U.S. Department of Commerce | International Trade Administration, Phone: 202–482–1147, *Danius.Barzdukas@trade.gov*

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Frank Spector,

International Trade Specialist.

[FR Doc. 2015–03366 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Application and Reports for Scientific Research and Enhancement Permits under the Endangered Species Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 20, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Gary Rule, NOAA Fisheries, 1201 NE Lloyd Blvd. Suite 1100, Portland, OR 97232, (503) 230–5424 or *gary.rule@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) imposed prohibitions against the taking of endangered species. Section 10 of the ESA allows permits authorizing the taking of endangered species for research/enhancement purposes. The corresponding regulations established procedures for persons to apply for such permits. In addition, the regulations set forth specific reporting requirements for such permit holders. The regulations contain two sets of information collections: (1) Applications for research/enhancement permits, and (2) reporting requirements for permits issued.

The required information is used to evaluate the impacts of the proposed activity on endangered species, to make the determinations required by the ESA prior to issuing a permit, and to establish appropriate permit conditions. To issue permits under ESA Section 10(a)(1)(A), the National Marine Fisheries Service (NMFS) must determine that (1) such exceptions were applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in Section 2 of the ESA.

The currently approved application and reporting requirements apply to Pacific marine and anadromous fish species, as requirements regarding other species are being addressed in a separate information collection.

II. Method of Collection

Submissions may be electronically or on paper.

III. Data

OMB Control Number: 0648–0402.
Form Number(s): None.
Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Federal government; State, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 160.

Estimated Time Per Response: Permit applications, 12 hours; permit modification requests 6 hours; annual or final reports, 2 hours.

Estimated Total Annual Burden Hours: 835.

Estimated Total Annual Cost to Public: $500 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 11, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–03191 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Pacific Halibut and Sablefish Fisheries: Individual Fishing Quota (IFQ) Cost Recovery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 20, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, NMFS Alaska Region, (907) 586–7008 or *Patsy.Bearden@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The purpose of the IFQ fee is to recover actual costs incurred in managing and enforcing the IFQ Program (75%) and to make funds available for Congress to appropriate for support of the North Pacific IFQ Loan Program (25%).

An IFQ permit holder incurs a cost recovery fee liability for every pound of IFQ halibut and IFQ sablefish that is landed under his or her IFQ permit(s). The IFQ permit holder is responsible for self-collecting the fee liability for all IFQ halibut and IFQ sablefish landings on his or her permit(s). Fees must be collected at the time of a legal landing of halibut or sablefish, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

II. Method of Collection

Paper format; electronically (Internet), email, U.S. mail, and fax.

III. Data

OMB Control Number: 0648–0398.

Form Number(s): None.

Type of Review: Regular (extension of a currently approved information collection).

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 2,963.

Estimated Time Per Response: Two hours for paper and 5 minutes for Internet IFQ Registered Buyer Ex-vessel Value and Volume Report; and two hours for paper and 5 minutes for IFQ Fee Submission Form.

Estimated Total Annual Burden Hours: 5,926.

Estimated Total Annual Cost to Public: $898 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 11, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–03190 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 130312237–5115–01]

RIN 0648–XC567

Endangered and Threatened Wildlife; 90-Day Finding on a Petition to List Yellowtail Damselfish as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Notice of 90-day petition finding.

SUMMARY: We (NMFS) announce a 90-day finding on a petition to list yellowtail damselfish (*Microspathodon chrysurus*) as threatened or endangered under the Endangered Species Act (ESA). We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted.

ADDRESSES: Copies of the petitions and related materials are available upon

request from the Assistant Regional Administrator, Protected Resources Division, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701, or online at: *http://sero.nmfs.noaa.gov/pr/ListingPetitions.htm.*

FOR FURTHER INFORMATION CONTACT: Jason Rueter, NMFS Southeast Region, 727–824–5312.

SUPPLEMENTARY INFORMATION:

Background

On September 14, 2012, we received a petition from the Center for Biological Diversity (CBD) to list eight reef fishes of the family Pomacentridae as threatened or endangered under the ESA. The eight species are orange clownfish (*Amphiprion percula*), black-axil chromis (*Chromis atripectoralis*), blue-green damselfish (*Chromis viridis*), Hawaiian dascyllus (*Dascyllus albisella*), reticulated damselfish (*Dascyllus reticulatus*), yellowtail damselfish or jewelfish (*Microspathodon chrysurus*), blackbar devil or Dick's damselfish (*Plectroglyphidodon dickii*), and blue-eyed damselfish (*Plectroglyphidodon johnstonianus*). The petition is available on our Web site (*http://www.nmfs.noaa.gov/pr/species/petitions/pomacentrid_reef_fish_petition_2012.pdf*). Given the geographic range of these species, we divided the lead for the response to the petition between our Southeast Regional Office (SERO) and our Pacific Islands Regional Office (PIRO). SERO led the response to the petition to list the yellowtail damselfish (*Microspathodon chrysurus*) in this finding; PIRO led the response for the remaining species separately and published a 90-day finding on those species on September 3, 2014 (79 FR 52276).

ESA Statutory and Regulatory Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned, during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we are to conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a ''may be warranted'' finding at the 90-day stage does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively; 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered because of any one or a combination of the following five section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(b)) define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In evaluating whether substantial information is contained in a petition, the Secretary must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains a detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

Court decisions clarify the appropriate scope and limitations of the Services' review of petitions at the 90-day finding stage to make a determination whether a petitioned action ''may be'' warranted. As a general matter, these decisions hold that a petition need not establish a ''strong likelihood'' or a ''high probability'' that a species is either threatened or endangered to support a positive 90-day finding.

We evaluate the petitioner's request based upon the information in the petition, including its references, and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented, if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude it supports the petitioner's assertions. In other words, conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding, if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next,

we evaluate whether the information indicates that the species at issue faces extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species at issue (*e.g.,* population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, or habitat integrity), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be such that it reasonably suggests that one or more of these factors may be operative threats that act, or have acted, on the petitioned species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by other organizations or agencies, such as the International Union on the Conservation of Nature (IUCN), the American Fisheries Society (AFS), or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other federal or state statutes may be informative, but the classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/statusAssessment.jsp*). Thus, when a petition cites such classifications, we will evaluate the source information that the classification is based upon, in light of the standards on extinction risk and impacts or threats discussed above.

Species Description

The yellowtail damselfish is a reef fish (Family Pomacentridae) that inhabits shallow coral reefs usually at depths between 1–10 m (depth range can be up to 120 m; Loris and Rucabado, 1990) in the western Atlantic Ocean including Bermuda, southern Florida, and the Caribbean Sea (Allen, 1991), south to Brazil (Moura *et al.,* 1999), and also including the Gulf of Mexico (Bohlke and Chaplin, 1993). Yellowtail damselfish occupy non-overlapping, often contiguous territories on solid substrata averaging 44 m^2 in size (range 14–109 m^2, n = 22; P. Sikkel, unpublished data) in which they feed on epilithic microalgae (algae growing on rock) and associated microfauna (Bohlke and Chaplin, 1968; Sikkel and Kramer, 2006). Adults are primarily algae-eaters (Robins et al., 1986), feeding on microalgae, epiphytic (growing on a plant) diatoms, and to a lesser extent live coral, and are therefore known as facultative corallivores (Cole *et al.,* 2008). Adults of both sexes are solitary and they aggressively defend their territories against conspecifics and other species to a lesser extent (Sikkel and Kramer, 2006). The territories of females tend to be shallower and closer to shore than those of males (Sikkel and Kramer, 2006).

Yellowtail damselfish spawning peaks for four to five weeks in February to March and again in July to August (Deloach, 1999). Spawning occurs during the first 1–3 hours of daylight (Sikkel and Kramer, 2006) at regular 3-day intervals from 3 days before to 3 weeks after the full moon (Pressley, 1980; Robertson *et al.,* 1990). Females can travel up to 120 m from their territory to find mates (Sikkel and Kramer, 2006). Females lay their entire clutch within the male territory during a spawning event and will often mate with the same male over successive spawning trips (Sikkel and Kramer, 2006). Male damselfish prepare nests within their territories, frequently in coral rubble, and protect the eggs (Pressley, 1980). Embryos hatch approximately five days after fertilization (Pressley, 1980), and larvae enter a 21 to 27 day pelagic phase. They then tend to settle on shallow patch reefs, often inhabited by *Millepora* (fire coral), which Deloach (1999) states makes up much of the early diet, and *Acropora* species rubble habitats (Wilkes *et al.,* 2008).

Analysis of the Petition

We evaluated whether the petition presented the information required in 50 CFR 424.14(b)(2) and found that the petition contains the species' taxonomic description, current geographic distribution, habitat characteristics, and threats that could be affecting it. The petition does not present any information on past or present population numbers, instead it acknowledges that abundance and population trends are unknown for the petitioned species, but suggests that the decrease in average live coral cover across the Caribbean from 50 to 60 percent coverage in the 1970s to 8 percent coverage today suggests reasons for concern. The petition does not provide information regarding the status of yellowtail damselfish over all or a significant portion of its range, other than a discussion of threats. The petition includes supporting references.

The petition states that yellowtail damselfish are vulnerable to coral habitat loss and degradation due to temperature-induced coral bleaching and ocean acidification, and that this vulnerability is heightened given their reliance on live branching corals such as species of *Millepora* and *Acropora.* The petition states yellowtail damselfish are threatened by ocean warming and ocean acidification that directly impairs its sensory capabilities, behavior, aerobic capacity, swimming ability, and reproduction. The petition also states that the global marine aquarium trade and lack of regulatory mechanisms further threaten yellowtail damselfish by decreasing their populations in the wild.

Information on Population Status, Trends and Demographics Relevant to Extinction Risk

As stated above, the petition does not include any information on past or present population numbers, and it acknowledges that abundance and population trends are unknown. The petition does not provide information regarding the status of yellowtail damselfish over all or a significant portion of its range, although one of the references cited describes the species as ''common on shallow reefs in the tropical Western Atlantic,'' occurring at densities of up to four individuals per 100 m^2 in the Barbados (Sikkel and Kramer, 2006). The petition does not identify any risk classifications by other organizations for this species.

There is some information in our files on population status and trends for this species in the Florida Keys. We have data on the abundance of yellowtail

damselfish from our Southeast Fisheries Science Center's (SEFSC) Reef fish Visual Census (RVC). The RVC is a long-term, spatially-extensive survey that has assessed trends in abundance of reef fishes in the Florida Keys, by collection of standardized data on trends in frequency of occurrence and density. The RVC survey includes data from 1980 through 2012 for the forereef, high relief spur and groove habitats, the preferred habitat zone for yellowtail damselfish (NMFS SEFSC, 2014). These data show yellowtail damselfish abundance declined during the 1980's but stabilized in the 1990's with no apparent trends through 2012. The RVC data recorded yellowtail damselfish in 93 percent of samples (annual average) in the 1980's. Since 1991, the frequency of occurrence has averaged around 79 percent, with no apparent trend. Similarly, the density of fish, when present, averaged 5 fish per standardized sample in the 1980's, and since 1991, the average annual density when present has been 2.7 fish per standardized sample, with no apparent trend (NMFS SEFSC, 2014). The observed decline in yellowtail damselfish frequency and density between the 1980's and the subsequent period of 1991–2012 in these data are correlated with the documented widespread loss of coral habitat that occurred during the 1980's, as noted in the petition. These data also indicate that since the initial decline, the long term trend in yellowtail damselfish frequency and density over 22 years of data collection has remained stable. We interpret these data as indicating a population that has demonstrated long term stability, despite significant habitat changes and a one-time population decline. Thus, we do not believe the available information on population status and trends suggest an extinction risk of concern for the species.

Information on Impacts and Threats to the Species

We also evaluated whether the information in the petition and information in our files concerning the extent and severity of one or more of the ESA section 4(a)(1) factors suggest these impacts and threats may be operative threats that act or have acted on the species, posing a risk of extinction for yellowtail damselfish that is cause for concern. As stated above in the petition analysis section, the petition states that four of the five causal factors in section 4(a)(1) of the ESA are adversely affecting the continued existence of yellowtail damselfish: (A) Present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial and recreational purposes; (D) inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. In the following sections, we assess the information presented in the petition and readily available in our files to determine whether the petitioned action may be warranted.

Present and Threatened Destruction, Modification, or Curtailment of Habitat or Range

The petition states that yellowtail damselfish are ''dependent on live coral for shelter, reproduction, recruitment, and/or food, which makes them highly vulnerable to coral habitat loss and degradation due to ocean warming and ocean acidification and they are habitat specialists that rely on branching corals which are particularly susceptible to bleaching.'' First we will evaluate the petition's arguments that dependency of the yellowtail damselfish on certain species of live corals is a source of extinction risk, and then we will evaluate the arguments that climate change impacts to the species' habitat pose extinction risk that is cause for concern.

Dependency on Branching Coral Species

The petition cites several studies in support of the argument that the yellowtail damselfish specializes on, or relies upon, branching corals such as *Millepora* and *Acropora* species. The petition cites Allen (1991) for the proposition that juvenile yellowtail damselfish ''are usually seen among branches of the yellow stinging coral *Millepora.''* Deloach (1999) is cited for an association between juveniles and blade fire coral, M. com*planata.* Deloach (1999) is also cited as finding that *Millepora* makes up much of the early diet of yellowtail damselfish. The Web site *www.species-identification.org* is similarly cited for the statement that yellowtail damselfish are known to feed on the polyps of *Millepora* corals, though as the petition notes from another citation, this species is considered a facultative and not an obligate corallivore (Cole *et al.,* 2008). Regardless of the importance as food or habitat to yellowtail damselfish, the petition does not present information that suggests *Millepora* corals have been affected by the numerous threats other corals face, thus we assume their role in the yellowtail damselfish's life cycle is unchanged. Additionally, Brainard *et al.* (2011), state ''*Millepora* are among the first to bleach and die, but they seem to have a special aptitude for recovering by recruiting new colonies.'' Further, Veron (2000) describes *Millepora* species as ''common on reefs.'' Therefore, we do not find population trends of *Millepora* pose an extinction risk that is cause for concern for yellowtail damselfish.

We also reviewed the information in the petition regarding the association between adult yellowtail damselfish and elkhorn coral. The petition cites Deloach (1999) in describing habitat use by yellowtail damselfish. In Deloach (1999), we found the statement ''[l]arge females reign over widespread territories of varying sizes on reef crests, while males typically occupy deeper zones of Elkhorn rubble.'' This was the only information presented in the citation relative to elkhorn coral, but it does not indicate yellowtail damselfish specialize on, or rely upon, branching coral.

The petition also cites Tolimieri (1998) as a source for the premise that yellowtail damselfish are ''significantly associated with *Acropora* corals and total live coral cover.'' Tolimieri (1998), investigated microhabitat substrate use by several damselfish species on the Tague Bay Reef, St. Croix, United States Virgin Islands. This study evaluated use of *Porites* spp., *Porites* spp. rubble, *Montastrea* spp., *Montastrea* spp. rubble, *Acropora* spp. rubble, total live coral, boulder (unidentified coral) rubble, algae, and pavement/sand substrates. The author found that yellowtail damselfish were associated more than would be expected by random chance with dead *Acropora palmata* rubble, but not with live coral cover or the only live branching coral in the study area—*Porites porites.* The association between yellowtail damselfish and *Acropora* spp. coral rubble was statistically significant ($p = 0.043$), but only explained 32 percent of the variation in abundance of yellowtail damselfish between the various study sites on this reef.

The petition presents Wilkes *et al.* (2008) for an association of adult yellowtail damselfish with live branching staghorn coral in the Dry Tortugas, Florida. Wilkes *et al.* (2008) described their study objective as determining what effect, if any, on damselfish could be discerned from much of the live staghorn coral in Dry Tortugas National Park having been reduced to rubble by extreme cold snaps and disease. Wilkes *et al.* (2008) compared damselfish densities on the largest remaining live staghorn coral formation and nearby staghorn coral rubble habitat, but did not directly investigate damselfish use of any other habitat types in the park. This study found that the density of adult

yellowtail damselfish was greater at sites with live staghorn coral compared to nearby sites comprised of dead and broken staghorn coral rubble. There was no significant difference in density of juvenile yellowtail damselfish between the two sites. These authors suggest that ''complex reef topography of branching corals like *Acropora* are thought to be a major factor affecting reef fish distribution and abundance'' and that the higher adult densities observed in this study ''may be related to the increase in three-dimensional habitat that would provide predator refuge dimensions more conducive to adult body sizes that require larger shelter spaces.'' The authors conclude that ''reductions in damselfish density are the likely outcome in reefs where expanses of live branching coral are in decline and are being replaced by relatively low-dimensional fields of reef rubble.'' Finally, Wilkes *et al.* (2008) note that ''some damselfish species may require the habitat complexity provided by branching corals, whereas others are better suited to exploit a wide range of habitat types and display no specific coral preference.'' However, the authors make no conclusion about yellowtail damselfish and their habitat usage, though they do note another study (Wallman *et al.,* 2006) that found that patch reefs lacking in live branching corals within Dry Tortugas National Park support populations of adult yellowtail damselfish.

In our files we also have available Waldner and Robertson (1980) that considers patterns of spatial distribution and resource partitioning in damselfish to explain how ecologically similar reef fishes can co-exist on various spatial scales. Field surveys recorded yellowtail damselfish in Puerto Rico between 1976 and 1978 at both inshore and offshore reefs and recorded substrate within 15 cm (5.9 inches) of where the species was observed or the substrate where the fish sought refuge when rapidly approached by a diver. A total of 54 adult yellowtail damselfish were reported on 4 out of 6 substrate types: 48 percent of observations were associated with non-branching massive corals such as *Montastraea annularis,* 24 percent of the observations were associated each with elkhorn (*A. palmata*) and staghorn (*A. cervicornis*) coral, and 4 percent were associated with *Millepora* spp. When the amount of the different substrate types within the transect area was considered, elkhorn coral was found to be a most-used substrate. Waldner and Robertson (1980) then compared their results with the results of other studies that occurred throughout the West Indies in the 1970's and concluded their results were in agreement in most cases that adult yellowtail damselfish were most characteristically associated with elkhorn coral and *Millepora* in very shallow to moderate depth range.

Prior to the 1980's, *Acropora* corals were the overwhelmingly dominant reef-building coral on Caribbean reefs, to the extent that depth zones were named after these species (''elkhorn zone,'' ''staghorn zone'') (Goreau, 1959). Given the dominance of these corals, it is reasonable to expect that yellowtail damselfish and many other reef fishes were found associated with acroporids then as well. For example, Waldner and Robertson (1980) found a significant association between yellowtail damselfish and elkhorn corals in the 1970's. During the 1980's, a massive die-off of *Acropora* species occurred in the Caribbean. The decline in *Acropora* species was greater than 90 percent (Ginsburg, 1994; Hughes, 1994; McClanahan and Muthiga, 1998). As the SEFSC RVC data indicate, yellowtail damselfish abundance declined in fore-reef, spur and groove habitats in the Florida Keys in the 1980's. The initial decline in yellowtail damselfish abundance is likely linked to the widespread die-off of corals. However, the yellowtail damselfish population has remained stable since 1991. Although the Florida Keys population is at a lower level than it was in the 1970's and 1980's, the stability in abundance indicates that it is not so low that depensatory processes, such as declining mate-finding ability or escalating risk of predation, are an extinction risk factor. Therefore, we conclude that the yellowtail damselfish is not dependent on acroporid corals to the extent that the decline of *Acropora* habitat presents an extinction risk that is cause for concern.

In summary, we acknowledge that yellowtail damselfish was historically associated with *Acropora* corals in the Caribbean (Waldner and Robertson, 1980), and exhibited a population decline in habitats dominated by *Acropora* concurrent with the massive die-off of corals in the 1980s. However, the available information demonstrates yellowtail damselfish associate with a variety of coral species and habitats (Tolimieri, 1998; Wilkes *et al,* 2008*)* within the coral-reef ecosystem (*e.g.,* branching, boulder, and dead rubble), and appear in at least one instance (Florida Keys) to have inhabited reef areas at stable population levels for over 20 years after the widespread decline of acroporids. Therefore, the loss of the branching elkhorn and staghorn corals does not constitute an extinction risk for the yellowtail damselfish that is a cause for concern.

Climate Change Impacts to Coral Reef Ecosystems Generally as a Threat to Yellowtail Damselfish

The petition discusses at length climate change impacts to corals and coral reefs and future predictions for worsening impacts to corals at a global scale, and argues that these impacts pose extinction risk to yellowtail damselfish through destruction, modification or curtailment of its habitat. As discussed above, while the petition establishes an association with live branching coral species for yellowtail damselfish, we have established that they also associate with other coral species and forms within the coral-reef ecosystem and are not reliant upon branching corals for habitat.

Many of the references provided in the petition offer global predictions on future rises in sea surface temperature (Donner *et al.,* 2005; Donner, 2009), ocean acidity (Hoegh-Guldberg *et al.,* 2007), or coral reef decline in general (Hoegh-Guldberg, 1999; Veron *et al.,* 2009). Emission rates of greenhouse gases (GHG) associated with ocean warming have in recent years met or exceeded levels found in the worst-case scenarios considered by the Intergovernmental Panel on Climate Change (IPCC), resulting in all scenarios underestimating the projected future climate condition. New information suggests that regardless of the emission concentration pathway, more than 97 percent of reefs will experience severe thermal stress by 2050 (Meissner *et al.,* 2012). At the same time new information also highlights the spatial and temporal ''patchiness'' of warming (79 FR 53851; September 10, 2014). This patchiness moderates vulnerability of corals to extinction because most species are not limited to one habitat type but occur in numerous types of reef environments that are predicted, on local and regional scales, to experience variable thermal regimes and ocean chemistry at any given point in time (79 FR 53851; September 10, 2014). Overall, there is ample evidence that climate change (including that which is already committed to occur from past GHG emissions and future emissions reasonably certain to occur) and will lead to a worsening environment for corals.

If many coral species are to survive anticipated global warming, corals and their zooxanthellae will have to undergo significant acclimatization and/or adaptation. There has been a recent research emphasis on the processes of acclimatization and adaptation in

corals. For example, the results of a study funded by NOAA and conducted by the agency's scientists and its academic partners suggests some coral species may be able to adapt to moderate climate warming, improving their chance of surviving through the end of this century, if there are large reductions in carbon dioxide emissions (Logan *et al,* 2013). Results of this study further suggest some corals have already adapted to part of the warming that has occurred in the past. The study modeled a range of possible coral adaptive responses to thermal stress, and projected that, through processes such as genetic adaptation, acclimation, and symbiont shuffling, the reefs could reduce the rate of temperature-induced bleaching by 20 to 80 percent of levels currently projected to occur by the year 2100, if there are large reductions in carbon dioxide emissions. The authors emphasize the caveat that coral adaptation will not significantly slow the loss of coral reefs if there is no decrease in GHG emissions and further, that not all species will be able to adapt fast enough or to the same extent.

Thus, as a whole, the body of research on coral adaptation to global warming is inconclusive on how these processes may affect particular coral species' extinction risk, given the projected intensity and rate of ocean warming (Brainard *et al.,* 2011).

Similarly, because of the increase in carbon dioxide and other GHGs in the atmosphere since the industrial revolution, ocean acidification has already occurred throughout the world's oceans, including in the Caribbean, and is predicted to considerably worsen between now and 2100. Overall, available information demonstrates that most corals exhibit declining calcification rates with rising carbon dioxide concentrations, declining pH, and declining carbonate saturation state—although the rate and mode of decline can vary among species (79 FR 53851; September 10, 2014). Spatially, while carbon dioxide levels in the surface waters of the ocean are generally in equilibrium with the lower atmosphere, there can be considerable spatial variability in seawater pH across reef-building coral habitats, resulting in colonies of a species experiencing high spatial variability in exposure to ocean acidification (79 FR 53851; September 10, 2014).

As we have discussed elsewhere (79 FR 53851; September 10, 2014), vulnerability of a coral species to a threat is a function of susceptibility and exposure, considered at the appropriate spatial and temporal scales. Susceptibility of a coral species to a threat is primarily a function of biological processes and characteristics, and can vary greatly between and within taxa (*i.e.,* family, genus, or species). Susceptibility depends on direct effects of the threat on the species, and it also depends on the cumulative (*i.e.,* additive) and interactive (*i.e.,* synergistic or antagonistic) effects of multiple threats acting simultaneously on the species. For example, ocean warming affects coral colonies through the direct effect of bleaching, together with the interactive effect of bleaching and disease, because bleaching increases disease susceptibility. Vulnerability of a coral species to a threat also depends on the proportion of colonies and populations that are exposed to the threat. Exposure is primarily a function of the distribution of the threat. The degree or intensity of exposure to a threat is primarily a function of physical processes and characteristics that limit or moderate the intensity of the threat across the range of the species. In our final listing rule responding to a petition to list 83 species of corals, we found that not all coral species are highly vulnerable to the threats associated with global climate change (79 FR 53851; September 10, 2014). Even some species found to be susceptible to ocean warming were found not warranted for listing because they may have a buffering capacity to resist adverse effects on their status, due to high abundance, wide range, and/or high habitat heterogeneity.

With information indicating yellowtail damselfish associate with a variety of coral habitats, and because susceptibility of coral species to climate change impacts is highly variable, we cannot infer any level of extinction risk from habitat loss due to climate change for yellowtail damselfish. Further, in a review of six studies examining the effects of coral bleaching on coral-reef fishes, Pratchett *et al.* (2008) found the density of 45 of 116 fish species' showed significant changes 1–3 years post-bleaching. The responses ranged from local extinction to several-fold increases in abundance. Though the damselfishes included in their study showed mixed results, Pratchett *et al.* (2008) found ''fishes that increased in abundance were mostly dietary and habitat generalist species,'' but some herbivores also showed increases. Thus, we do not view this study as providing any reliable prediction of yellowtail damselfish responses to coral bleaching. The petition also cites Bonin (2012) for effects of coral bleaching on damselfish. The paper concludes that as a result of coral mortality from bleaching, ''[fish] specialists will increasingly be forced to use alternative recruitment habitats, and that is likely to reduce population replenishment.'' As noted above, however, yellowtail damselfish is not a specialist on any particular coral species. Bonin (2012) further states that the ''available evidence suggests that the presence of conspecifics provides a stronger cue for settlement than does microhabitat (Booth, 1992; Lecchini *et al.,* 2005a; 2005b).'' Thus, the presence of established individuals of the same fish species was more important for settling recruits than was habitat in that study. A third study cited by the petition, Booth and Beretta (2012), provided examples of fish recruit abundance decline independent of coral bleaching and concluded ''these examples highlight the stochastic nature of recruitment, and caution against the hasty attribution of cause and effect in explaining changes in recruitment through time.'' Graham *et al.* (2007) was also cited by the petition as an example of the effects of bleaching on coral-reef fishes. The authors concluded that ''of the indirect effects of bleaching that we have identified, one of the most significant for the reef ecosystem as a whole is likely to be the decline in smaller size classes of herbivorous fishes (mainly surgeonfishes and parrotfishes with some rabbitfishes and two species of damselfish).'' The petition also cites Wilson *et al.* (2006) for effects of bleaching on coral-reef fishes; however, Wilson *et al.* (2006) found ''abundances of species reliant on live coral for food and shelter consistently declined during this time frame, while abundance of some species that feed on invertebrates, algae and/or detritus increased. The response of species, particularly those expected to benefit from the immediate loss of coral, is variable.'' Thus, given that yellowtail damselfish is not an obligate corallivore and has a varied diet including algae and invertebrates, this study is not indicative of potential adverse impacts to yellowtail damselfish from coral bleaching. Finally, the petition cites Bonin *et al.* (2009) for effects of bleaching on coral-reef fishes. This study examined the effects of bleaching on two species of gobies that are live-coral symbionts. Again, this information does not allow us to infer any level of extinction risk from coral reef habitat loss due to climate change impacts for yellowtail damselfish.

Therefore, we find that the petition does not provide substantial scientific or commercial information indicating that listing yellowtail damselfish as

threatened or endangered may be warranted due to loss or degradation of coral habitat that may result from global climate change.

Overutilization for Commercial and Recreational Purposes

The petition provides information indicating damselfish are the most commonly harvested group of fishes in the global trade of marine aquarium fish. The petition does not include any information specific to the collection of yellowtail damselfish, nor does it provide any explanation of how harvest of yellowtail damselfish is an extinction risk to the species. Due to the pugnacious behavior of yellowtail damselfish and its solitary nature (Robins *et al.,* 1986), it is likely a less desirable species for use in aquaria compared to damselfish that are schooling planktivores such as the blue-green chromis. Though we do not have information in our files for harvest and trade impacts across the entire range of the species, we do have information in our files about harvest of damselfish in Florida for the aquarium trade; 9,780 damselfish were collected in 2009 from Florida waters for the aquarium trade. There are 14 species of damselfish in Florida waters and yellowtail damselfish is considered ''common'' (Humann, 1999), but specific information regarding the contribution of yellowtail damselfish to the aquarium trade harvest in Florida is not available (FWRI, 2009). Even if we assumed the entire Florida harvest in 2009 was comprised of yellowtail damselfish and is representative of ongoing harvest levels, we do not believe the collection of nearly 10,000 individuals in Florida annually would constitute an extinction risk that is cause for concern to the status of yellowtail damselfish. Because field surveys throughout the Florida Keys forereef, high relief spur and groove habitat indicate yellowtail damselfish have remained stable in frequency and density for the last 22 years (NMFS SEFSC, 2014), we believe harvest is not contributing to a decline in total numbers within Florida. In summary, we find the petition and information in our files do not present substantial scientific or commercial information to suggest that listing yellowtail damselfish as threatened or endangered may be warranted due to overutilization for commercial, recreational, educational, or scientific purposes.

Inadequacy of Existing Regulatory Mechanisms

The petition states the regulatory mechanisms addressing greenhouse gas pollution, protecting coral reef habitat, and controlling the aquarium trade are inadequate to protect the yellowtail damselfish and that the ''widespread and growing trade in coral-reef fish and corals adds to the cumulative stresses . . . from ocean warming and ocean acidification.'' The petition states that both international and domestic laws controlling greenhouse gas emissions are inadequate and/or have failed to control emissions, ''as acknowledged by NMFS in its *Status Review Report of 82 Candidate Coral Species and Accompanying Management Report.''* We concur there is information in the petition, readily available in our files, and from scientific literature that indicates GHG emissions and associated ocean warming, acidification and other synergistic effects are contributing to extinction risk for some species of reef building corals (79 FR 53851; September 10, 2014), and that existing regulatory mechanisms are inadequate to prevent these emissions from causing serious harmful impacts to corals. However, we do not have information in our files, and we are not aware of any literature, indicating GHG emissions are negatively affecting yellowtail damselfish (*e.g.,* through sensory impacts, discussed below). As discussed above, yellowtail damselfish associate with a variety of coral-reef habitats and we have no information from which to conclude the impacts of GHG emissions on coral reefs present extinction risk that is cause for concern for yellowtail damselfish. Therefore, we also cannot conclude that inadequacy of regulatory mechanisms to control these emissions is causing extinction risk that is cause for concern for this species.

The petition states that existing regulatory mechanisms are inadequate to protect coral reef habitats from local threats (*e.g.,* overfishing), despite international and domestic efforts to reduce threats to reefs. The petition cites Burke *et al.* (2011), as concluding that ''[m]ore than 60% of the world's coral reefs are under immediate and direct threat from one or more local sources,'' and that ''[of] local pressures on coral reefs, overfishing—including destructive fishing—is the most pervasive immediate threat, affecting more than 55 percent of the world's reefs.'' The petition states ''this high level of threat clearly indicates that existing regulatory mechanisms are inadequate to protect the coral reefs on which the petitioned Pomacentrids depend.'' However, the petition fails to discuss how yellowtail damselfish may be susceptible to this generalized threat to coral reefs.

The petition states that regulation of the aquarium trade is inadequate to control trade and prevent collection detrimental to the species' survival. The petition cites Tissot *et al.* (2010) for evidence of ''weak governance capacity in major source countries such as Indonesia and the Philippines; high international demand, particularly from the United States . . . and inadequate enforcement of the few existing laws, allowing collectors to use illegal and harmful collection methods such as sodium cyanide.'' Drawing inferences based on Indo-Pacific species and the regulatory mechanisms governing their collection is inappropriate because yellowtail damselfish do not occur in the foreign countries in the Indo-Pacific discussed as having inadequate governance and enforcement of laws. There is no information in our files indicating yellowtail damselfish is a highly prized, collected, or traded marine organism. We conclude the threats characterization in the petition regarding inadequacy of regulatory mechanisms to control harmful harvest of yellowtail damselfish is unsubstantiated.

In summary we find the petition does not provide substantial scientific or commercial information to suggest that existing regulatory mechanisms related to any identified threats to the species are inadequate such that they may be causing an extinction risk for the yellowtail damselfish.

Other Natural or Manmade Factors

The petition states that ocean acidification and ocean warming, in addition to causing habitat loss, ''directly threaten the survival of the petitioned species through a wide array of adverse impacts that are predicted to lead to negative fitness consequences and population declines.'' The petition states ''ocean acidification impairs the sensory capacity and behavior of larval clownfish and damselfish.'' The petition refers to a number of sources to demonstrate that in the laboratory, behavioral responses of larval fish can be affected by elevated carbon dioxide levels.

The petition states ''research on the effects of ocean acidification on six species of larval damselfish found that elevated carbon dioxide levels expected within this century impair damselfish smell, vision, learning, behavior, and brain function, leading to a higher risk of mortality.'' Results from two of these six damselfish are from Munday *et al.* (2010) who found that ''700 ppm carbon dioxide is close to the threshold at which adaptation of behavioral responses might be possible in reef

fishes, provided that the variation in sensitivity to elevated carbon dioxide we observed between individuals at this concentration has a genetic basis. The olfactory capacity of approximately one-half of the larvae was unaffected by exposure to 700 ppm carbon dioxide, and these individuals exhibited less risky behavior in the field (remained closer to shelter) compared with affected individuals.'' The effect on olfactory capacity appears to be an individual response and not necessarily a population response. A variable individual response does not constitute a risk to the entire population and therefore, there is not sufficient evidence of extinction risk to yellowtail damselfish posed by elevated carbon dioxide impacts on olfactory capacity.

Results from the other four of these six damselfish species are from Ferrari *et al.* (2011), where the effects of carbon dioxide exposure on the antipredator responses of four sympatric species who share the same ecology and life history was tested; all four are congeners in a different genus than yellowtail damselfish and all are found in the Pacific Ocean. The four damselfish in the Ferrari *et al.* (2011) study were specifically selected to compare similar species response to carbon dioxide in order to predict ecological impacts on marine communities. The concentrations of carbon dioxide tested ranged from those similar to recent atmospheric concentrations (390 ppm) to those representing highly elevated (700 and 850 ppm) atmospheric levels. This was accomplished by placing juveniles collected in traps into 35 L rearing aquariums that were either aerated with 390 ppm (current-day control), 728 ± 88, or 1008 ± 78 ppm (mean ± SD) carbon dioxide enriched air (Munday *et al.,* 2009; Dixson *et al.,* 2010) creating environments with 700 and 850 ppm CO^2 (see Munday *et al.* (2010) for more details). While Ferrari *et al.* (2011) predicted the difference in behavioral response in the lab would translate into differential survival in the field, the ''four congeneric species showed striking and unexpected variation in CO_2 tolerance.'' The antipredator responses were reduced at the 700 ppm level, but did not disappear, while at the 850 ppm level, three out of four species did not show an adaptive antipredator response, and the fourth maintained an antipredator response similar to the response level of the 700 ppm exposure. Additionally, all fish displayed antipredator responses to odors from injured conspecifics, which is considered a reliable cue of general predation risk (Ferrari *et al.,* 2010). The results by Ferrari *et al.* (2011) were described by the petitioner as highlighting how individual effects from elevated carbon dioxide are highly uncertain and constitute an extinction risk for the petitioned species. However, merely identifying factors that could negatively impact a species does not constitute substantial information that listing may be warranted. Because Ferrari *et al.* (2011) found ''marked intraspecific variation,'' we interpret these results to demonstrate variability in physiological responses within the functional group examined (functional groups were defined by their carbon dioxide tolerance). Further, Ferrari *et al.* (2011) found predation rates and prey selectivity were impacted by exposure to elevated levels of dissolved carbon dioxide, but the outcome of the interaction was dependent on the size of juvenile prey, not on the species. Additionally, Ferrari *et al.* (2011) concluded that if the negative effects of carbon dioxide were balanced between prey and predators, we would not expect any change in overall mortality rate. These data do not provide reliable information for conclusions about the response of the yellowtail damselfish, much less a population-level response that might occur if the carbon dioxide levels tested are eventually reached. Finally, Ferrari *et al.* (2011) note that their experimental results may represent a worst case scenario in that it assumes absence of adaptation. We do not have information in our files, and we are not aware of any literature, indicating increased carbon dioxide levels have reduced fitness of any western Atlantic damselfish, or that increased levels may pose an extinction risk that is cause for concern for yellowtail damselfish.

The petition also states that elevated sea surface temperatures ''can influence the physiological condition, developmental rate, growth rate, early life history traits, and reproductive performance of coral reef fishes, all of which can affect their population dynamics, community structure, and geographical distributions,'' citing Nilsson *et al.* (2009). We reviewed Nilsson *et al.* (2009) and found the results show physiological responses to changes in water temperature. Nilsson *et al.* (2009) examined the capacity of five species of marine fish to perform aerobically (aerobic scope). They found that all five species exhibited a decline in aerobic capacity at elevated water temperatures (31, 32, or 33 °C) compared to the control (29 °C); the three damselfish species tested retained over half their aerobic scope at 33 °C, while all capacity for additional oxygen uptake was exhausted at 33 °C for the two cardinalfish species tested. One damselfish species' oxygen uptake was reduced from 142% at 29 °C to 81% at 31 °C while another species' uptake went from 300% at 29 °C to 178% at 33 °C. These results indicate that damselfish are thermally tolerant and as Nilsson *et al.* (2009) state, ''populations of thermally tolerant species are likely to persist at higher temperatures, but populations of thermally sensitive species could decline on low-latitude reefs if individual performance falls below levels needed to sustain viable populations.

The petition cites several other sources, primarily Johansen and Jones (2011), which found increasing temperatures have negative effects on the aerobic capacity and swimming performance of some damselfish, though the species tested did not include the yellowtail damselfish or any of its congeners. These studies also revealed inter-specific differences in the response to elevated temperature and discussed how acclimation, developmental plasticity, and adaptation can alleviate temperature-related physiological impacts. All but one of these studies were single generation studies and did not evaluate trans-generational plasticity for any species to determine if the species are able to adapt or acclimate to new environmental conditions over time. In fact, the one study that did (Donelson *et al.,* 2011) found that ''complete compensation in aerobic scope occurred when both parents and offspring were reared throughout their lives at elevated temperature. Such acclimation could reduce the impact of warming temperatures and allow populations to persist across their current range. This study reveals the importance of trans-generational (across generations) acclimation as a mechanism for coping with rapid climate change and highlights that single generation studies risk underestimating the potential of species to cope.'' The petition does not provide any information about the aerobic scope of yellowtail damselfish, nor do we have any information in our files. Therefore, we do not believe Nilsson *et al.* (2009), Donelson *et al.* (2011), and Johansen and Jones (2011), are reliable sources for the premise that elevated sea temperatures will affect the physiological response of yellowtail damselfish to the extent it poses an extinction risk of concern to the species.

Results from a study by Munday *et al.* (2008) are also included in the petition to indicate how larval growth rates and recruitment of some reef fishes can increase with warmer water. Munday *et*

al. (2008) documented high variability in response at both the individual and species level. Many coral reef fishes have geographical ranges spanning a wide temperature gradient and some have short generation times. These characteristics are conducive to acclimation or local adaptation to climate change and provide potential for more resilient species to persist (Munday *et al.,* 2008).

Thus, we conclude the petition did not explain, nor do we have information in our files explaining, how physiological effects of elevated carbon dioxide or elevated temperature would have negative effects on yellowtail damselfish. As we have noted, many of the references presented by the petition show highly variable physiological responses by individuals and species to various stimuli (elevated carbon dioxide or increased temperatures) and no reliable inference to yellowtail damselfish population responses can be drawn. We conclude the petition does not provide reliable support for the premise that the effects of ocean warming or ocean acidification may be posing extinction risk that is cause for concern for yellowtail damselfish.

In summary, we conclude the petitions' characterization of ocean acidification and ocean warming as posing negative fitness consequences to be broad statements of generalized threats and do not indicate that ocean acidification and ocean warming directly threaten the survival or pose extinction risk that is cause for concern to the yellowtail damselfish. Therefore, we conclude the petition does not present substantial scientific or commercial information indicating the petitioned action may be warranted due to other natural or manmade factors.

Synergistic threats

Additionally, we do not find that the combination of proposed threats to yellowtail damselfish poses extinction risk that is cause for concern for yellowtail damselfish. The proposed threat from loss of habitat or habitat degradation is overstated because not all coral species are highly vulnerable to the threats associated with global climate change, some coral species will survive, and yellowtail damselfish are capable of habitat adaptations in response to changes in composition of coral species on reefs; harvest of the species is minimal; and physiological responses to increased carbon dioxide levels and sea temperature vary widely. Therefore, we do not believe these proposed threats act synergistically on yellowtail damselfish to pose extinction risk that is cause for concern.

Finding

After reviewing the information contained in the petition, as well as information readily available in our files, we conclude the petition does not present substantial scientific or commercial information indicating that listing the yellowtail damselfish as either an endangered species or as a threatened species may be warranted.

References Cited

A complete list of all references is available on our Web site: *http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/species_esa_consideration/index.html* .

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 11, 2015.

Samuel D. Rauch, III,

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

[FR Doc. 2015–03326 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD710

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Approved Monitoring Service Providers

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

ACTION: Notice, approved monitoring service providers.

SUMMARY: NMFS has approved five companies to provide at-sea monitoring services to Northeast multispecies vessels in fishing year 2015. Regulations implementing Amendment 16 to the Northeast Multispecies Fishery Management Plan require third-party at-sea monitoring service providers to apply to, and be approved by, NMFS in a manner consistent with the Administrative Procedure Act in order to be eligible to provide at-sea monitoring services to sectors.

ADDRESSES: Copies of the list of NMFS-approved sector monitoring service providers are available at *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/* or by sending a written request to: 55 Great Republic Drive, Gloucester, MA 01930, Attn: Brett Alger.

FOR FURTHER INFORMATION CONTACT: Brett Alger, Fishery Management Specialist, (978) 675–2153, fax (978) 281–9135, email *Brett.Alger@NOAA.gov.*

SUPPLEMENTARY INFORMATION: Amendment 16 (75 FR 18262; April 9, 2010) to the Northeast Multispecies Fishery Management Plan (FMP) expanded the sector management program, including requirements to ensure accurate monitoring of sector at-sea catch and dockside landings, and common pool dockside landings. Framework Adjustment 48 to the FMP (Framework 48, 78 FR 26118, May 3, 2013) revised the goals and objectives for sector monitoring programs.

Standards for Approving At-Sea Monitoring Service Providers

Regulations at 50 CFR 648.87(b)(4) describe the criteria for NMFS approval of at-sea monitoring service providers. NMFS is approving service providers for fishing year 2015 (beginning May 1, 2015) based on: (1) Completeness of applications, (2) determination of the applicant's ability to perform the duties and responsibilities of a sector monitoring service provider, and (3) performance as NMFS-funded providers in fishing year 2014. NE multispecies sectors are required to design and implement independent, third-party at-sea monitoring programs in fishing year 2015, and are responsible for the costs of these monitoring requirements, unless otherwise instructed by NMFS.

For fishing year 2014, NMFS approved A.I.S., Inc.; East West Technical Services, LLC; MRAG Americas, Inc.; Fathom Research, LLC; and ACD USA Ltd. as service providers based on the completeness of their application, addressing the regulatory requirements (§ 648.87(b)(4)(i)), determination of ability, and performance during previous fishing years. Once approved, providers must document having met performance requirements in order to maintain eligibility (§ 648.87(b)(4)(ii)). NMFS can disapprove any previously approved service provider during the fishing year if the service provider in question ceases to meet the performance standards. NMFS must notify service providers of disapproval in writing.

Approved Monitoring Service Providers

NMFS received complete applications from five companies interested in providing at-sea monitoring services in fishing year 2015; these were the same

five approved in fishing year 2014. The Regional Administrator has approved the following service providers as eligible to provide at-sea monitoring services in fishing year 2015 because they have met the application requirements and applicable performance standards:

TABLE 1—APPROVED FISHING YEAR 2015 PROVIDERS

Provider name	Address	Phone	Fax	Website
ACD USA Ltd.	4 Parker St., 2nd Floor, Gloucester, MA 01930.	902–422–4745	902–422–9780 ..	*www.atlanticcatchdata.ca.*
A.I.S., Inc.	89 N. Water St., P.O. Box 2093, New Bedford, MA 02741.	508–990–9054	508–990–9055	*aisobservers.com.*
East West Technical Services, LLC.	86 Mumford Rd., Narragansett, RI 02882	860–910–4957 ..	860–223–6005	*www.ewts.com.*
Fathom Research, LLC.	1213 Purchase St., New Bedford, MA 02740	508–990–0997	508–991–7372	*www.fathomresearchllc.com.*
MRAG Americas, Inc.	65 Eastern Ave., Unit B2C, Essex, MA 01929.	978–768–3880 ..	978–768–3878	*www.mragamericas.com.*

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

Dated: February 12, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015–03273 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD774

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet March 6–12, 2015. The Pacific Council meeting will begin on Sunday, March 8, 2015 at 8 a.m., reconvening each day through Thursday, March 12, 2015. All meetings are open to the public, except a closed session will be held at 8 a.m. on Sunday, March 8 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Council and its advisory entities will be held at the Hilton Vancouver Washington, 301 W. 6th Street, Vancouver, WA 98660; telephone: (360) 993–4500.

Council Address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The March 8–12, 2015 meeting of the Pacific Fishery Management Council will be streamed live on the internet. The live meeting will be broadcast daily starting at 9 a.m. Pacific Time (PT) beginning on Sunday, March 8, 2015 through Thursday, March 12, 2015. The broadcast will end daily at 6 p.m. PT or when business for the day is complete. Only the audio portion, and portions of the presentations displayed on the screen at the Council meeting, will be broadcast. The audio portion is listen-only; you will be unable to speak to the Council via the broadcast. Join the meeting by visiting this link *http://www.joinwebinar.com*, enter the Webinar ID for this meeting, which is 138–252–315 and enter your email address as required. It is recommended that you use a computer headset as GoToMeeting allows you to listen to the meeting using your computer headset and speakers. If you do not have a headset and speakers, you may use your telephone for the audio portion of the meeting by dialing this TOLL number 1–480–297–0021 (not a toll free number); entering the phone audio access code 326–426–740; and then entering your Audio Pin which will be shown to you after joining the webinar. The webinar is broadcast in listen only mode.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''(Final Action)'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, and meeting rooms, is described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance March 2015 briefing materials and posted on the Council Web site *www.pcouncil.org.*

A. Call to Order

1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

B. Open Comment Period

1. Comments on Non-Agenda Items

C. Enforcement Issues

1. Annual U.S. Coast Guard Fishery Enforcement Report

D. Habitat

1. Current Habitat Issues

E. Ecosystem Management

1. California Current Ecosystem Report Including Integrated Ecosystem Assessment
2. Review of Fishery Ecosystem Plan Initiatives
3. NMFS Climate Science Strategy Update
4. Unmanaged Forage Fish Protection Final Action (Final Action)

F. Salmon Management

1. National Marine Fisheries Service Report
2. Review of 2014 Fisheries and Summary of 2015 Stock Abundance Forecasts

3. Identification of Management Objectives and Preliminary Definition of 2015 Salmon Management Alternatives (Final Action)
4. Council Recommendations for 2015 Management Alternative Analysis
5. Further Council Direction for 2015 Management Alternatives
6. Adoption of 2015 Management Alternatives for Public Review
7. Salmon Hearings Officers

G. Pacific Halibut Management

1. Report on the International Pacific Halibut Commission (IPHC) Meeting
2. Incidental Catch Recommendations for the Salmon Troll and Fixed Gear Sablefish Fisheries (Final Action for Sablefish)

H. Highly Migratory Species Management

1. National Marine Fisheries Service Report
2. Recommendations for International Management Activities Including US-Canada Albacore Treaty Area Fishery Update
3. Final Exempted Fishing Permit Approval (Final Action)
4. Drift Gillnet Management and Monitoring Plan Including Final Action on Hard Caps (Final Action)

I. Administrative Matters

1. Legislative Matters
2. National Marine Fisheries Service West Coast Region Strategic Plan Update
3. Approval of Council Meeting Minutes
4. Membership Appointments and Council Operating Procedures
5. Future Council Meeting Agenda and Workload Planning

Schedule of Ancillary Meetings

Day 1—Friday, March 6, 2015

Habitat Committee 8:30 a.m.
Coastal Pelagic Species Subcommittee of the Scientific and Statistical Committee 10 a.m.

Day 2—Saturday, March 7, 2015

Scientific and Statistical Committee 8 a.m.
Ecosystem Advisory Subpanel 8 a.m.
Legislative Committee 1 p.m.

Day 3—Sunday, March 8, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Ecosystem Advisory Subpanel 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants 3 p.m.
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 4—Monday, March 9, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 5—Tuesday, March 10, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 6—Wednesday, March 11, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 7—Thursday, March 12, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during these meetings. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: February 11, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–03204 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD757

Nominations to the Marine Mammal Scientific Review Groups

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

ACTION: Notice; request for nominations.

SUMMARY: As required by the Marine Mammal Protection Act (MMPA), the Secretary of Commerce established three independent regional Scientific Review Groups (SRGs) to provide advice on a range of marine mammal science and management issues. NMFS has conducted a membership review of the Alaska, Atlantic, and Pacific SRGs and is soliciting nominations for new Members to fill vacancies on the Atlantic and Pacific SRGs. Nominees should possess demonstrable expertise in the areas specified below, be able to conduct thorough scientific reviews of marine mammal science, and be able to fulfill the necessary time commitments associated with a thorough review of documents and attendance at one annual meeting.

DATES: Nominations must be received by March 20, 2015.

ADDRESSES: Nominations should be sent to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: SRGs.

FOR FURTHER INFORMATION CONTACT: Shannon Bettridge, Office of Protected Resources, 301–427–8402, *Shannon.Bettridge@noaa.gov*; or Seth Sykora-Bodie, Office of Protected Resources, 301–427–8409, *Seth.Sykora-Bodie@noaa.gov.* Information about the SRGs is available via the Internet at *http://www.nmfs.noaa.gov/pr/sars/group.htm.*

SUPPLEMENTARY INFORMATION: Section 117(d) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1386(d)) directs the Secretary of Commerce to establish three independent regional Scientific Review Groups (SRGs) to advise the Secretary (authority delegated to the National Marine Fisheries Service (NMFS)). The Alaska SRG advises on marine mammals that occur in waters off Alaska that are under the jurisdiction of the United States. The Pacific SRG advises on marine mammals that occur in waters off the Pacific coast, Hawaiian Islands and the U.S. Territories in the Central and Western Pacific that are under the jurisdiction of the United States. The Atlantic SRG advises on marine mammals that occur in waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean that are under the jurisdiction of the United States.

The SRGs meet annually. Prior to the meetings, SRG Members review draft stock assessment reports and other relevant documents. SRGs comprise highly-qualified individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b) of the MMPA. The SRGs provide expert reviews of draft marine mammal stock assessment reports and other information related to the matters identified in section 117(d)(1) of the MMPA, including:

(A) Population estimates and the population status and trends of marine mammal stocks;

(B) Uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

(C) Uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

(D) Research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

(E) The actual, expected, or potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks, and for strategic stocks, appropriate conservation or management measures to alleviate any such impacts; and

(F) Any other issue which the Secretary or the groups consider appropriate.

SRG Members collectively serve as independent advisors to NMFS and the U.S. Fish and Wildlife Service and provide their expert review and recommendations through participation in the SRG. Members attend meetings and undertake activities as independent persons providing expertise in their subject areas. Members are not appointed as representatives of professional organizations or particular stakeholder groups, including government entities, and are not permitted to represent or advocate for those organizations, groups or entities during SRG meetings, discussions and deliberations.

NMFS has developed terms of reference for the SRGs, which state that the agency will annually review the expertise available on the SRG and identify gaps in expertise needed to provide advice pursuant to section 117(d) of the MMPA. In conducting the reviews, NMFS will continue to attempt to achieve, to the maximum extent practicable, a balanced representation of viewpoints among the individuals on each SRG. NMFS has conducted a review of the expertise available on the three SRGs and has identified gaps. NMFS is now soliciting nominations for individuals with the following expertise.

For the Atlantic SRG (including waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean), NMFS seeks individuals with expertise in one or more of the following areas (in no particular order of priority): Quantitative ecology; habitat modeling; population dynamics; statistical analyses; passive acoustics; abundance estimation (including line transect methods, mark-recapture methods, quantitative bycatch estimation, and/or survey design); and fisheries gear/techniques, with particular emphasis on pot/trap and gillnet fisheries along the Atlantic coast and in Gulf of Mexico fisheries.

For the Pacific SRG (including waters off the Pacific coast, Hawaiian Islands and the U.S. Territories in the Central and Western Pacific), NMFS seeks individuals with expertise in one or more of the following areas (in no particular order of priority): Quantitative ecology; habitat modeling; population dynamics; fisheries gear/techniques, particularly of Hawaiian and Pacific Islands fisheries; Hawaii and Pacific Islands ecology; marine mammal genetics; passive acoustics; marine mammal population structure; abundance estimation (including line transect methods, mark-recapture methods, and quantitative bycatch estimation).

NMFS is not seeking nominations for the Alaska SRG in this solicitation.

Nominations for new Members should be accompanied by the individual's curriculum vitae and detailed information regarding (a) how the recommended person meets the minimum selection criteria for SRG Members, (b) how the recommended person would augment existing expertise or bring needed expertise to the group, and (c) how the recommended person's participation on the SRG would contribute to achieving a balanced representation of viewpoints. Self-nominations are acceptable. The following contact information should accompany each nomination: nominee's name, address, telephone number, and email address.

When reviewing nominations, NMFS will consider the following criteria:

(1) Ability to make time available for the purposes of the SRG;

(2) Knowledge of the species (or closely related species) of marine mammals in the SRG's region;

(3) Scientific or technical achievement in a relevant discipline, which may include ecology, life history, fishing technology and practices, biology, genetics, resource management, or biological modeling, to be considered an expert peer reviewer for the topic;

(4) Demonstrated experience working effectively on teams;

(5) Expertise relevant to current and expected needs of the SRG, in particular, expertise required to provide adequate review and knowledgeable feedback on current or developing stock assessment issues, techniques, etc. In practice, this means that each Member should have expertise in more than one topic as the species and scientific issues discussed in SRG meetings are diverse; and

(6) No conflict of interest with respect to their duties as a member of the SRG.

A Scientific Review Group Member cannot be a registered Federal lobbyist. Membership is voluntary and, except for reimbursable travel and related expenses, service is without pay. The terms of reference specify that the term of service for SRG Members is three years and Members may serve up to three consecutive terms. Nominations

should be sent to (see **ADDRESSES**) and must be received by March 20, 2015.

Dated: February 11, 2015.

Perry Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–03196 Filed 2–17–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0159]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Comprehensive Transition Programs for Students With Intellectual Disabilities Expenditure Report

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 20, 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–2014–ICCD–0159 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 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tammy Gay, 816–268–0432.

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: Comprehensive Transition Programs for Students with Intellectual Disabilities Expenditure Report

OMB Control Number: 1845–0113

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 34.

Total Estimated Number of Annual Burden Hours: 68.

Abstract: The Higher Education Opportunity Act, Pub. L. 110–315, added provisions for the Higher Education Act of 1965, as amended, in section 750 and 766 that enable eligible students with intellectual disabilities to receive Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, and Federal Work Study funds if they are enrolled in an approved program. The Comprehensive Transition Programs (CTP) for Students with Intellectual Disabilities expenditure report is the tool for reporting the use of these specific funds. The data will be used by the Department to monitor program effectiveness and accountability of fund expenditures. The data is used in conjunction with institutional program reviews to assess the administrative capability and compliance of the applicant.

Dated: February 11, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–03185 Filed 2–17–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0011]

Agency Information Collection Activities; Comment Request; Assurance of Compliance—Civil Rights Certificate

AGENCY: Office of Civil Rights (OCR), 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 an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 20, 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–0011 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 Elizabeth Weigman, (901) 604–9330.

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: Assurance of Compliance—Civil Rights Certificate.

OMB Control Number: 1870–0503.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector, State, Local or Tribal Governments.

Total Estimated Number of Annual Responses: 25.

Total Estimated Number of Annual Burden Hours: 4.

Abstract: The Office for Civil Rights (OCR) has enforcement responsibilities under several civil rights laws, including Title VI, Title IX, Section 504, the Age Discrimination Act, and the Boy Scouts of America Equal Access Act. To meet these responsibilities, OCR collects assurances of compliance from applicants for Federal financial assistance from, and applicants for funds made available through, the Department of Education, as required by regulations. These entities include, for example, State educational agencies, local education agencies, and postsecondary educational institutions. If a recipient violates one or more of these civil rights laws, OCR and the Department of Justice can used the signed assurances of compliance in an enforcement proceeding.

Dated: February 12, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–03288 Filed 2–17–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0147]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant Program) Agreement to Serve

AGENCY: Federal Student Assistance (FSA), 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 revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 20, 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–2014–ICCD–0147 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 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jon Utz, 202–377–4040.

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: Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant Program) Agreement to Serve.

OMB Control Number: 1845–0083.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant Program) Agreement to Serve.

Total Estimated Number of Annual Responses: 34,116.

Total Estimated Number of Annual Burden Hours: 17,058.

Abstract: As a condition for receiving a TEACH Grant, a student must sign an Agreement to Serve. A new Agreement to Serve must be signed for each award year during which a student wishes to receive a TEACH Grant. By signing the Agreement to Serve, a TEACH Grant recipient agrees to meet the teaching service obligation and other terms and conditions of the TEACH Grant Program that are described in the Agreement to Service. In accordance with these terms and conditions, if a TEACH Grant recipient does not fulfill the required teaching service obligation or otherwise fails to meet the requirements of the TEACH Grant Program, any TEACH Grant funds the individual received will be converted to a Direct Unsubsidized Loan that the grant recipient must repay in full, with interest. The Agreement to Serve also explains the repayment terms and conditions that will apply if a TEACH Grant is converted to a Direct Unsubsidized Loan.

Dated: February 12, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–03281 Filed 2–17–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13102–003]

Birch Power Company; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original License (Major Project).

b. *Project No.:* 13102–003.

c. *Date Filed:* July 2, 2013.

d. *Applicant:* Birch Power Company.

e. *Name of Project:* Demopolis Lock and Dam Hydroelectric Project.

f. *Location:* At the U.S. Army Corps of Engineers' (Corps) Demopolis Lock and Dam, on theTombigbee River, west of the city of Demopolis in Marengo and Sumter Counties, Alabama. The proposed project would occupy approximately 23 acres of federal land administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Nicholas E. Josten, GeoSense, 2742 Saint Charles Ave., Idaho Falls, ID 83404, (208) 528–6152.

i. *FERC Contact:* Adam Peer, (202) 502–8449 or *adam.peer@ferc.gov*.

j. *Deadline for filing scoping comments:* April 25, 2015.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13102–003.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. The proposed project would utilize the existing Corps' Demopolis Lock and Dam and Reservoir, and would consist of the following new facilities: (1) A 900-foot-long excavated intake channel (headrace); (2) two 60-foot-long by 32-foot-wide trash racks with 2.5-inch bar spacing; (3) a 201-foot-long by 80-foot-wide powerhouse containing two 24-megawatt (MW) Kaplan turbines, having a total installed capacity of 48 MW; (4) a substation; (5) a forebay oxygen diffuser line system to enhance dissolved oxygen; (6) a 1,880-foot-long excavated tailrace channel; (7) a 1,700-foot-long retaining wall along the north side of tailrace channel; (8) a 4.4-mile-long, 115-kilovolt transmission line; and (9) appurtenant facilities. The average annual generation would be about 213,000 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Scoping Process:*

The Commission intends to prepare an environmental assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one agency scoping meeting and one public meeting. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Agency Scoping Meeting

DATE: Thursday, March 26, 2015.
TIME: 9:00 a.m. (EDT).
PLACE: Demopolis Civic Center.
ADDRESS: 501 N. Commissioner's Avenue, Demopolis, AL 36732.

Public Scoping Meeting

DATE: Thursday, March 26, 2015.
TIME: 7:00 p.m. (EDT).
PLACE: Demopolis Civic Center.
ADDRESS: 501 N. Commissioner's Avenue, Demopolis, AL 36732.

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link (see item m above).

Environmental Site Review

The Applicant and FERC staff will conduct a project Environmental Site Review. The time and location of this meeting is as follows:

PROJECT: Demopolis Lock and Dam Hydroelectric Project.
DATE: Thursday, March 26, 2015.
TIME: 2:00 p.m. (EDT).
LOCATION: Demopolis Civic Center Parking Lot, 501 N. Commissioner's Avenue, Demopolis, AL 36732.

All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the time and location specified above. All participants are responsible for their own transportation to the site. Anyone with questions about the Environmental Site Review should contact Nicholas E. Josten, GeoSense, 2742 Saint Charles Ave., Idaho Falls, ID 83404, (208) 528–6152 on or before March 19, 2015.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the

resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the EA.

Dated: February 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03263 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–71–000.

Applicants: Enel Cove Fort, LLC, Enel Stillwater, LLC,EGP Stillwater Solar, LLC, Origin Wind Energy, LLC,EFS Green Power Holdings, LLC.

Description: Application for Authorization under section 203 of the Federal Power Act and Request for Expedited Action of Enel Cove Fort, LLC, et al.

Filed Date: 2/9/15.

Accession Number: 20150209–5278.

Comments Due: 5 p.m. ET 3/2/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–822–000.

Applicants: PJM Interconnection, L.L.C.

Description: Report Filing: Informational Report per May, 9, 2014 Order in Docket No. ER14–822–000. to be effective N/A.

Filed Date: 2/9/15.

Accession Number: 20150209–5219.

Comments Due: 5 p.m. ET 3/2/15.

Docket Numbers: ER15–266–001.

Applicants: Public Service Company of Colorado.

Description: Tariff Amendment per 35.17(b): 2015–2–10_PSCo Sttlmnt Losses Amend Filing to be effective 1/1/2015.

Filed Date: 2/10/15.

Accession Number: 20150210–5145.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–359–002.

Applicants: Samchully Power & Utilities 1 LLC.

Description: Notice of Non-Material Change in Status of Samchully Power & Utilities 1 LLC.

Filed Date: 2/10/15.

Accession Number: 20150210–5179.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–746–001.

Applicants: RC Cape May Holdings, LLC.

Description: Tariff Amendment per 35.17(b): Supplement to Reactive Rate Schedule Change Request to be effective 12/31/9998.

Filed Date: 2/10/15.

Accession Number: 20150210–5169.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–786–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Report Filing: 2015–02–10_SA 2523 Supplement ITC-Pheasant Run GIA (J075) to be effective N/A.

Filed Date: 2/10/15.

Accession Number: 20150210–5062.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–1015–000.

Applicants: AltaGas Brush Energy Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): AltaGas Brush Energy Inc. Notice of Succession to be effective 2/10/2015.

Filed Date: 2/9/15.

Accession Number: 20150209–5147.

Comments Due: 5 p.m. ET 3/2/15.

Docket Numbers: ER15–1016–000.

Applicants: Shafter Solar, LLC.

Description: Baseline eTariff Filing per 35.1: Shafter Solar, LLC Application for Market-Based Rates to be effective 3/15/2015.

Filed Date: 2/9/15.

Accession Number: 20150209–5256.

Comments Due: 5 p.m. ET 3/2/15.

Docket Numbers: ER15–1017–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Tie-Line Facilities Agreement with Valle Del Sol Energy, LLC to be effective 4/12/2015.

Filed Date: 2/10/15.

Accession Number: 20150210–5000.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–1018–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): LGIA and Distribution Service Agmt with Valle Del Sol Energy, LLC to be effective 4/12/2015.

Filed Date: 2/10/15.

Accession Number: 20150210–5001.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–1019–000.

Applicants: Fowler Ridge IV Wind Farm LLC.

Description: Initial rate filing per 35.12 Application for MBR to be effective 2/11/2015.

Filed Date: 2/10/15.

Accession Number: 20150210–5089.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–1020–000.

Applicants: Rising Tree Wind Farm III LLC.

Description: Initial rate filing per 35.12 MBR Application to be effective 4/11/2015.

Filed Date: 2/10/15.

Accession Number: 20150210–5114.

Comments Due: 5 p.m. ET 3/3/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–3–000.

Applicants: NextEra Energy Companies.

Description: Quarterly Land Acquisition Report of the NextEra Energy Companies.

Filed Date: 2/9/15.

Accession Number: 20150209–5277.

Comments Due: 5 p.m. ET 3/2/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03198 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–72–000.

Applicants: RE Columbia, LLC, Recurrent Energy, LLC, Canadian Solar Inc.

Description: Joint Application for Authorization for Disposition of Jurisdictional Facilities and Requests for Waivers, Confidential Treatment, and Expedited Consideration of RE Columbia, LLC, et al.

Filed Date: 2/10/15.

Accession Number: 20150210–5233.

Comments Due: 5 p.m. ET 3/3/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–643–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter Dated 01/27/2015 in Docket No. ER15–643–000 to be effective 3/1/2015.

Filed Date: 2/11/15.

Accession Number: 20150211–5165.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: ER15–1021–000.

Applicants: Nevada Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Rate Schedule Nos. 76 & 77 Concurrence in SCE Amended_ Restated RS Nos. 424 & 267 to be effective 1/1/2015.

Filed Date: 2/11/15.

Accession Number: 20150211–5003.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: ER15–1022–000.

Applicants: San Diego Gas & Electric Company.

Description: Application for One Time Waiver of San Diego Gas & Electric Company.

Filed Date: 2/10/15.

Accession Number: 20150210–5237.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: ER15–1023–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 193—Amendment 3, ANPP Hassayampa—Administrative Change to be effective 2/11/2015.

Filed Date: 2/11/15.

Accession Number: 20150211–5189.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: ER15–1024–000.

Applicants: Zone One Energy, LLC.

Description: Initial rate filing per 35.12 Baseline New to be effective 4/15/2015.

Filed Date: 2/11/15.

Accession Number: 20150211–5239.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: ER15–1025–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revised SA No. 3341 among PJM and Southeastern Power Administration to be effective 1/1/2014.

Filed Date: 2/11/15.

Accession Number: 20150211–5241.

Comments Due: 5 p.m. ET 3/4/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03259 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–10–001.

Applicants: Southcross Nueces Pipelines LLC.

Description: Submits tariff filing per 284.123(b), (e), (g): Amendment to be effective 2/6/2015; TOFC: 1270.

Filed Date: 2/6/15.

Accession Number: 20150206–5139.

Comments Due: 5 p.m. ET 2/27/15.

284.123(g) Protests Due: 5 p.m. ET 2/27/15.

Docket Numbers: PR15–19–000.

Applicants: Liberty Utilities (Midstates Natural Gas) Corp.

Description: Tariff filing per 284.123(b)(1),: Update to Currently Effective Rates to be effective 1/4/2015; TOFC: 1000.

Filed Date: 2/4/15.

Accession Number: 20150204–5151.

Comments/Protests Due: 5 p.m. ET 2/25/15.

Docket Numbers: CP15–31–000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: Notice cancelling rate for natural gas transportation service of Consolidated Edison Company of New York, Inc.

Filed Date: 12/16/14.

Accession Number: 20141216–5318.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: CP07–403–00*3.*

Applicants: Gulf Crossing Pipeline Company LLC, *et al.*

Description: Abbreviated Joint Application Requesting Amendment of a Certificate of Public Convenience and Necessity of Gulf Crossing Pipeline Company LLC, *et al.*

Filed Date: 1/23/15.

Accession Number: 20150123–5*300.*

Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: CP07–398–007.

Applicants: Gulf Crossing Pipeline Company LLC, *et al.*

Description: Abbreviated Joint Application Requesting Amendment of a Certificate of Public Convenience and Necessity of Gulf Crossing Pipeline Company LLC, *et al.*

Filed Date: 1/23/15.

Accession Number: 20150123–5*300.*

Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: RP15–431–000.

Applicants: Rockies Express Pipeline LLC.

Description: Section 4(d) rate filing per 154.204: Neg Rate ConocoPhillips 2014–02–04 to be effective 2/4/2015.

Filed Date: 2/4/15.

Accession Number: 20150204–5073.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: RP15–432–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/04/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB) 7540–89 to be effective 2/3/2015.

Filed Date: 2/4/15.

Accession Number: 20150204–5077.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: RP15–433–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreement—Koch Energy Services, LLC to be effective 2/11/2015.

Filed Date: 2/4/15.
Accession Number: 20150204–5125.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: RP15–434–000.
Applicants: Northwest Pipeline LLC.
Description: Section 4(d) rate filing per 154.204: 2015 Miscellaneous and Housekeeping Filing to be effective 4/1/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5160.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: RP15–435–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Section 4(d) rate filing per 154.204: Vol 2—Expiration—Non-Conforming Agreement-Chesapeake Energy Marketing, Inc. to be effective 2/6/2015.
Filed Date: 2/5/15.
Accession Number: 20150205–5061.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: RP15–436–000.
Applicants: Rockies Express Pipeline LLC.
Description: Section 4(d) rate filing per 154.204: Neg Rate 2015–02–05 Tenaska IT to be effective 2/6/2015.
Filed Date: 2/5/15.
Accession Number: 20150205–5192.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: RP15–437–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/06/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB) 7540–89 to be effective 2/5/2015.
Filed Date: 2/6/15.
Accession Number: 20150206–5069.
Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: RP15–438–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/06/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 2/5/2015.
Filed Date: 2/6/15.
Accession Number: 20150206–5099.
Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: RP15–439–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/06/15 Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 2/5/2015.
Filed Date: 2/6/15.
Accession Number: 20150206–5108.
Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: RP15–440–000.
Applicants: Texas Gas Transmission, LLC.
Description: Section 4(d) rate filing per 154.204: New Firm and Interruptible Lateral Service (FLS and ILS) to be effective 4/1/2015.
Filed Date: 2/6/15.
Accession Number: 20150206–5197.
Comments Due: 5 p.m. ET 2/18/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP14–1272–002.
Applicants: National Grid LNG, LLC.
Description: Compliance filing per 154.203: Section 36 to be effective 3/1/2015 under RP14–1272 Filing Type: 580.
Filed Date: 2/6/15.
Accession Number: 20150206–5134.
Comments Due: 5 p.m. ET 2/18/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03199 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–44–000]

Sage Grouse Energy Project, LLC v. PacificCorp; Notice of Complaint

Take notice that on February 9, 2015, pursuant to section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Sage Grouse Energy Project, LLC (Complainant) filed a formal complaint against the PacificCorp (Respondent) alleging that PacifiCorp has implemented actions and activities to: (1) Ignore the Commission's regulatory authority; (2) circumvent the Commission's December 16, 2013 Order in Docket No. EL–14–1–000; [1] (3) violate the Respondent's Open Access Transmission Tariff, FERC Electric Tariff, Volume No. 11 (OATT); (4) violate FERC Orders for the Standardization of Generator Interconnection Agreements and Procedures, including FERC Order 2003; (5) engage in trickery including the submission of subtle misrepresentations of tariff language sufficient to alter and change the original meaning and intent of the tariff; (6) engage in activities and practices that include acts against individuals in protected classes such as race, color, religion, sex and even citizenship and immigration status as defined in Civil Rights and Anti-Discrimination Laws; (7) disparaging treatment with respect to the Respondent requiring the Complainant to produce additional information in excess of the mandated requirements in order to process the Complainants' Interconnection Request; (8) the processing of an invalid Interconnection Request for a Respondent favored Interconnection Customer, Blue Mountain Power Partners, LLC on parcels of land whereby the developmental rights for said parcels of land belong to the Complainant; and (9) the processing of an invalid Interconnection Request for a Respondent favored Interconnection Customer, Latigo Wind Park, LLC on land where a transmission cable from the Interconnection Customer's Generating Facility Collector Substation to the Point of Interconnection, Pinto Substation crosses land whereby the developmental rights belong to the Complainant, as more fully explained in the complaint.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

[1] *Pioneer Wind Park I, LLC,* 145 FERC ¶ 61,215 (2013).

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 11, 2015.

Dated: February 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03261 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1016–000]

Shafter Solar, LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Shafter Solar, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is March 2, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03201 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1019–000]

Fowler Ridge IV Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Fowler Ridge IV Wind Farm LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability is March 2, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03202 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–936–000]

Benson Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Benson

Power, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is March 3, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03262 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1020–000]

Rising Tree Wind Farm III LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Rising Tree Wind Farm III LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability is March 2, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03203 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–957–000]

AltaGas Ripon Energy Inc.; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of AltaGas Ripon Energy Inc.'s application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability is March 2, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03200 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–43–000]

Delta-Montrose Electric Association; Notice of Petition for Declaratory Order

Take notice that on February 9, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Delta-Montrose Electric Association (DMEA) filed a petition for declaratory order requesting the Commission declare that: (1) Tri-State Generation and Transmission Association, Inc. (Tri-State) is a public utility pursuant to sections 201(e) and (f) of the Federal Power Act (FPA) and its wholesale partial requirements contract with DMEA is therefore subject to the Commission's jurisdiction under sections 205 and 206 of the FPA,[1] (2) DMEA's obligation to purchase power from certified qualifying facilities (QF) under the Public Utility Regulatory Policies Act of 1978 supersedes any potentially conflicting provisions in DMEA's wholesale partial requirements contract with Tri-State, and (3) Commission's regulations permit an electric utility and a QF to negotiate rates, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on March 11, 2015.

Dated: February 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03260 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

[1] 16 U.S.C. 824(e) and (f); 16 U.S.C. 824(d) and 824(e).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP15–276–000]

MoGas Pipeline LLC; Notice of Technical Conference

Take notice that a technical conference will be held on Tuesday, February 24, 2015, at 10:00 a.m. (Eastern Standard Time), in a room to be designated at the offices of the Federal Energy Regulatory Commission (Commission), 888 First Street NE., Washington, DC 20426.

At the technical conference, the Commission Staff and the parties to the proceeding should be prepared to discuss all issues set for the technical conference as established in the January 30, 2015 Order.[1]

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or 202–502–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

All interested persons are permitted to attend. For further information please contact Kenneth Witte at (202) 502–8057 or email *Kenneth.Witte@ferc.gov.*

Dated: February 11, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03264 Filed 2–17–15; 8:45 am]

BILLING CODE 6717–01–P

[1] *MoGas Pipeline LLC,* 150 FERC ¶ 61,062 (2015).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9923–30–OEI]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Courtney Kerwin (202) 566–1669, or email at *kerwin.courtney@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 1564.09; NSPS for Small Industrial-Commercial-Institutional Steam Generating Units (Renewal); 40 CFR part 60, subparts A and Dc; approved with change on 12/30/2014; OMB Number 2060–0202; expires on 12/31/2017.

EPA ICR Number 1053.11; NSPS for Electric Utility Steam Generating Units (Renewal); 40 CFR part 60, subparts A and Da; approved without change on 12/30/2014; OMB Number 2060–0023; expires on 12/31/2017.

EPA ICR Number 1626.12; National Refrigerant Recycling and Emissions Reduction Program (Renewal); was approved with change on 12/23/2014; OMB Number 2060–0256; expires on 12/23/2017.

EPA ICR Number 2473.02; RFS2 Voluntary RIN Quality Assurance Program (Final Rule); approved with change on 12/01/2014; OMB Control Number 2060–0688.

Courtney Kerwin,

Acting Director, Collections Strategies Division.

[FR Doc. 2015–03293 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0037; FRL–9922–15–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Primary and Secondary Emissions From Basic Oxygen Furnaces (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Primary and Secondary Emissions from Basic Oxygen Furnaces (40 CFR part 60, subparts N and Na) (Renewal)'' (EPA ICR No. 1069.11, OMB Control No. 2060–0029) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through February 28, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 20, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0037, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This rule applies to Basic Oxygen Process Furnaces (BOPFs) in iron and steel plants commencing construction, modification or reconstruction after June 11, 1973, and top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPF's for which construction, reconstruction, or modification commenced after January 20, 1983. Respondents are required to submit initial notifications, conduct performance tests and report test results for the primary emission control devices, and submit periodic reports. Sources also must develop and implement a startup, shutdown, and malfunction plan (SSMP) and submit semiannual reports of any event where the procedures in the plan were not followed. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NSPS.

Form Numbers: None.

Respondents/affected entities: Owners and operators of basic oxygen process furnaces at iron and steel plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart N and Na).

Estimated number of respondents: 18 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 6,263 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $642,826 (per year), includes $29,700 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change of hours in the total estimated respondent burden compared with the ICR previously approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–03295 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0501; FRL–9923–00–OAR]

Proposed Information Collection Request; Comment Request; Information Collection Request for Green Power Partnership and Combined Heat and Power Partnership

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Information Collection Request for Green Power Partnership and Combined Heat and Power Partnership'' (EPA ICR No. 2173.02, OMB Control No. 2060–0578) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through July 31, 2015 An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before April 20, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–

OAR–2004–0501, online using *www.regulations.gov* (our preferred method), by email to: *a-and-r-docket@epamail.epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Christopher Kent, Climate Protection Partnerships Division, Office of Atmospheric Programs, MC 6202A Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9046; fax number: 202–343–2208; email address: *kent.christopher@epa.gov*.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In 2002, EPA launched two new partnership programs with industry and other stakeholders: The Green Power Partnership (GPP) and the Combined Heat and Power Partnership (CHPP). These voluntary partnership programs encourage organizations to invest in clean, efficient energy technologies, including renewable energy and combined heat and power. To continue to be successful, it is critical that EPA collect information from GPP and CHPP Partners to ensure these organizations are meeting their renewable energy and CHP goals and to assure the credibility of these voluntary partnership programs.

EPA has developed this ICR to obtain authorization to collect information from organizations participating in the GPP and CHPP. Organizations that join these programs voluntarily agree to the following respective actions: (1) Designating a Green Power or CHP liaison and filling out a Partnership Agreement or Letter of Intent (LOI) respectively, (2) for the GPP, reporting to EPA, on an annual basis, their progress toward their green power commitment via a 3-page reporting form; (3) for the CHP Partnership, reporting to EPA information on their existing CHP projects, new project development, and other CHP-related activities via a one-page reporting form (for projects) or via an informal email or phone call (for other CHP-related activities). EPA uses the data obtained from its Partners to assess the success of these programs in achieving their national energy and greenhouse gas (GHG) reduction goals. Partners are organizational entities that have volunteered to participate in either Partnership program.

Form Numbers: EPA–430–K–013, EPA–430–F–05–034.

Respondents/affected entities:

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 2,565.

Frequency of response: Annually, on Occasion, One time.

Total estimated burden: 8,191 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $706,709 (per year), includes $7,478 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 2,368 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The average number of hours per Partners remained the same at 3.2 hours, pending a partner survey to determine the results of these efficiencies. The total hourly burden increased because due to an increase in the number of Partners. For perspective on the magnitude of partner growth, the number of Partners at the end of 2011 was 1,308, and at the end of 2014 there is was 2,041.

The total cost estimate (including both Respondents and Agency burden) over the 3 year period for this renewal ICR is $2,805,913, or an average of $935,304 per year, of which $7,749 is O&M costs. The total cost to GPP and CHP Partners is $2,120,126, or $706,709 per year. The total cost estimate increase for Partners is due to an increase in the number of Partners and increases in wages.

Dated: February 6, 2015.

Elizabeth Craig,

Director, Climate Protection Partnerships Division.

[FR Doc. 2015–03299 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0030; FRL–9922–01–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Metallic Mineral Processing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Metallic Mineral Processing Plants (40 CFR part 60, subpart LL) (Renewal)'' (EPA ICR No. 0982.11, OMB Control No. 2060–0016) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through February 28, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond

to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or March 20, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0030, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This NSPS affects owners and operators of metallic mineral processing plants. Owners and operators must conduct initial performance tests, maintain records of startups, shutdowns, and malfunction and continuous monitoring system parameters, and submit semi-annual reports. The required semiannual reports are used to determine periods of excess emissions, identify problems at the facility, verify operation/maintenance procedures, and for compliance determinations. This information is collected to assure compliance with 40 CFR part 60, subpart LL.

Form Numbers: None.

Respondents/affected entities: Owners and operators of metallic mineral processing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart LL).

Estimated number of respondents: 20 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 2,306 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $238,739 (per year), includes $0 annualized capital and $13,000 in operation & maintenance costs.

Changes in the Estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–03294 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0041; FRL 9922–17–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Glass Manufacturing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Glass Manufacturing Plants (40 CFR part 60, subpart CC) (Renewal)'' (EPA ICR No. 1131.11, OMB Control No. 2060–0054) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through February 28, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 20, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0041, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The provisions of 40 CFR part 60, subpart CC apply to each glass manufacturing plant that commenced construction or modification after June 15, 1979. Owners or operators of subpart CC facilities are required to comply with reporting and recordkeeping requirements, including initial notifications, performance tests, and periodic reports. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are needed by EPA to determine if compliance has been achieved.

Form Numbers: None.

Respondents/affected entities: Glass manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart CC).

Estimated number of respondents: 41 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 803 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $316,386 (per year), includes $237,800 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change of hours in the total estimated response burden in this ICR compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–03296 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0067; FRL–9921–67–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Primary Copper Smelters (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Primary Copper Smelters (40 CFR part 63, subpart QQQ) (Renewal)'' (EPA ICR No. 1850.07, OMB Control No. 2060–0476) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through February 28, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 20, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0067, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA William Jefferson Clinton West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Owners and operators of a primary copper smelter are subject to the regulation only if it is a major source of hazardous air pollutant (HAP) emitting or has the potential to emit any single HAP at the rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart QQQ. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Owners and operators of primary copper smelter.

Respondent's obligation to respond: Mandatory (40 CFR part 63, Subpart QQQ).

Estimated number of respondents: 3 (total).

Frequency of response: Initially, occasionally, quarterly, and semiannually.

Total estimated burden: 9,380 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $926,544 (per year), includes $8,220 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 543 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This change in hours is due to the removal of burden for submitting initial notifications, which is not required for existing sources and the addition of managerial and clerical staff that are now involved in recordkeeping activities.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–03297 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9922–97–OSWER]

The Hazardous Waste Electronic Manifest System Advisory Board: Request for Nominations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of qualified candidates to be considered for a three-year appointment to the Hazardous Waste Electronic Manifest System Advisory Board (the Board). Pursuant to the Hazardous Waste Electronic Manifest Establishment Act (e-Manifest Act), the EPA is establishing the nine member Advisory Board to provide practical and independent advice, consultation, and recommendations to the EPA Administrator on the activities, functions, policies and regulations associated with the Hazardous Waste Electronic Manifest (e-Manifest) System. The EPA Administrator or designee will serve as chair of the Board. This notice solicits nominations to fill the remaining eight positions of the Board, which will be active upon establishment. The Board is considered established once a Board Charter is filed with Congress, which is anticipated no later than October 5, 2015.

To maintain the representation required by statute, nominees will be selected to represent: state agencies overseeing the intrastate and/or interstate cradle-to-grave tracking of hazardous waste from the original generation to its ultimate disposal (three positions); stakeholders from the hazardous waste management and transportation sectors who are affected by state and federal hazardous waste manifest programs (three positions); and the information technology sector (two positions).

DATES: Nominations should be received on or before March 20, 2015.

ADDRESSES: Nominations should be submitted via email to *eManifest@epa.gov,* and identified with ''BOARD NOMINATION'' in the subject line of the email.

FOR FURTHER INFORMATION CONTACT: Anthony Raia, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, (MC: 5303P), 1200 Pennsylvania Avenue NW., Washington, DC, 20460, Phone: 703–308–8577; or by email: *raia.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: The e-Manifest Act was signed into law on October 5, 2012 (*http://www.gpo.gov/fdsys/pkg/BILLS-112s710enr/pdf/BILLS-112s710enr.pdf*). Under the terms of the e-Manifest Act, the EPA is required to establish a national electronic Information Technology (IT) manifest system. This system is to enable users of the uniform hazardous waste manifest forms (EPA Form 8700–22 and Continuation Sheet 8700–22A) to have the option to more efficiently track their hazardous waste shipments electronically, in lieu of the paper manifest, from the point of generation, during transportation, and to the point of receipt by an off-site facility that is permitted to treat, store, recycle, or dispose of the hazardous waste. Electronic manifests obtained from the national system will augment or replace the paper forms that are currently used for this purpose, and which result in substantial paperwork costs and other inefficiencies. Congress intended that the EPA develop a system that, among other things, meets the needs of the user community and decreases the administrative burden associated with the current paper-based manifest system on the user community. The agency anticipates that utilizing electronic manifests will reduce burden by reporting facilities by 300,000 to 700,000 hours annually, and will save approximately $75 million dollars. To ensure that these goals are met, the Act directs the EPA to establish the Hazardous Waste Electronic Manifest System Advisory Board (the Board) by October 5, 2015 to assess the effectiveness of the electronic manifest system and make recommendations to the EPA Administrator for improving the system.

In addition, the e-Manifest Act directs the EPA to develop a system that attracts sufficient user participation and service revenues to ensure the viability of the system. As a result, the Act provides the EPA broad discretion to establish reasonable user fees, as the Administrator determines are necessary, to pay costs incurred in developing, operating, maintaining, and upgrading the system, including any costs incurred in collecting and processing data from any paper manifest submitted to the system after the date on which the system enters operation. The Board will also meet to assess the adequacy and reasonableness of the service fees and, if necessary, make recommendations to the EPA Administrator to adjust the fees accordingly.

Prior to system deployment the Board will be asked to provide recommendations on important system development matters, as well as on user fee regulatory proposals under consideration. Substantial system development planning work is under completion and the agency is currently conducting additional system development procurement activities. Upon completion of those activities the agency will launch into extensive system design, development, and testing, and anticipates the initial system deployment to occur no later than spring 2018.

The system will provide the functionality of the current paper manifest process, in a more efficient, electronic workflow, and will meet all requirements specified in the e-Manifest Act and e-Manifest Final Rule, which was published on February 7, 2014 (*http://www.epa.gov/osw/laws-regs/state/revision/frs/fr231.pdf*). The initial system is envisioned to be a national, electronic system (internet-based) that will enable current users of the manifest form to sign, transmit, archive, and retrieve manifests electronically. The e-Manifest system is further envisioned to allow a fully electronic mobile workflow. The mobile workflow will provide both on-line and off-line capabilities which could enable users to complete an electronic manifest even when internet access is unavailable. The EPA envisions that the system will provide all data processing (paper and electronic formats), data storage, and data reporting back out to industry and state users, as well as appropriate public accessibility of data. Finally, e-Manifest aligns with the agency's E-Enterprise business strategy. E-Enterprise for the Environment is a transformative 21st century strategy—jointly governed by states and EPA—for modernizing government agencies' delivery of environmental protection. Under this strategy, the agency will streamline its business processes and systems to reduce reporting burden on states and regulated facilities, and improve the effectiveness and efficiency of regulatory programs for the EPA, states and tribes.

Although the system has not been completed, the Board is established in accordance with the provisions of the Hazardous Waste Electronic Manifest Establishment Act, 42 U.S.C. 6939(g), and the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2. The Board is in the public interest and supports the EPA in performing its duties and responsibilities. Pursuant to the e-Manifest Act, the Board will be comprised of nine members, of which one (1) member is the Administrator (or a designee), who will serve as Chairperson of the Board, and eight (8) members will be individuals appointed by the EPA Administrator:

—At least two (2) of whom have expertise in information technology; (IT);

—At least three (3) of whom have experience in using, or represent users of, the manifest system to track the transportation of hazardous waste under federal and state manifest programs; and

—At least three (3) state representatives responsible for processing those manifests.

The Board will meet at least annually as required by the e-Manifest Act. However, additional meetings by teleconference may occur approximately once every six (6) months or as needed and approved by the Designated Federal Officer (DFO).

Member Nominations: Pursuant to the e-Manifest Act, the Board will assist the agency in evaluating the effectiveness of the e-Manifest IT system and associated user fees; identifying key issues associated with the system, including the need (and timing) for user fee adjustments; system enhancements; and providing independent advice on matters and policies related to the e-Manifest program. The e-Manifest Board will provide recommendations on matters related to the operational activities, functions, policies, and regulations of the EPA under the e-Manifest Act, including proposing actions to encourage the use of the electronic (paperless) system, and actions related to the E-Enterprise

strategy that intersect with e-Manifest. These intersections may include issues such as business to business communications, performance standards for mobile devices, and Cross Media Electronic Reporting Rule (CROMERR) compliant e-signatures.

Any interested person and/or organization may nominate qualified individuals for membership. 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 considered. However, applicants need to be aware of the specific representation required by the e-Manifest Act.

Further, state and industry nominees should have a comprehensive knowledge of hazardous waste generation, transportation, treatment, storage, and disposal under RCRA Subtitle C at the federal, state, and local levels. Nominees who represent the states, should have comprehensive knowledge of state programs that currently collect manifests from generators and treatment, storage, and disposal facilities (TSDFs), and track manifest data in state tracking systems/databases. Nominees who represent industry should have strong knowledge of existing industry systems/devices/approaches and business operations in order to provide valuable input on e-Manifest integration into current industry data systems. IT nominees should have core competencies and experience in large scale systems and application development and integration, deployment and maintenance, user help desk and support, and expertise relevant to support the complexity of an e-Manifest system. Examples of this expertise may include but are not limited to: Expertise with web-based and mobile technologies, particularly that support large scale operations for geographically diverse users; expertise in IT security, including perspective on federal IT security requirements; expertise in electronic signature and user management approaches; expertise with scalable hosting solutions such as cloud-based hosting; and expertise in user experience. Existing knowledge of, or willingness to gain an understanding of EPA shared services and enterprise architecture is a plus. Another plus for any nominee is experience in setting and/or managing fee based systems in general. Additional criteria used to evaluate nominees will include:

- Excellent interpersonal, oral and written communication skills;
- Demonstrated experience developing group recommendations;
- Willingness to commit time to the Board and demonstrated ability to work constructively on committees;
- Absence of financial conflicts of interest;
- Impartiality (including the appearance of impartiality); and
- Background and experiences that would help members contribute to the diversity of perspectives on the Board, *e.g.,* geographic, economic, social, cultural, educational backgrounds, professional affiliations and other considerations.

Nominations must include a resume, which provides the nominee's background, experience and educational qualifications, as well as a brief statement (one page or less) describing the nominee's interest in serving on the Board and addressing the other criteria previously described. Nominees are encouraged to provide any additional information that they feel would be useful for consideration, such as: Availability to participate as a member of the Board; how the nominee's background, skills and experience would contribute to the diversity of the Board; and any concerns the nominee has regarding membership. Nominees should be identified by name, occupation, position, current business address, email, and telephone number. Interested candidates may self-nominate. The agency will acknowledge receipt of nominations.

Persons selected for membership will receive compensation for travel and a nominal daily compensation (if appropriate) while attending meetings. Additionally, selected candidates will be designated as Special Government Employees (SGEs) or consultants. Candidates designated as SGEs will be required to fill out the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3310–48). This confidential form provides information to the EPA ethics officials to determine whether there is a conflict between the SGE's public duties and their private interests, including an appearance of a loss of impartiality as defined by federal laws and regulations. One example of a potential conflict of interest may be for IT professional(s) serving in an organization which is awarded any related e-Manifest system development contract(s).

Dated: February 6, 2015.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery, Office of Solid Waste and Emergency Response.

[FR Doc. 2015–03300 Filed 2–17–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0687]

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 Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before March 20, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email

Nicholas_A._Fraser@omb.eop.gov; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0687.

Title: Access to Telecommunications Equipment and Services by Persons with Disabilities, CC Docket No. 87–124.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents and Responses: 1,268 respondents; 22,500,000 responses.

Estimated Time per Response: 1 second (0.000278 hours) to 15 seconds (0.004167 hours).

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in section 710 of the Communications Act of 1934, as amended, 47 U.S.C. 610, and Public Law 100–394, the ''Hearing Aid Compatibility Act of 1988,'' 102 Stat. 976, Aug. 16, 1988.

Total Annual Burden: 6,693 hours.

Total Annual Cost: $266,280.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 68.224—Notice of non-hearing aid compatibility. Every non-hearing aid compatible telephone offered for sale to the public on or after August 17, 1989, whether previously-registered, newly registered or refurbished shall (a) contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible, or if offered for sale without a surrounding package, shall be affixed with a written statement that the telephone is not hearing aid compatible; and (b) be accompanied by instructions in accordance with 47 CFR 62.218(b)(2).

47 CFR 68.300—Labeling requirements. As of April 1, 1997, all registered telephones, including cordless telephones, manufactured in the United States (other than for export) or imported for use in the United States, that are hearing aid compatible shall have the letters ''HAC'' permanently affixed. The information collections for both rules contain third party disclosure and labeling requirements. The information is used primarily to inform consumers who purchase and/or use telephone equipment whether the telephone is hearing aid compatible.

Federal Communications Commission.

Marlene H. Dortch,

Secretary. Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–03316 Filed 2–17–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 15–166]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission released a public notice announcing the meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and agenda.

DATES: Thursday, March 5, 2015, 10:00 a.m.

ADDRESSES: Requests to make an oral statement or provide written comments to the NANC should be sent to Carmell Weathers, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Portals II, 445 12th Street SW., Room 5–C162, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Carmell Weathers at (202) 418–2325 or *Carmell.Weathers@fcc.gov*. The fax number is: (202) 418–1413. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document in CC Docket No. 92–237, DA 15–166 released February 5, 2015. The complete text in this document is available for public inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The document my also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com*. It is available on the Commission's Web site at *http://www.fcc.gov*.

The North American Numbering Council (NANC) has scheduled a meeting to be held Thursday, March 5, 2015, from 10:00 a.m. until 2:00 p.m. The meeting will be held at the Federal Communications Commission, Portals II, 445 12th Street SW., Room TW–C305, Washington, DC. This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting.

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 and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty). Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Proposed Agenda: Thursday, March 5, 2015, 10:00 a.m.*

1. Announcements and Recent News.
2. Approval of Transcript—December 9, 2014.
3. Report of the North American Numbering Plan Administrator (NANPA).
4. Report of the National Thousands Block Pooling Administrator (PA).
5. Report of the Numbering Oversight Working Group (NOWG).
6. Report of the North American Numbering Plan Billing and Collection (NANP B&C) Agent.
7. Report of the Billing and Collection Working Group (B&C WG).
8. Report of the North American Portability Management LLC (NAPM LLC).
9. Report of the Local Number Portability Administration Working Group (LNPA WG).
10. Status of the Industry Numbering Committee (INC) activities.
11. Report of the Future of Numbering Working Group (FoN WG).
12. Report of the Internet Protocol Issue Management Group (IP IMG).
13. Presentation by Professor Henning Schulzrinne.
14. Summary of Action Items.
15. Public Comments and Participation (maximum 5 minutes per speaker).
16. Other Business.
Adjourn no later than 2:00 p.m.
*The Agenda may be modified at the discretion of the NANC Chairman with the approval of the DFO.

Federal Communications Commission.

Marilyn Jones,

Attorney, Wireline Competition Bureau.

[FR Doc. 2015–03350 Filed 2–17–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 15–194]

Disability Advisory Committee; Announcement of Members and Date of First Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the date of the Disability Advisory Committee's (Committee or DAC) first meeting. The meeting is open to the public. During this first meeting, members of the Committee will discuss the roles and responsibilities of the Committee and its members; issues that the Committee will address; recommended subcommittees, subcommittee membership and meeting schedule, and the tasks for which each subcommittee will be responsible; and any other topics related to the DAC's work that may arise.

DATES: The Committee's first meeting will take place on Tuesday, March 17, 2015, 9:00 a.m. to 5:00 p.m. (EST), at the headquarters of the Federal Communications Commission (FCC).

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT: Elaine Gardner, Consumer and Governmental Affairs Bureau, (202) 418–0581, email *Elaine.Gardner@fcc.gov.*

SUPPLEMENTARY INFORMATION: On December 2, 2014, in document DA 14–1737, Chairman Tom Wheeler announced the establishment and process for appointment of members to and a Chairperson of the DAC, an advisory committee, which will provide advice and recommendations to the Commission on a wide array of disability matters within the jurisdiction of the Commission. The DAC is being organized under, and operated in accordance with, the provisions of the Federal Advisory Committee Act (FACA). In response to the Commission's call for nominations for membership in the Committee, the Commission received over 120 applications. After careful consideration of all applications and nominations for membership received, the Commission has selected the members named below. The membership is well-balanced, with a diverse and balanced mix of viewpoints from organizations representing individuals with disabilities, the communications and video programming industries, the public safety industry, trade associations, academics, researchers, and other stakeholders. FCC Chairman Tom Wheeler has appointed Andrew Phillips, Policy Counsel, National Association of the Deaf, as the Committee Chairperson. E. Elaine Gardner, Attorney Advisor at the Commission's Disability Rights Office, will serve as the Designated Federal Officer of the DAC.

Members

Dr. Maggie Nygren, Executive Director & CEO, *American Association on Intellectual & Developmental Disabilities.*

Henry Claypool, Executive Vice President, *American Association of People with Disabilities.*

Eric Bridges, Director of External Relations and Policy, *American Council of the Blind.*

Mark Richert, Director of Public Policy, *American Foundation for the Blind.*

Tafaimamao Tua-Tupuola, Director, University Center for Excellence on Developmental Disabilities, American Samoa Community College; Alternate: Phyllis Guinivan, Project Manager, Center for Disability Studies, University of Delaware, *Association of University Centers on Disability.*

Susan Mazrui, Director of Public Policy; Alternate: Jamie Tan, Director of Federal Regulatory, *AT&T.*

Paul Michaelis, Distinguished Engineer; Alternate: Mark Fletcher, ENP, Chief Architect, Worldwide Public Safety Solutions, *AVAYA, Inc.*

Richard Ray, ADA Technology Access Coordinator, *City of Los Angeles, Department on Disability.*

Eddie Martinez, DeafBlind Service Coordinator, *Columbia Lighthouse for the Blind.*

Thomas Wlodkowski, Vice President for Accessibility, *Comcast.*

Alexander Reynolds, Senior Manager and Regulatory Counsel, *Consumer Electronics Association.*

Matthew Gerst, Director of State Regulatory & External Affairs, *CTIA—the Wireless Association.*

Jamie Taylor, Representative, *Deaf Blind Citizens in Action.*

Al Sonnenstrahl, Vice President; Alternate: Nancy Rarus, President, *Deaf Seniors of America.*

Lee Knife, Executive Director; Alternate: Gregory Barnes, *Digital Media Association.*

Dr. Christian Vogler, Associate Professor and Director, Technology Access Program, *Gallaudet Rehabilitation Engineering Research Center on Improving the Accessibility, Usability and Performance of Technology for Individuals who are Deaf or Hard of Hearing.*

Lise Hamlin, Director of Public Policy, *Hearing Loss Association of America.*

Bryen Yunashko, Regional Representative and National Advocacy Specialist, *Helen Keller National Center.*

Jim Tobias, Principal, *Inclusive Technologies.*

Toni Dunne, ENP, External Affairs Manager, Access to 9–1–1 Emergency Services Sector, *Intrado, Inc.*

Joshua Pila, General Counsel, Local Media, Meredith Corporation, *National Association of Broadcasters.*

Brenda Kelly-Frey, Relay Director, Maryland Relay, *National Association for State Relay Administration.*

Kari Cooke, Director of Policy and Government Affairs, *National Black Deaf Advocates.*

Diane Burstein, Vice President and Deputy General Counsel, *National Cable & Telecommunications Association*.
Everette Bacon, Field Services Coordinator, Utah Division of Services for the Blind and Visually Impaired, *National Federation of the Blind*.
JoAnn Becker, Technical Support Specialist, Perkins School for the Blind; Alternate: Marcia Brooks, National Project Manager, Perkins School for the Blind, *Perkins*.
Sam Joehl, Accessibility Consultant, *SSB BART Group*.
James Forstall, Chair; Alternate: Sabrina Fields, Vice Chair, *Telecommunications Equipment Distribution Program Association*.
Claude Stout, Executive Director; Alternate: Blake Reid, Assistant Clinical Professor, Samuelson-Glushko Technology Law & Policy Clinic, Colorado Law, *Telecommunications for the Deaf and Hard of Hearing, Inc.*
Dr. Ann Marie Rohaly, Director, Accessibility Policy and Standards, Regulatory Affairs, Microsoft; Alternate: Avonne Bell, Senior Manager, Government Affairs, *Telecommunications Industry Association*.
Abe Rafi, Director, Digital Strategy & Online Services, *The Arc*.
Jeff Kramer, Executive Director, Strategic Alliances and Public Policy, *Verizon*.
Dr. Helena Mitchell, Executive Director, Center for Advanced Communications Policy, Georgia Institute of Technology, *Wireless Rehabilitation Engineering Research Center*.
Larry Goldberg, Director of Accessible Media, *YAHOO!*
Ron Bibler, Consumer
Hannah Thompson, Consumer

Ex Officio Federal Government Representatives (Non-Voting Members)

Timothy P. Creagan, Senior Accessibility Specialist; Alternate: Bruce Bailey, Accessibility Specialist, *U.S. Access Board*.
Gay Jones, Disability Integration Communications Specialist, Federal Emergency Management Agency, *U.S. Department of Homeland Security, Federal Emergency Management Agency*.
Mohammed Yousuf, Research Transportation Specialist, Office of Operations Research and Development, Federal Highway Administration, *U.S. Department of Transportation, Federal Highway Administration*.

As authorized by FACA, the Commission intends to establish subcommittees of the DAC, and may invite individuals and organizations who are not members of the full Committee to participate on these subcommittees. The Commission initially plans for the establishment of subcommittees on the following four issues:

- telecommunications relay services.
- video programming access (including closed captioning, video description, access to video programming apparatus, and access to televised emergency information).
- access to 9–1–1 emergency services.
- access to communications services and equipment (including advanced communications, telecommunications, hearing aid compatibility, and the National Deaf-Blind Equipment Distribution Program).

During its first meeting, members of the Committee will clarify the Committee's roles and responsibilities and begin to define, clarify, and prioritize issues that the Committee and its subcommittees will address.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. If making a request for an accommodation, please include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible by sending an email to *fcc504@fcc.gov* or calling the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY). Last minute requests will be accepted, but may be impossible to fill. The meeting will be webcast with open captioning at *www.fcc.gov/live.*

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 and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2015–03342 Filed 2–17–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 4, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Waldo Jon Ackerman and Susan Dawn Ackerman, both of Aurora, Colorado; Brad T. Becker, Rochester, Minnesota; Leonard and JoAnn Becker, Bismarck, North Dakota; Jessup DeCook, Byron, Minnesota; Bryan DeCook; Stewartville, Minnesota; and Bryce DeCook, Byron, Minnesota,* as a group acting in concert, to acquire voting shares of Olmsted Holding Corporation and thereby indirectly acquire voting shares of Olmsted National Bank, both in Rochester, Minnesota.

Board of Governors of the Federal Reserve System, February 12, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–03286 Filed 2–17–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies

owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 13, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Hill Road Financial Holdings LLC and Hill Road Acquisition Corporation,* both of Chicago, Illinois; to become bank holding companies by acquiring 100 percent of the voting shares of Citizens First State Bank of Walnut, Walnut, Illinois.

2. *Sturgis Bancorp, Inc.,* Sturgis, Michigan; to acquire 100 percent of the voting shares of The West Michigan Savings Bank, Bangor, Michigan.

Board of Governors of the Federal Reserve System, February 12, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–03284 Filed 2–17–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 13, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *G. Jeffrey Records, Jr. 2008 GST Exempt Family Trust,* Oklahoma City, Oklahoma; to acquire certain assets, including but not limited to voting shares of Midland Financial Co., Oklahoma City, Oklahoma, held by the G. Jeffrey Records, Jr. 2008 Non-Exempt Family Trust, and thereby indirectly acquire voting shares of MidFirst Bank both in Oklahoma City, Oklahoma.

2. *Kathryn R. Ryan 2007 GST Exempt Family Trust,* Oklahoma City, Oklahoma; to acquire certain assets, including but not limited to voting shares of Midland Financial Co., Oklahoma City, Oklahoma, held by the Kathryn R. Ryan 2007 Non-Exempt Family Trust, and thereby indirectly acquire voting shares of MidFirst Bank both in Oklahoma City, Oklahoma.

3. *Martha E. Records 2009 GST Exempt Family Trust,* Oklahoma City, Oklahoma; to acquire certain assets, including but not limited to voting shares of Midland Financial Co., Oklahoma City, Oklahoma, held by the Martha E. Records 2009 Non-Exempt Family Trust, and thereby indirectly acquire voting shares of MidFirst Bank both in Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, February 12, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–03285 Filed 2–17–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0064; Docket 2014–0055; Sequence 30]

Submission to OMB for Review; Federal Acquisition Regulation; Organization and Direction of Work

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning organization and direction of work. A notice was published in the **Federal Register** at 79 FR 64597 on October 30, 2014. No comments were received.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0064, Organization and Direction of Work, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB Control number 9000–0064. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0064, Organization and Direction of Work''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0064, Organization and Direction of Work'', on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001. ATTN: Ms. Hada Flowers/IC 9000–0064, Organization and Direction of Work.

Instructions: Please submit comments only and cite Information Collection 9000–0064, Organization and Direction of Work, in all correspondence related to this collection. All comments received will be posted without change

to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis Glover, Procurement Analyst, Federal Acquisition Policy Division, GSA, telephone 202–501–1448, or via email at *Curtis.Glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

When the Government awards a cost-reimbursement construction contract, the contractor must submit to the contracting officer and keep current a chart showing the general executive and administrative organization, the personnel to be employed in connection with the work under the contract, and their respective duties. The chart is used in the administration of the contract and as an aid in determining cost. The chart is used by contract administration personnel to assure the work is being properly accomplished at reasonable prices.

B. Annual Reporting Burden

Respondents: 50.

Responses per Respondent: 1.

Annual Responses: 50.

Hours per Response: .75.

Total Burden Hours: 38.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies Of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405–0001 telephone 202–501–4755. Please cite OMB Control No. 9000–0064, Organization and Direction of Work, in all correspondence.

Dated: February 11, 2015.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–03303 Filed 2–17–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0062; Docket 2015–0055; Sequence 2]

Federal Acquisition Regulation; Information Collection; Material and Workmanship

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning material and workmanship.

DATES: Submit comments on or before April 20, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0062, Material and Workmanship, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB Control number 9000–0062. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0062, Material and Workmanship''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0062, Material and Workmanship'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Hada Flowers/IC 9000–0062, Material and Workmanship.

Instructions: Please submit comments only and cite Information Collection 9000–0062, Material and Workmanship, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Federal Acquisition Policy Division, GSA, telephone 202–501–1448, or via email at *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Under Federal contracts requiring that equipment (*e.g.,* pumps, fans, generators, chillers, etc.) be installed in a project, the Government must determine that the equipment meets the contract requirements. Therefore, the contractor must submit sufficient data on the particular equipment to allow the Government to analyze the item.

The Government uses the submitted data to determine whether or not the equipment meets the contract requirements in the categories of performance, construction, and durability. This data is placed in the contract file and used during the inspection of the equipment when it arrives on the project and when it is made operable.

B. Annual Reporting Burden

Respondents: 3,160.
Responses per Respondent: 1.5.
Annual Responses: 4,740.
Hours per Response: .25.
Total Burden Hours: 1,185.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F

Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0062, Material and Workmanship, in all correspondence.

Dated: February 11, 2015.

Edward Loeb,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–03306 Filed 2–17–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0163: Docket 2015–0053; Sequence 5]

Information Collection; Small Business Size Representation

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request for approval of a previously approved information collection requirement regarding small business size representation.

DATES: Submit comments on or before: April 20, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0163, Small Business Size Representation, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB Control number 9000–0163. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0163, Small Business Size Representation''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0163, Small Business Size Representation'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Hada Flowers/IC 9000–0163, Small Business Size Representation.

Instructions: Please submit comments only and cite ''Information Collection 9000–0163, Small Business Size Representation,'' in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Mahruba Uddowla, Procurement Analyst, Office of Government-wide Policy, contact via telephone 703–605–2868 or email *mahruba.uddowla@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal Acquisition Regulation (FAR) 19.301 and the FAR clause at 52.219–28, Post-Award Small Business Program Rerepresentation implement the Small Business Administration's (SBA's) regulation at 13 CFR 121.404(g), requiring that a concern that initially represented itself as small at the time of its initial offer must recertify its status as a small business under the following circumstances:

- Within thirty days of an approved contract novation;
- Within thirty days in the case of a merger or acquisition, where contract novation is not required; or
- Within 120 days prior to the end of the fifth year of a contract, and no more than 120 days prior to the exercise of any option thereafter.

The implementation of SBA's regulation in FAR 19.301 and the FAR clause at 52.219–28 require that contractors rerepresent size status by updating their representations at the prime contract level in the Representations and Certifications section of the System for Award Management (SAM) and notifying the contracting officer that it has made the required update.

The purpose of implementing small business rerepresentations in the FAR is to ensure that small business size status is accurately represented and reported over the life of long-term contracts. The FAR also provides for provisions designed to ensure more accurate reporting of size status for contracts that are novated, merged or acquired by another business. This information is used by the SBA, Congress, Federal agencies and the general public for various reasons such as determining if agencies are meeting statutory goals, set-aside determinations, and market research.

B. Annual Reporting Burden

Based on information from Federal Procurement Data System (FPDS) regarding rerepresentation modifications, a downward adjustment is being made to the number of respondents. As a result, a downward adjustment is being made to the estimated annual reporting burden since the notice regarding an extension to this clearance published in the **Federal Register** at 77 FR 30265, on May 22, 2012.

Respondents: 1,700.

Responses Per Respondent: 1.

Total Number of Responses: 1,700.

Hours Per Response: 0.5.

Total Burden Hours: 850.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NE., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0163, Small Business Size Representation, in all correspondence.

Dated: February 11, 2015.

Edward Loeb,

Acting Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–03304 Filed 2–17–15; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[Notice–MG–2015–01; Docket No. 2015–0002; Sequence No. 2]

Office of Federal High-Performance Green Buildings; Green Building Advisory Committee; Notification of Upcoming Public Advisory Committee Meeting and Conference Calls

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: Notice of this meeting and these conference calls is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2). This notice provides the agenda and schedule for the April 23, 2015 meeting of the Green Building Advisory Committee (the Committee) and schedule for a series of conference calls, supplemented by Web meetings, for two task groups of the Committee. The meeting is open to the public and the site is accessible to individuals with disabilities. The conference calls are open for the public to listen in. Interested individuals must register to attend as instructed below under **SUPPLEMENTARY INFORMATION**.

DATES: *Meeting date:* The meeting will be held on Thursday, April 23, 2015, starting at 9:00 a.m. Eastern Standard Time, and ending no later than 4:00 p.m.

Task group conference call dates: The conference calls will be held according to the following schedule:

The *Portfolio Prioritization* task group will hold conference calls every Monday from March 9, 2015 to April 20, 2015 from 11:00 a.m. to 12:00 p.m. eastern daylight time.

The *Energy Use Index* task group will hold conference calls every Monday from March 9, 2015 to April 20, 2015 from 3:00 p.m. to 4:00 p.m. eastern daylight time.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Sandler, Designated Federal Officer, Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, General Services Administration, 1800 F Street, NW., Washington, DC 20405, telephone 202–219–1121 (note: this is not a toll-free number). Additional information about the Committee, including meeting materials and updates on the task groups and their schedules, will be available on-line at *http://www.gsa.gov/gbac.*

SUPPLEMENTARY INFORMATION:

Procedures for Attendance and Public Comment: Contact Mr. Ken Sandler at *ken.sandler@gsa.gov* to register to attend the meeting and/or listen in to any or all of these conference calls. To attend the meeting and/or conference calls, submit your full name, organization, email address, and phone number. Requests to attend the April 23, 2015 meeting must be received by 5:00 p.m. eastern daylight time on Thursday, April 16, 2015. Requests to listen in to the calls must be received by 5:00 p.m. Eastern time, Thursday, March 5, 2015. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the Web meeting site in advance of calls is recommended.)

Contact Ken Sandler at *ken.sandler@gsa.gov* to register to comment during the April 23, 2015 meeting public comment period. Registered speakers/organizations will be allowed a maximum of 5 minutes each and will need to provide written copies of their presentations. Requests to comment at the meeting must be received by 5:00 p.m. eastern daylight time on Thursday, April 16, 2015. Written comments also may be provided to Mr. Sandler at *ken.sandler@gsa.gov* by the same deadline.

Background: The Administrator of the U.S. General Services Administration established the Committee on June 20, 2011 (**Federal Register**/Vol. 76, No. 118) pursuant to Section 494 of the Energy Independence and Security Act of 2007 (EISA, 42 U.S.C. 17123). Under this authority, the Committee advises GSA on the rapid transformation of the Federal building portfolio to sustainable technologies and practices. The Committee reviews strategic plans, products and activities of the Office of Federal High-Performance Green Buildings and provides advice regarding how the Office can accomplish its mission most effectively.

The *Portfolio Prioritization* task group will pursue the motion of a committee member to ''propose a process for Federal agencies to consistently incorporate green building and resilience requirements into their capital investment criteria and strategies.'' The *Energy Use Index* task group will pursue the motion of a committee member to ''develop guidelines for creating a new energy intensity metric [to reflect impacts of] densified facilities, centrally located workplace sites . . . and expansion of telework and hoteling.''

The conference calls will focus on how the task groups can best refine these motions into consensus recommendations of each group to the full Committee, which will in turn decide whether to proceed with formal advice to GSA based upon these recommendations.

April 23, 2015 Meeting Agenda

- Welcome, Introductions, Updates & Plans for Today;
- Daylighting Research Findings & Federal Applications;
- Portfolio Prioritization: Task Group Report & Discussion;
- Working Lunch (with Presentation);
- Climate Change: Progress & Opportunities;
- Energy Use Index: Task Group Report & Discussion;
- Federal Building Performance Labels: Final Proposal;
- Topics Proposed by Committee Members;
- Public Comment Period;
- Closing comments;
- Adjourn.

Detailed agendas, background information and updates for the meeting and conference calls will be posted on GSA's Web site at *http://www.gsa.gov/gbac.*

Meeting Access: The Committee will convene its April 23, 2015 meeting at the U.S. General Services Administration building, Room 1153, 1800 F Street NW., Washington DC 20405, and the site is accessible to individuals with disabilities.

Dated: February 12, 2015.

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Green Buildings, General Services Administration.

[FR Doc. 2015–03400 Filed 2–17–15; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed changes to the currently approved information collection project: ''Medical Expenditure Panel Survey—Insurance Component.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501-3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by April 20, 2015.

ADDRESSES: Written comments should be submitted to: Doris Leflcowitz, Reports Clearance Officer, AHRQ, by email at *dorislefkowitz@AHRO.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Medical Expenditure Panel Survey—Insurance Component

Employer-sponsored health insurance is the source of coverage for 78 million current and former workers, plus many of their family members, and is a cornerstone of the U.S. health care system. The Medical Expenditure Panel Survey—Insurance Component (MEPS-IC) measures on an annual basis the extent, cost, and coverage of employer-sponsored health insurance. These statistics are produced at the National, State, and sub-State (metropolitan area) level for private industry. Statistics are also produced for State and Local governments. The MEPS-IC was last approved by OMB on November 21, 2013 and will expire on November 30th, 2016. The OMB control number for the MEPSIC is 0935-0110. All of the supporting documents for the current MEPS-IC can be downloaded from OMB's Web site at *http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201310-0935-001.*

In order to ensure that the MEPS-IC is able to capture important changes in the employer-sponsored health insurance market due to the implementation of the Patient Protection and Affordable Care Act (PPACA), AHRQ will field a longitudinal survey in 2015 to include a sample of 5,000 small private sector employers that responded to the 2014 MEPS-IC. The OMB clearance that was approved on November 21, 2013 included the 2014 longitudinal survey, a survey of 3,000 respondents to the 2013 MEPS-IC, but did not include the 2015 longitudinal survey because the sample size was not finalized. This submission is for the 2015 longitudinal survey only; there are no other changes.

This research has the following goals:

(1) To provide data for Federal policymakers evaluating the effects of National and State health care reforms.

(2) To provide descriptive data on the current employer-sponsored health insurance system and data for modeling the differential impacts of proposed health policy initiatives.

(3) To supply critical State and National estimates of health insurance spending for the National Health Accounts and Gross Domestic Product.

(4) To support evaluation of the impact on health insurance offered by small employers due to the implementation of Small Business Health Options Program (SHOP) exchanges under the PPACA, through the addition of a longitudinal component to the sample.

The MEPS-IC is conducted pursuant to AHRQ' s statutory authority to conduct surveys to collect data on the cost, use and quality of health care, including the types and costs of private insurance. 42 U.S.C. 299b–2(a).

Method of Collection

To achieve the goals of this project the following data collections for both private sector and state and local government employers will be implemented:

(1) Prescreener Questionnaire—The purpose of the Prescreener Questionnaire, which is collected via telephone, varies depending on the insurance status of the establishment contacted. (Establishment is defined as a single, physical location in the private sector and a governmental unit in state and local governments.) For establishments that do not offer health insurance to their employees, the prescreener is used to collect basic information such as number of employees. Collection is completed for these establishments through this telephone call. For establishments that do offer health insurance, contact name and address information is collected that is used for the mailout of the establishment and plan questionnaires. Obtaining this contact information helps ensure that the questionnaires are directed to the person in the establishment best equipped to complete them.

(2) Establishment Questionnaire—The purpose of the mailed Establishment Questionnaire is to obtain general information from employers that provide health insurance to their employees. Information, such as total active enrollment in health insurance, other employee benefits, demographic characteristics of employees, and retiree health insurance, is collected through the establishment questionnaire.

(3) Plan Questionnaire—The purpose of the mailed Plan Questionnaire is to collect plan-specific information on each plan (up to four plans) offered by establishments that provide health insurance to their employees. This questionnaire obtains information on total premiums, employer and employee contributions to the premium, and plan enrollment for each type of coverage offered—single, employee-plus-one, and family—within a plan. It also asks for information on deductibles, copays, and other plan characteristics.

(4) Longitudinal Sample (LS)—For 2015, an additional sample of small employers (those with 100 or fewer employees) will be included in the collection. The LS will consist of 5,000 small, private-sector employers that responded to the 2014 MEPS–IC regular survey. These employers will be surveyed again in 2015—using the same collection methods as the regular survey—in order to track changes in their health insurance offerings, characteristics, and costs.

The primary objective of the MEPS–IC is to collect information on employer-sponsored health insurance. Such information is needed in order to provide the tools for Federal, State, and academic researchers to evaluate current and proposed health policies and to support the production of important statistical measures for other Federal agencies.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to provide the requested data for the 2015 longitudinal survey. The Prescreener questionnaire will be completed by 4,300 respondents and takes about 5 minutes to complete. The Establishment questionnaire will be completed by 2,054 respondents and takes about 23 minutes to complete. The Plan questionnaire will be completed by 2,054 respondents and will require an average of 1.4 responses per respondent. Each Plan questionnaire takes about 11 minutes to complete. The total burden hours are estimated to be 1,686 hours.

Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to participate in this data collection. The annualized cost burden is estimated to be $51,322.

EXHIBIT 1—ESTIMATED BURDEN HOURS FOR THE 2015 LONGITUDINAL SURVEY

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Prescreener Questionnaire	4,300	1	0.09	387
Establishment Questionnaire	2,054	1	*0.38	781
Plan Questionnaire	2,054	1.4	0.18	518
Total	8,408	na	na	1,686

*The burden estimate printed on the establishment questionnaire is 45 minutes which includes the burden estimate for completing the establishment questionnaire, an average of 1.4 plan questionnaires, plus the prescreener. The establishment and plan questionnaires are sent to the respondent as a package and are completed by the respondent at the same time.

EXHIBIT 2—ESTIMATED COST BURDEN FOR THE 2015 LONGITUDINAL SURVEY

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total burden hours
Prescreener Questionnaire	4,300	387	$30.44	$11,780
Establishment Questionnaire	2,054	781	$30.44	$23,774
Plan Questionnaire	2,054	518	$30.44	$15,768
Total	8,408	1,686	na	$51,322

*Based upon the mean hourly wage for Compensation, Benefits, and Job Analysis Specialists occupation code 13–1141, at *http://www.b1s.gov/oes/current/oes131141.htm* (U.S. Department of Labor, Bureau of Labor Statistics).

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: February 5, 2015.

Richard Kronick, Ph.D.,

AHRQ Director.

[FR Doc. 2015–02905 Filed 2–17–15; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0920]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Data Collection Through Web Based Surveys for Evaluating Act Against AIDS Social Marketing Campaign Phases Targeting Consumers (Generic ICR, OMB# 0920–0920, Expires 2/28/2015)—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In response to the continued HIV epidemic in our country, CDC has launched Act Against AIDS, a 5-year, multifaceted communication campaign to reduce HIV incidence in the United States. CDC plans to release the campaign in phases, with some of the phases running concurrently. Each phase of the campaign will use mass media and direct-to-consumer channels to deliver HIV prevention and testing messages. Some components of the campaign will be designed to provide

basic education and increase awareness of HIV/AIDS among the general public, and others will be targeted to specific subgroups or communities at greatest risk of infection. The current study addresses the need to assess the effectiveness of these social marketing messages aimed at increasing HIV awareness and delivering HIV prevention and testing messages among at-risk populations.

This extension of an ongoing study will evaluate the *Act Against AIDS (AAA)* social marketing campaign aimed at increasing HIV/AIDS awareness, increasing prevention behaviors, and improving HIV testing rates among consumers. A total of 36,000 respondents were originally approved for this 3-year data collection. Since the original approval date, 4,250 respondents have participated in the surveys. The number of remaining respondents for the 3-year period is 31,750. We anticipate screening approximately 52,915 individuals annually to achieve 10,583 respondents annually. The information collected from each of the data collections were used to evaluate specific *AAA* campaign phases. We are requesting additional time to continue to survey other *AAA* target audiences and campaign phases and measuring exposure to each phase of the campaign and interventions implemented under *AAA*.

Depending on the target audience for the campaign phase, the study screener will vary. The study screener may address one or more of the following items: race/ethnicity, sexual behavior, and sexual orientation. Each survey will have a core set of items asked in all rounds, as well as a module of questions relating to specific *AAA* activities and communication initiatives.

Survey respondents will be selected from a combination of sources, including a national opt-in email list sample and respondent lists generated by partnership organizations (*e.g.,* the National Urban League, the National Medical Association). Participants will self-administer the survey at home on personal computers. There is no cost to the respondents other than their time. The total number of estimated annual burden hours is 7,056.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Individuals (male and female) aged 18 years and older/Study Screener.	Study Screener	52,915	1	2/60
Individuals (male and female) aged 18 years and older.	Survey	10,583	1	30/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–03246 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–0010]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, 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. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Birth Defects Study To Evaluate Pregnancy exposures (BD–STEPS) (formerly titled The National Birth Defects Prevention Study (NBDPS)), (OMB 0920–0010, Expiration 01/31/2017)—Revision—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC has been monitoring the occurrence of serious birth defects and genetic diseases in Atlanta since 1967 through the Metropolitan Atlanta Congenital Defects Program (MACDP). The MACDP is a population-based surveillance system for birth defects currently covering three counties in Metropolitan Atlanta.

Since 1997, CDC has funded case-control studies of major birth defects that utilize existing birth defect surveillance registries (including

MACDP) to identify cases and study birth defects causes in participating states/municipalities across the United States.

The current study, BD–STEPS, is a case-control study that is similar to the previous CDC-funded birth defects case-control study, NBDPS, which stopped interviewing participants in 2013. As with NBDPS, BD–STEPS control infants are randomly selected from birth certificates or birth hospital records; mothers of case and control infants are interviewed using a computer-assisted telephone interview.

The results from NBDPS have improved understanding of the causes of birth defects. Over 200 articles have been written in professional journals using the data from NBDPS, and BD–STEPS data will soon be added to NBDPS data for analysis. The current BD–STEPS revision is a change in proposed data collection. Specifically, the study will not ask BD–STEPS participants to participate in saliva collection as originally planned, but we will add an opportunity for some participants to respond to an online questionnaire, and we will also ask some participants for permission to retrieve newborn bloodspots.

The BD–STEPS interview takes approximately forty-five minutes to complete. A maximum of 275 interviews are planned per year per center, 200 cases and 75 controls. With seven centers planned, the maximum interview burden for all centers combined would be approximately 1,444 hours. Mothers in five of the seven BD–STEPS Centers will also be asked to provide consent for the study to access previously collected infant bloodspots. It takes approximately 15 minutes to read, sign and return the informed consent for retrieval of bloodspots. Finally, the newly planned online questionnaire will be offered to approximately one third of participants who report certain occupations during the telephone interview; these participants will be asked to complete additional occupational questions via a Web site which will take approximately 15 minutes to answer.

Information gathered from both the interviews and the Deoxyribonucleic acid specimens has been and will continue to be used to study independent genetic and environmental factors as well as gene-environment interactions for a broad range of carefully classified birth defects.

This request is submitted to revise the previously estimated burden details and to request OMB clearance for three additional years. The total estimated annual burden hours are 1,949.

There are no costs to the respondents other than their time.

ESTIMATES OF ANNUALIZED BURDEN HOURS

Respondents	Activity	Number of respondents	Number of responses per respondent	Average burden per response (In hours)	Total burden hours
Mothers (interview)	Telephone consent and BD–STEPS questionnaire.	1,925	1	45/60	1,444
Mothers (consent for bloodspot retrieval).	Written consent for bloodspot retrieval.	1,375	1	15/60	344
Mothers (online occupational questionnaire).	Online Occupational Questionnaire	642	1	15/60	161
TOTAL					1,949

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–03245 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15NS]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, 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. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

CDC Prevention Status Reports: Non-Government User Satisfaction and Impact—New—Office for State, Tribal Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In 2011, CDC Director Dr. Thomas R. Frieden commissioned OSTLTS with creating and disseminating the Prevention Status Reports (PSRs). The PSRs highlight the status of public health policies and practices designed to prevent or reduce ten important public health problems and concerns, including Excessive Alcohol Use; Food Safety; Healthcare-Associated Infections; Heart Disease and Stroke; HIV; Motor Vehicle Injuries, Nutrition; Physical Activity, and Obesity; Prescription Drug Overdose, Teen Pregnancy, and Tobacco Use.

CDC is requesting a three-year approval for a generic clearance to conduct a one-time assessment of non-governmental recipients and users of the PSRs, to determine its reach, usefulness, and impact. The goal of the assessment is to determine the extent to which the PSRs support planning and decision-making about strategies to improve public health and lead to specific actions intended to increase the use of evidence-based and expert-recommended public health policies and practices. Based on findings from the data collection, OSTLTS may make additional modifications to the PSRs, augment the PSRs with additional supporting products, and/or enhance communication and dissemination efforts. Data will be collected through a web-based questionnaire. An email invitation with a link to the online questionnaire will be sent to a convenience sample consisting of: (1) Randomly selected subscribers to PSR email updates and (2) staff from key non-governmental partner organizations that were targeted by CDC for the initial public dissemination of the PSRs in January 2014. The invitation will be sent to a total of 1,995 potential respondents.

Prior assessments of the PSRs have been conducted of governmental staff only. Non-government staffs are also critical stakeholders and users of the PSRs. Their input is necessary to ensure a complete and accurate assessment of the PSRs from the perspective of all potential users.

Assessment data will ultimately be used to understand the extent PSR recipients report that they are satisfied with the quality of the PSRs and actions they are taking to advance evidence-based and expert-recommended policies and practices due to the PSRs. For example, it is unknown to what extent the PSRs are being used to support planning and decision-making about public health priorities and whether or not modifications would make them more useful. Findings will also be used to develop manuscripts to submit for publication in peer-reviewed journals focused on assessment and public health practice. For example, user descriptions of how the PSRs are being used effectively to stimulate efforts to improve public health policies and practices would be important information to share with the public health field. There is no cost to participants other than their time. The estimated annualized burden hours for this data collection activity are 499 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avgerage burden per response (in hrs.)	Total burden (in hrs.)
Non-government PSR recipients	PSR Online Assessment	1,995	1	15/60	499
Total	.....	.....	.....	.....	499

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–03247 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–1500]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, 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. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review

the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

CDC Work@Health® Advance: Evaluation of Train-the-Trainer and Advanced Technical Assistance Programs—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In the United States, chronic diseases such as heart disease, obesity and diabetes are among the most common and costly health problems, but they are also among the most preventable. Adopting healthy behaviors can prevent the devastating effects and reduce the rates of these diseases. Many employers are recognizing the role they can play in creating healthy work environments and providing employees with opportunities to make healthy lifestyle choices.

To support these efforts, the Centers for Disease Control and Prevention (CDC) established a comprehensive workplace health program called Work@Health. The program is authorized by the Public Health Service Act and funded through the Prevention and Public Health Fund of the Patient Protection and Affordable Care Act (ACA). CDC's key objectives for the Work@Health program include: (1) Increasing understanding of employer training needs and the best ways to deliver skill-based training; (2) increasing employers' level of knowledge and awareness of workplace health program concepts and principles; (3) Building employer skills and capacity for developing or expanding workplace health programs; and (4) promoting peer-to-peer, community-based employer cooperation and mentoring.

Through the Work@Health program, CDC developed a training curriculum for employers based on a problem-solving approach to improving employer knowledge and skills related to effective, science-based workplace health programs, and supporting the adoption of these programs in the workplace. Topics covered in the Work@Health curriculum include principles, strategies, and tools for leadership engagement; how to make a business case for workplace health programs; how to assess the needs of organizations and individual employees; how to plan, implement, and evaluate sustainable workplace health programs; and how to partner with community organizations for additional support. An initial, small-scale Phase 1 needs assessment and Work@Health pilot program evaluation were conducted in 2013–2014 (OMB No. 0920–0989, exp. 9/30/2014), followed in March 2014 by expanded Phase 2 full scale training and technical assistance activities involving more than 200 employers nationwide (OMB No. 0920–1006, exp. 1/31/2016). Individuals who completed the training and technical assistance program received a Certificate of Completion.

CDC's Work@Health activities support and complement the efforts of numerous employers, public health agencies, non-profit organizations, and other professional organizations that share an interest in increasing the number of effective, science-based workplace health programs across the United States. Some of these entities have participated directly in Work@Health to take their training and apply it more broadly in their communities. Other entities offer employers opportunities for recognition or accreditation of their workplace health programs based on many of the core concepts and principles addressed in the Work@Health training. Recognition or accreditation programs enhance standards of practice and are appealing to employers to improve their visibility and status, but typically take several years of program growth and development for employers to be in position to successfully obtain them.

CDC proposes a new information collection to support continued expansion of the Work@Health program. The expanded program will offer more advanced training and technical assistance to employers or trainers who have previously received a Certificate of Completion for participating in the basic Work@Health training and technical assistance program. In addition to emphasizing the mastery of core workplace health principles and concepts introduced in the basic course, the expanded Work@Health program will offer targeted technical assistance to help employers prepare for the process of getting their worksite accredited by an external organization. The advanced technical assistance will include an organizational accreditation readiness assessment as well as assessment-driven technical assistance focused on organizational alignment, population health management, and data, outcomes, and reporting. Employers will be responsible for selecting the external recognition or accreditation program that best fits with their vision and goals.

A key component of Work@Health uses a Train-the-Trainer training model to assist with the dissemination of the Work@Health Program. In the Expansion Program, up to 100 additional Train-the-Trainer participants will receive enhanced training in how to deliver the curriculum to employers across the country. They will receive technical assistance and access to an online peer learning platform. Applicants for the Train-the-Trainer model must have previous knowledge, training, and experience with workplace health programs and an interest in becoming instructors for the Work@Health Program. They may be referred by employers, health departments, business coalitions, trade associations, or other organizations.

CDC is requesting OMB approval to initiate information collection for the Work@Health Expansion Program in Spring 2015. CDC plans to collect information from employers who have previously completed the Work@Health training and technical assistance to assess readiness for accreditation of their workplace health program and their need for additional technical assistance; to obtain trainees' reactions to the advanced technical assistance; and to document their experience applying for and receiving accreditation of their workplace health program. CDC also plans to collect information needed to select the individuals who will participate in the enhanced Train-the-Trainer model; and to assess changes in trainees' knowledge and skills before and after participation in Work@Health Train-the Trainer model. Graduates of the Work@Health program will be given the opportunity to complete an annual survey to assess their capacity to maintain and sustain their workplace health program after formal training participation has ended. All information will be collected online to maximize the convenience to respondents.

Respondents will include employers who have previously completed the Work@Health training; those that continue onto the advanced technical assistance program, and individuals who apply to participate in the train-the-trainer model.

Information will be used to evaluate the effectiveness of the Work@Health program in terms of (1) increasing employers' knowledge and capacity to implement workplace health programs and to facilitate applying for accreditation for their programs, and (2) increasing the number of trainers who can provide employers with knowledge and skills in science-based workplace health programs, policies and practices.

The information will also be used to identify the best way(s) to deliver skill-based training and technical support to employers in the area of workplace health.

OMB approval is requested for three years. The total estimated annualized burden hours are 470. Participation is voluntary and there are no costs to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Employers Continuing to Advanced Technical Assistance.	Accreditation Readiness Assessment.	120	2	30/60	120
	Advanced TA Survey	120	2	20/60	80
	Follow-up Accreditation Survey	120	1	10/60	20
Interested New Train-the-Trainer Participants.	Train-the Trainer Application Form	200	1	30/60	100
New Train-the-Trainer Participants in the Work@Health Program.	Train-the-Trainer Knowledge and Skills Survey.	100	2	30/60	100
Employer Graduates of Work@Health.	Employer Follow-Up Survey	200	1	15/60	50
Total					470

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–03266 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0556]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Assisted Reproductive Technology (ART) Program Reporting System (OMB No. 0920–0556, expires 8/31/2015)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 2(a) of Public Law 102–493 (known as the Fertility Clinic Success Rate and Certification Act of 1992 (FCSRCA), 42 U.S.C. 263a–1(a)), requires that each assisted reproductive technology (ART) program shall annually report to the Secretary through the Centers for Disease Control and Prevention: (1) pregnancy success rates achieved by such ART program, and (2) the identity of each embryo laboratory used by such ART program and whether the laboratory is certified or has applied for such certification under the Act. Information is transmitted to CDC electronically through the Web-based National ART Surveillance System (NASS) or NASS-compatible files extracted from other record systems. CDC requests OMB approval to continue information collection for three years, with changes that will be phased in during this period.

Information collection will continue under currently approved procedures through December 31, 2015. Revised reporting requirements are planned for ART cycles initiated on or after January 1, 2016. The proposed changes reflect CDC's ongoing dialogue with subject matter experts including partner organizations and the data collection contractor. These consultations identify changes to the NASS data elements that are essential to keep pace with changes in medical practice and other opportunities for improvement. The proposed changes to the NASS data elements will ensure that reported success rates reflect standardized data definitions and provide additional insight into factors that may affect success rates. Concurrent with changes to data elements, the NASS data entry pages will be redesigned for more intuitive grouping of data items and improved skip logic that will route users to the minimum number of applicable questions. Finally, CDC will continue to collect feedback from ART clinics on NASS reporting procedures. Participation in the brief Feedback

Survey is voluntary and is not required by the FCSRCA.

During the period of this Revision, estimated annualized burden will increase due to an anticipated increase in the number of responding clinics, an anticipated increase in the average number of ART cycles reported by each clinic, and a modest increase in the estimated burden per response for reporting each ART cycle. The Revision request also includes a one-time allocation of 40 burden hours per clinic. This allocation acknowledges the time needed to deploy the updated NASS platform and train staff on revised reporting requirements.

The collection of ART cycle information allows CDC to publish an annual report to Congress as specified by the FCSRCA and to provide information needed by consumers. Overall, the proposed changes will support CDC's ability to generate timely, accurate, and relevant information about fertility clinic success rates and improve user satisfaction with the NASS interface.

OMB approval is requested for three years. The total estimated annualized burden hours are 116,425. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Average number of responses per respondent	Average burden per response (in hours)
ART Clinics	NASS	447	353	42/60
	Feedback Survey	335	1	2/60
	One-time System Deployment	149	1	40

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–03244 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through February 3, 2017.

For information, contact John A. Decker, C.I.H., R.Ph., M.S., Executive Secretary and Designated Federal Officer, Board of Scientific Counselors, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services, 1600 Clifton Road NE., Mailstop E–20, telephone 404–498–2582, fax 404–498–2526.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–03253 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns NIOSH Member Conflict Review, PA 07–318, initial review. These applications would normally be reviewed by the Safety and Occupational Health Study Section; however some of the applications were submitted by Study Section members, thus creating conflicts of interest for the Study Section members. To avoid conflicts of interest, these applications will be reviewed by a group other than the Safety and Occupational Health Study Section.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time And Date: 1:00 p.m.–4:00 p.m., March 17, 2015 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''NIOSH Member Conflict Review, PA 07–318.''

Contact Person For More Information: Nina Turner, Ph.D., Scientific Review Officer, 1095 Willowdale Road, Morgantown, WV 26506, Telephone: (304) 285–5976.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–03257 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control; Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Public Health Research on Modifiable Risk Factors for Spina Bifida, DD15–001, initial review.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 10:00 a.m.–6:00 p.m., March 19, 2015 (Closed)

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Pub. L. 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Public Health Research on Modifiable Risk Factors for Spina Bifida, DD15–001, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–03254 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Comparison and Validation of Screening Tools for Substance Use Among Pregnant Women, DP15–003, initial review.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date

9:00 a.m.–6:30 p.m., March 18, 2015 (Closed)

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Pub. L. 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Comparison and Validation of Screening Tools for Substance Use among Pregnant Women, DP15–003, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–03255 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—State, Tribal, Local and Territorial (STLT) Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned subcommittee:

Time and Date: 3:30 p.m.—5:00 p.m. EDT, March 13, 2015.

Place: This meeting will be held by teleconference.

Status: This meeting is open to the public, limited only by the availability of telephone ports. The public is welcome to participate during the public comment, which is tentatively scheduled from 4:45 p.m. to 4:55 p.m. To participate on the teleconference, please dial (888) 233–0592 and enter code 33288611.

Purpose: The Subcommittee will provide advice to the CDC Director through the ACD on strategies and future needs and challenges faced by State, Tribal, Local and Territorial health agencies, and will provide guidance on opportunities for CDC.

Matters for Discussion: The STLT Subcommittee members will discuss progress on implementation of ACD-adopted recommendations related to Public Health Surveillance, Public Health Finance and Social Determinants of Health as they relate to STLT public health agencies.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: Judith Monroe, M.D., Designated Federal Officer, State, Tribal, Local and Territorial Subcommittee, Advisory Committee to the Director, CDC, 1600 Clifton Road NE., M/S E–70, Atlanta, Georgia 30333, Telephone (404) 498–0300, Email: *OSTLTSDirector@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2015–03252 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control; Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Establishing a Vision and Eye Health Surveillance System for the Nation, DP15–004, initial review.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 10:00 a.m.–5:00 p.m., March 10, 2015 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Establishing a Vision and Eye Health Surveillance System for the Nation, DP15–004, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–03256 Filed 2–17–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity: Comment Request

Title: ANA Reviewer Profile for Panel Review Participation Form.

OMB No.: OMB No: 0970–265.

Description: The Department of Health and Human Services (HHS), Administration for Children and Families (ACF) proposes to revise the ANA Reviewer Profile for Panel Review Participation Form. The ANA Reviewer Profile for Panel Review Participation Form is used to collect information from prospective proposal reviewers in compliance with 42 U.S.C. 2991d 1. First time reviewers will be required to complete all sections of the form while returning reviewers will be required to complete the first section of the document and other necessary updates. The form allows the Commissioner of ANA to select qualified people to review grant applications submitted in response to funding opportunity announcements for ANA's primary programs: Social and Economic Development Strategies (SEDS); Native Language Preservation and Maintenance; and Environmental Regulatory Enhancement. The panel review process is a legislative mandate in the ANA grant funding process.

Respondents: All US citizens including: Native Americans, Native Alaskans, Native Hawaiians and other Pacific Islanders.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ANA Consultant and Evaluator Qualifications Form	300	1	.5	150

Estimated Total Annual Burden Hours: 150.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Report Clearance Officer.

[FR Doc. 2015–03302 Filed 2–17–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0073]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance on Consultation Procedures: Foods Derived From New Plant Varieties

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing 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.

DATES: Fax written comments on the collection of information by March 20, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0704. Also include the FDA docket number found in brackets in the heading of this document.

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 compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance on Consultation Procedures: Foods Derived From New Plant Varieties—(OMB Control No. 0910–0704)—(Extension)

Since 1992, when FDA issued its ''Statement of Policy: Foods Derived from New Plant Varieties'' (the 1992 policy) (57 FR 22984, May 29, 1992), FDA has encouraged developers of new plant varieties, including those varieties that are developed through biotechnology, to consult with FDA during the plant development process to discuss possible scientific and regulatory issues that might arise. In the 1992 policy, FDA explained that, under the Federal Food, Drug, and Cosmetic Act (the FD&C Act), developers of new foods (in this document food refers to both human food and animal feed) have a responsibility to ensure that the foods they offer to consumers are safe and are in compliance with all requirements of the FD&C Act (57 FR 22984 at 22985).

FDA recommends that producers who use biotechnology in the manufacture or development of foods and food ingredients work cooperatively with FDA to ensure that products derived through biotechnology are safe and comply with all applicable legal requirements, and has instituted a voluntary consultation process with industry. To facilitate this process the Agency has issued a guidance entitled, ''Guidance on Consultation Procedures: Foods From New Plant Varieties,'' which is available on FDA's Web site at *http://www.fda.gov/FoodGuidances.* The guidance describes FDA's consultation process for the evaluation of information on new plant varieties provided by developers. The Agency believes this consultation process will help ensure that human food and animal feed safety issues or other regulatory issues (*e.g.* labeling) are resolved prior to commercial distribution. Additionally, such communication will help to ensure that any potential food safety issues regarding a new plant variety are resolved during development, and will help to ensure that all market entry decisions by the industry are made consistently and in full compliance with the standards of the FD&C Act.

Description of Respondents: Respondents to this collection of information include developers of new plant varieties intended for food use.

In the **Federal Register** of December 11, 2014 (79 FR 73590), FDA published a 60-day notice requesting public comment on the proposed collection of information. One comment was received; however, it was not responsive to the information collection topics solicited in the notice and is not, therefore, addressed in this document.

FDA estimates the burden of this collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Initial consultation	None	20	2	40	4	160
Final consultation	FDA 3665	12	1	12	150	1,800
Total						1,960

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Initial Consultations

Initial consultations are generally a one-time burden, although a developer might return more than once to discuss additional issues before submitting a final consultation. As noted in the guidance, FDA encourages developers to consult early in the development phase of their products, and as often as necessary. Historically, firms developing a new bioengineered plant variety intended for food use have generally initiated consultation with FDA early in the process of developing such a variety, even though there is no legal obligation for such consultation. These consultations have served to make FDA aware of foods and food ingredients before these products are distributed commercially, and have provided FDA with the information necessary to address any potential questions regarding the safety, labeling, or regulatory status of the food or food ingredient. As such, these consultations have provided assistance to both industry and the Agency in exercising their mutual responsibilities under the FD&C Act.

FDA estimates that its Center for Veterinary Medicine and its Center for Food Safety and Applied Nutrition jointly received an average of 40 initial consultations per year in the last 3 years via telephone, email, or written letter. Based on this information, we expect to receive no more than 40 annually in the next 3 years.

Final Consultations

Final consultations are a one-time burden. At some stage in the process of research and development, a developer will have accumulated the information that the developer believes is adequate to ensure that food derived from the new plant variety is safe and that it demonstrates compliance with the relevant provisions of the FD&C Act. The developer will then be in a position to conclude any ongoing consultation with FDA. The developer submits to FDA a summary of the safety and nutritional assessment that has been conducted about the bioengineered food that is intended to be introduced into commercial distribution. FDA evaluates the submission to ensure that all potential safety and regulatory questions have been addressed. FDA has developed a form that prompts a developer to include certain elements in the final consultation in a standard format: Form FDA 3665, entitled, ''Final Consultation for Food Derived From a New Plant Variety (Biotechnology Final Consultation).'' The form, and elements that would be prepared as attachments to the form, can be submitted in electronic format.

Upon implementation of the collection, FDA contacted five firms that had made one or more biotechnology consultation submissions. We asked each of these firms for an estimate of the hourly burden to prepare a submission under the voluntary biotechnology consultation process. Based on information provided by the three firms who responded, we estimate the average time to prepare a submission for final consultation to be 150 hours.

Dated: February 11, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–03207 Filed 2–17–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1484]

Hung Yi Lin; Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring Hung Yi Lin for a period of 12 years from importing articles of food or offering such articles for importation into the United States. FDA bases this order on a finding that Ms. Lin was convicted, as defined in the FD&C Act, of three felony counts under Federal law for conduct relating to the importation into the United States of an article of food. Ms. Lin was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. As of August 29, 2014 (30 days after receipt of the notice), Ms. Lin had not responded. Ms. Lin's failure to respond constitutes a waiver of her right to a hearing concerning this action.

DATES: This order is effective February 18, 2015.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Division Of Enforcement, Office of Enforcement and Import Operations, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr. (ELEM4144), Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(C) of the FD&C Act (21 U.S.C. 335a(b)(1)(C)) permits FDA to debar an individual from importing an article of food or offering such an article for import into the United States if FDA finds, as required by section 306(b)(3)(A) of the FD&C Act, that the individual has been convicted of a felony for conduct relating to the importation into the United States of any food.

On September 30, 2013, Ms. Lin was convicted, as defined in section 306(*l*)(1)(B) of the FD&C Act, when the U.S. District Court for the Northern District of Illinois accepted her plea of guilty and entered judgment against her for the following offense: Three counts of entry of goods into the United States by means of false statements, in violation of 18 U.S.C. 542.

FDA's finding that debarment is appropriate is based on the felony convictions referenced herein. The factual basis for these convictions is as follows: Ms. Lin owned and operated KBB Express Inc., a freight forwarding company located in South El Monte, CA that provided nationwide transportation, delivery, and other logistical services for imported and entered merchandise, including Chinese-origin honey. Ms. Lin also served as the U.S. agent for at least 12 importers for which she handled the process of importing, and coordinating with brokers to enter and bring in, Chinese-origin honey into the United States.

On or about December 13, 2009, Ms. Lin entered and introduced Chinese-origin honey into the United States by means of a false and fraudulent practice, false statement, and fraudulent and false papers, including Bureau of Customs and Border Protection (CBP) forms that falsely declared that approximately four container loads of Chinese-origin honey with a declared value upon entry of approximately $92,822 was Chinese honey syrup. By so doing, Ms. Lin caused losses to the United States of approximately $205,141 in uncollected anti-dumping duties and honey assessment fees, when in fact she knew the product was Chinese honey. This was in violation of 18 U.S.C. 542.

On or about December 13, 2009, Ms. Lin entered and introduced Chinese-origin honey into the United States by means of a false and fraudulent practice, false statement, and fraudulent and false papers, including CBP forms that falsely declared that approximately three container loads of Chinese-origin honey with a declared value upon entry of approximately $69,617 was Chinese honey syrup. By so doing, Ms. Lin caused losses to the United States of approximately $153,855 in uncollected anti-dumping duties and honey assessment fees, when in fact she knew the product was Chinese honey. This was in violation of 18 U.S.C. 542.

On or about December 13, 2009, Ms. Lin entered and introduced Chinese-origin honey into the United States by means of a false and fraudulent practice, false statement, and fraudulent and false papers, including CPB forms that falsely declared that approximately three container loads of Chinese-origin honey with a declared value upon entry of approximately $69,617 was Chinese honey syrup. By so doing, Ms. Lin caused losses to the United States of approximately $153,855 in uncollected anti-dumping duties and honey assessment fees, when in fact she knew the product was Chinese honey. This was in violation of 18 U.S.C. 542.

Ms. Lin admitted that between 2009 and 2012, she caused up to 764 shipping containers of Chinese-origin honey valued at approximately $11,489,306 to be fraudulently imported and entered into the United States, thereby causing losses to the United States of as much as $39,203,144 through her fraudulent practices.

As a result of her conviction, on July 25, 2014, FDA sent Ms. Lin a notice by certified mail proposing to debar her for

a period of 12 years from importing articles of food or offering such articles for import into the United States. The proposal was based on a finding under section 306(b)(1)(C) of the FD&C Act that Ms. Lin's felony convictions for entry of goods by means of false statements in violation of 18 U.S.C. 542 constitute conduct relating to the importation into the United States of an article of food because she committed an offense related to the importation of Chinese honey into the United States.

The proposal was also based on a determination, after consideration of the factors set forth in section 306(c)(3) of the FD&C Act, that Ms. Lin should be subject to a 12-year period of debarment. The proposal also offered Ms. Lin an opportunity to request a hearing, providing her 30 days from the date of receipt of the letter in which to file the request, and advised her that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Ms. Lin failed to respond within the timeframe prescribed by regulation and has, therefore, waived her opportunity for a hearing and waived any contentions concerning her debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(b)(1)(C) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.35), finds that Hung Yi Lin has been convicted of three felony counts under Federal law for conduct relating to the importation into the United States of an article of food and that she is subject to a 12-year period of debarment.

As a result of the foregoing finding, Hung Yi Lin is debarred for a period of 12 years from importing articles of food or offering such articles for import into the United States, effective (see **DATES**). Under section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of Hung Yi Lin is a prohibited act.

Any application by Ms. Lin for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2013–N–1484 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–03210 Filed 2–17–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–2245]

Immediately in Effect Guidance Document: Classification and Requirements for Laser Illuminated Projectors; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Immediately in Effect Guidance Document: Classification and Requirements for Laser Illuminated Projectors (LIPs).'' This guidance describes FDA's policy with respect to certain LIPs that comply with International Electrotechnical Commission (IEC) standards during laser product classification under the Electronic Product Radiation Control provisions of the Federal Food, Drug and Cosmetic Act (the FD&C Act) that apply to electronic products.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment, submit either electronic or written comments on the guidance by April 20, 2015.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Immediately in Effect Guidance Document: Classification and Requirements for Laser Illuminated Projectors'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Patrick Hintz, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4248, Silver Spring, MD 20993–0002, 301–796–6927.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry and FDA staff entitled ''Immediately in Effect Guidance Document: Classification and Requirements for Laser Illuminated Projectors.'' This guidance is being issued consistent with FDA's good guidance practices (GGPs) regulation (21 CFR 10.115). The guidance is being implemented without prior public comment because the Agency has determined that prior public participation is not feasible or appropriate (21 CFR 10.115(g)(2)). The Agency made this determination because the guidance presents a less burdensome policy consistent with the public health. Although this guidance is immediately in effect, it remains subject to comment in accordance with the Agency's GGPs regulation. This guidance describes FDA's policy with respect to certain LIPs that comply with IEC standards during laser product classification under the Electronic Product Radiation Control provisions of the FD&C Act that apply to electronic products. The regulations for classifying laser products are set forth in part 1040 (21 CFR part 1040).

For purposes of this guidance, the term ''laser illuminated projector'' refers to a type of demonstration laser product regulated under § 1040.10(b)(13) that is designed to project full-frame digital images. The term ''demonstration laser product'' is defined under § 1040.10(b)(13) to mean, ''Any laser product manufactured, designed, intended, or promoted for purposes of demonstration, entertainment, advertising display, or artistic composition.'' LIPs may be used in locations such as indoor or outdoor cinema theaters, laser shows, presentations at conventions, as image/data projectors in an office setting, or in a home.

Lasers are being used in LIPs as an alternative to conventional lamps in

projectors. Although these LIPs emit laser light from extended sources and their uncollimated beams do not present the same hazards as other lasers, they are laser products that present risks and must undergo classification in accordance with § 1040.10(c).

Under § 1040.10(c), FDA recognizes four major hazard classes (I to IV) of lasers, including three subclasses (IIa, IIIa, and IIIb). Under this classification procedure, higher laser classes correspond to more powerful lasers and the potential to pose serious danger if used improperly.

As demonstration laser products, LIPs cannot exceed class IIIa (which is comparable to IEC class 3R) emissions limits as specified in § 1040.11(c) unless granted a variance by FDA under § 1010.4. Many LIPs and applications for LIPs will exceed the class IIIa limits and therefore require a variance to exceed those emission limits.

This guidance document describes FDA's intent with regard to the application of certain aspects of the performance standard requirements in § 1040.11(c) for LIPs. The IEC standards used to evaluate lamps are applicable to characterizing ocular hazards in LIPs, because a laser retinal hazard is related to the radiance of the laser source and the radiant emission levels produced by LIPs are comparable to conventional lamps. Because the radiant emission levels produced by LIPs can scientifically be characterized by an alternative IEC standard, FDA does not intend to consider whether LIP manufacturers that conform to these standards under the situations described in this guidance also comply with §§ 1040.10(c) and 1040.11(c).

II. Significance of Guidance

The guidance represents the Agency's current thinking on the classifications and requirements for LIPs. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Immediately in Effect Guidance Document: Classification and Requirements for Laser Illuminated Projectors'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1400056 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 1002, 1010, and 1040 are approved under OMB control number 0910–0025.

The labeling referenced in section (IV)(c)(ii) of the guidance does not constitute a ''collection of information'' under the PRA because the labeling is a ''public disclosure of information supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: February 11, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–03209 Filed 2–17–15; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Tribal Self-Governance; Negotiation Cooperative Agreement

Announcement Type: New—Limited Competition.

Funding Announcement Number: HHS–2015–IHS–TSGN–0001.

Catalog of Federal Domestic Assistance Number: 93.444.

Key Dates

Application Deadline Date: June 3, 2015.

Review Date: June 10, 2015.

Earliest Anticipated Start Date: July 1, 2015.

Signed Tribal Resolutions Due Date: June 10, 2015.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Tribal Self-Governance (OTSG) is accepting limited competition Negotiation Cooperative Agreement applications for the Tribal Self-Governance Program (TSGP). This program is authorized under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 458aaa–2(e). This program is described in the Catalog of Federal Domestic Assistance (CFDA), available at *https://www.cfda.gov/,* under 93.444.

Background

The TSGP is more than an IHS program; it is an expression of the government-to- government relationship between the United States and Indian Tribes. Through the TSGP, Tribes negotiate with the IHS to assume Programs, Services, Functions and Activities (PSFAs), or portions thereof, which gives Tribes the authority to manage and tailor health care programs in a manner that best fits the needs of their communities.

Participation in the TSGP is one of three ways that Tribes can choose to obtain health care from the Federal Government for their members. Specifically, Tribes can choose to: (1) Receive health care services directly from the IHS, (2) contract with the IHS to administer individual PSFAs that the IHS would otherwise provide (referred to as Title I Self-Determination Contracting), or (3) compact with the IHS to assume control over healthcare PSFAs that the IHS would otherwise provide (referred to as Title V Self-Governance Compacting or the TSGP). These options are not exclusive and Tribes may choose to combine options based on their individual needs and circumstances. Participation in the TSGP affords Tribes the most flexibility to tailor health care PSFAs to the needs of their communities.

The TSGP is a Tribally-driven initiative and strong Tribal/Federal partnerships are essential for program success. The IHS established the OTSG to implement Tribal Self-Governance authorities. The OTSG: (1) Serves as the primary liaison and advocate for Tribes participating in the TSGP, (2) develops,

directs, and implements Tribal Self-Governance policies and procedures, (3) provides information and technical assistance to Self-Governance Tribes, and 4) advises the IHS Director on compliance with TSGP policies, regulations, and guidelines. Each IHS Area has an Agency Lead Negotiator (ALN), designated by the IHS Director, who has the authority to negotiate Self-Governance Compacts and Funding Agreements. A Tribe should contact the respective ALN to begin the Self-Governance planning process or, if currently an existing Self-Governance Tribe, discuss methods to expand current PSFAs. The ALN shall provide an overview of the TSGP negotiations process and will provide technical assistance as the Tribe prepares to participate in the TSGP.

Purpose

The purpose of this Negotiation Cooperative Agreement is to provide Tribes with resources to help defray costs related to preparing for and conducting TSGP negotiations. TSGP negotiations are a dynamic, evolving, and Tribally-driven process that requires careful planning and preparation by both Tribal and Federal parties, including the sharing of precise, up-to-date information. The design of the negotiations process: (1) Enables a Tribe to set its own priorities when assuming responsibility for IHS PSFAs, (2) observes the government-to-government relationship between the United States and each Tribe, and (3) involves the active participation of both Tribal and IHS representatives, including the OTSG. Because each Tribal situation is unique, a Tribe's successful transition into the TSGP, or expansion of their current program, requires focused discussions between the Federal and Tribal negotiation teams about the Tribe's specific health care concerns and plans.

The negotiations process has four major stages, including: (1) Planning, (2) pre-negotiations, (3) negotiations, and (4) post-negotiations. Title V of the ISDEAA requires that a Tribe or Tribal organization complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organizational preparation relating to the administration of health care programs. During pre-negotiations, the Tribal and Federal negotiation teams review and discuss issues identified during the planning phase. A draft Compact, Funding Agreement, and funding tables are developed, typically by the Tribe, and distributed to both the Tribal and Federal negotiation teams. These draft documents are used as the basis for pre- and final negotiations. Pre-negotiations provide an opportunity for the Tribe and the IHS to identify and discuss issues directly related to the Tribe's Compact, Funding Agreement, and Tribal shares. At final negotiations, Tribal and Federal negotiation teams come together to determine and agree upon the terms and provisions of the Tribe's Compact and Funding Agreement.

The Tribal negotiation team must include a Tribal leader from the governing body. This representative may be a Tribal leader or a designee, like the Tribal Health Director. The Tribal negotiation team may also include technical and program staff, legal counsel, and other consultants. The Federal negotiations team is led by the ALN and generally includes an OTSG Program Analyst and a member of the Office of the General Counsel. It may also include other IHS staff and subject matter experts as needed. The ALN is the only member of the Federal negotiation team with delegated authority to negotiate on behalf of the IHS Director.

Negotiations provide an opportunity for the Tribal and Federal negotiation teams to work together in good faith to enhance each self-governance agreement. Negotiations are not an allocation process; they provide an opportunity to mutually review and discuss budget and program issues. As issues arise, both negotiation teams work through the issues to reach agreement on the final documents. After the negotiations are complete, the Compact and Funding Agreement are signed by the authorizing Tribal official and submitted to the ALN who then reviews the final package to ensure each document accurately reflects what was negotiated. Once the ALN completes this review, the final package is submitted to the OTSG to be prepared for the IHS Director's signature. After the Compact and Funding Agreement have been signed by both parties, they become legally binding and enforceable agreements. The negotiating Tribe then becomes a ''Self-Governance Tribe,'' and a participant in the TSGP.

A Negotiation Cooperative Agreement is not a prerequisite to enter the TSGP. A Tribe may use other resources to develop and negotiate its Compact and Funding Agreement. Tribes that receive a Negotiation Cooperative Agreement are not obligated to participate in Title V and may choose to delay or decline participation or expansion in the TSGP.

Limited Competition Justification

There is limited competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria. *See* 25 U.S.C. 458aaa–2(e); 42 CFR 137.24–26; *see* also 42 CFR 137.10.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for fiscal year (FY) 2015 is approximately $240,000. Individual award amounts are anticipated to be $48,000. The amount of funding available for competing awards issued under this announcement are subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately five awards will be issued under this program announcement.

Project Period

The project period is for 12 months and runs from July 1, 2015 to June 30, 2016.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for the TSGP Negotiation Cooperative Agreement

A. IHS Programmatic Involvement

(1) Provide descriptions of PSFAs and associated funding at all organizational levels (Service Unit, Area, and Headquarters), including funding formulas and methodologies related to determining Tribal shares.

(2) Meet with Negotiation Cooperative Agreement recipient to provide program information and discuss methods currently used to manage and deliver health care.

(3) Identify and provide statutes, regulations, and policies that provide authority for administering IHS programs.

(4) Provide technical assistance on the IHS budget, Tribal shares, and other topics as needed.

B. Grantee Negotiation Cooperative Agreement Award Activities

(1) Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(2) Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

(3) Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations.

III. Eligibility Information

I.

1. Eligibility

To be eligible for this Limited Competition Negotiation Cooperative Agreement under this announcement, an applicant must:

A. Be an ''Indian Tribe'' as defined in 25 U.S.C. 450b(e); a ''Tribal Organization'' as defined in 25 U.S.C. 450b(l); or an ''Inter-Tribal Consortium'' as defined at 42 CFR 137.10. However, Alaska Native Villages or Alaska Native Village Corporations are not eligible if they are located within the area served by an Alaska Native regional health entity. *See* Consolidated Appropriations Act, 2014, Pub. L. 113–76. By statute, the Native Village of Eyak, Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments have also been deemed Alaska Native regional health entities and therefore are eligible to apply. Those Alaska Tribes not represented by a Self-Governance Tribal consortium Funding Agreement within their area may still be considered to participate in the TSGP.

B. Submit a Tribal resolution from the appropriate governing body of each Indian Tribe to be served by the ISDEAA Compact authorizing the submission of the Negotiation Cooperative Agreement application. Tribal consortia applying for a TSGP Negotiation Cooperative Agreement shall submit Tribal Council resolutions from each Tribe in the consortium. Tribal resolutions can be attached to the electronic online application. Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

Draft Tribal resolutions are acceptable in lieu of an official signed resolution and must be submitted along with the electronic application submission prior to the official application deadline date or prior to the start of the Objective Review Committee (ORC) date. However, an official signed Tribal resolution must be received by the DGM prior to the beginning of the Objective Review. If an official signed resolution is not received by the Review Date listed under the Key Dates section on page one of this announcement, the application will be considered incomplete and ineligible for review or further consideration.

Mail the official signed resolution to the DGM, Attn: Mr. John Hoffman, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852. Applicants submitting Tribal resolutions after or aside from the required online electronic application submission must ensure that the information is received by the IHS/DGM. It is highly recommended that the documentation be sent by a delivery method that includes delivery confirmation and tracking. Please contact Mr. Hoffman by telephone at (301) 443–5204 prior to the review date regarding submission questions.

C. Demonstrate, for three fiscal years, financial stability and financial management capability. The Indian Tribe must provide evidence that, for the three years prior to participation in Self-Governance, the Indian Tribe has had no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's Self-Determination Contracts or Self-Governance Funding Agreements with any Federal agency. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23.

For Tribes or Tribal organizations that expended $750,000 or more ($500,000 for FYs ending after December 31, 2003) in Federal awards, the OTSG shall retrieve the audits directly from the Federal Audit Clearinghouse.

For Tribes or Tribal organizations that expended less than $750,000 ($500,000 for FYs ending after December 31, 2003) in Federal awards, the Tribe or Tribal organization must provide evidence of the program review correspondence from IHS or Bureau of Indian Affairs officials. *See* 42 CFR 137.21–23.

Meeting the eligibility criteria for a Negotiation Cooperative Agreement does not mean that a Tribe or Tribal organization is eligible for participation in the IHS TSGP under Title V of the ISDEAA. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23. For additional information on eligibility for the IHS TSGP, please visit the Eligibility and Funding page on the OTSG Web site, located at: *http://www.ihs.gov/SelfGovernance.*

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_funding.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages).
  - Background information on the Tribe or Tribal organization.

○ Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.

- Tribal Resolution(s).
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. Project Narrative: This narrative should be a separate Word document that is no longer than ten pages and must: be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8$^{1}/_{fxsp0;2}$″ x 11″ paper.

Be sure to succinctly address and answer all questions listed under the narrative and place them under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they shall not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to the cooperative agreement award. If the narrative exceeds the page limit, only the first ten pages will be reviewed. The 10-page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget and budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative, including: (1) Part A—Program Information; (2) Part B—Program Planning and Evaluation; and 3) Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (4 page limitation)

Section 1: Needs

Introduction and Need for Assistance

Demonstrate that the Tribe has conducted previous self-governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the knowledge and expertise to assume or expand PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

Part B: Program Planning and Evaluation (4 page limitation)

Section 1: Program Plans

Project Objective(s), Work Plan and Approach

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(a) Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(b) Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

(c) Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations.

Describe fully and clearly how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health services to the community and incorporate the proposed timelines for negotiations.

Organizational Capabilities, Key Personnel and Qualifications

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

Section 2: Program Evaluation

Describe fully and clearly the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project.

Part C: Program Report (2 page limitation)

Section 1: Describe major accomplishments over the last 24 months.

Please identify and describe significant health related accomplishments associated with the delivery of quality health services. This section should highlight major program achievements over the last 24 months.

Section 2: Describe major activities over the last 24 months.

Please provide an overview of significant program activities associated with the delivery of quality health services over the last 24 months. This section should address significant program activities including those related to the accomplishments listed in the previous section.

B. Budget Narrative: This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative. Budget should match the scope of work described in the project narrative. The page limitation should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 11:59 p.m. Eastern Standard Time (EST) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys, DGM (*Paul.Gettys@ihs.gov*), DGM Grants Systems Coordinator, by telephone at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically through Grants.gov, a waiver must be requested. Prior approval must be requested and obtained from Ms. Tammy Bagley, Acting Director of DGM, (see Section IV.6 below for additional information). The waiver must: (1) Be documented in writing (emails are acceptable), *before* submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval Email containing submission instructions and the mailing address to submit the application. A copy of the written approval *must* be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EST, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant per grant cycle. Tribes cannot apply for both the Planning Cooperative and the Negotiation Cooperative Agreement within the same grant cycle.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the OTSG will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Unique Entity Identifier (UEI) Numbering System

All IHS applicants and grantee organizations are required to obtain a UEI number and maintain an active registration in the SAM database. The UEI number is a unique 9-digit identification number provided to each entity. The UEI number is site specific; therefore, each distinct performance site may be assigned a UEI number. Obtaining a UEI number is easy, and there is no charge. To obtain a UEI number, please contact Mr. Paul Gettys at (301) 443–2114.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its UEI number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a UEI number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for UEI and SAM, can be found on the IHS

Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 10 page narrative should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (25 points)

Demonstrate that the Tribe has conducted previous self-governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the knowledge and expertise to assume or expand PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

B. Project Objective(s), Work Plan and Approach (25 points)

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(1) Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(2) Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

(3) Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations. Clearly describe how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health care services to the community and incorporate the proposed timelines for negotiations.

C. Program Evaluation (25 points)

Describe fully the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project.

D. Organizational Capabilities, Key Personnel and Qualifications (15 points)

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

E. Categorical Budget and Budget Justification (10 points)

Submit a budget with a narrative describing the budget request and matching the scope of work described in the project narrative. Justify all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

Additional Documents can be Uploaded as Appendix Items in Grants.gov

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (*i.e.* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the OTSG to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants will be notified by DGM, via email, to outline minor missing components (*i.e.,* budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval (60 points), and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application submitted. The OTSG will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved'', but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2015, then the approved but unfunded application may be re-considered by the OTSG for possible funding. The applicant will also receive

an Executive Summary Statement from the OTSG within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

- 45 CFR part 75, Uniform Administrative Requirements Cost Principles, and Audit Requirements for HHS Awards.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- 45 CFR part 75, subpart E—Cost Principles

E. Audit Requirements:

- 45 CFR part 75, subpart F—Audit Requirements

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below:

A. Progress Reports

Program progress reports are required semi-annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after and (2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Jeremy Marshall, Program Officer, Office of Tribal Self-Governance, 801 Thompson Avenue, Suite 240, Rockville, MD 20852.

Phone: (301) 443–7821.

Fax: (301) 443–1050.

Email: *Jeremy.Marshall@ihs.gov.*

Web site: *www.ihs.gov/selfgovernance.*

2. Questions on grants management and fiscal matters may be directed to: John Hoffman, Grants Management Specialist, Division of Grants Management, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852.

Phone: (301) 443–5204.

Fax: (301) 443–9602.

Email: *John.Hoffman@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852.

Phone: (301) 443–2114; or the DGM main line (301) 443–5204.

Fax: (301) 443–9602.

E-Mail: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Pub. L. 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: February 10, 2015.

Robert G. McSwain,

Deputy Director, Indian Health Service.

[FR Doc. 2015–03235 Filed 2–17–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: March 6, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Camilla E. Day, Ph.D., Scientific Review Officer, CIDR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4075, Bethesda, MD 20892, 301–402–8837, *camilla.day@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 10, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03212 Filed 2–17–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health: Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Effectiveness of Treatment, Prevention, and Services Interventions (R01/R01 Collaborative).

Date: March 4, 2015.

Time: 11:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301–451–2356, *gavinevanskm@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Pilot Effectiveness Studies and Services Research Grants (R34).

Date: March 4, 2015.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Gut-Microbiome-Brain Interactions and Mental Health (R21/R33).

Date: March 11, 2015.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive BLVD, Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Fellowships and Dissertation Grants.

Date: March 11, 2015.

Time: 11:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Dimensional Approaches to Research Classification in Psychiatric Disorders (RDoC).

Date: March 13, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dupont Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 11, 2015.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03218 Filed 2–17–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Application (P01).

Date: March 9, 2015.

Time: 2 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G13B National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20852, (240) 669–5048, *yong.gao@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 10, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03214 Filed 2–17–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review: Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–374 Modeling of Social Behavior.

Date: March 9, 2015.

Time: 12:30 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gabriel B. Fosu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–208: CounterACT-Countermeasurers Against Chemical Threats.

Date: March 12, 2015.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco Baltimore, 2 North Charles Street, Baltimore, MD 20724.

Contact Person: Geoffrey G. Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Cell Biology, Developmental Biology and Bioengineering.

Date: March 17–18, 2015.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, *gubina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Musculoskeletal Biology and Rehabilitation.

Date: March 17–18, 2015.

Time: 10 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–0996, *ybi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; NMR Technology Development.

Date: March 18–20, 2015.

Time: 7:30 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton East Brunswick, 3 Tower Center Blvd., East Brunswick, NJ 08816.

Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404–7419, *rosenzweign@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences.

Date: March 19–20, 2015.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA: Genes, Genomes and Genetics applications.

Date: March 19, 2015.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael M. Sveda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, 301–435–3565, *svedam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; OBT—AREA Review.

Date: March 19, 2015.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Manzoor Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; NeuroAIDS and Other End-Organ Diseases Study Section.

Date: March 20, 2015.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Electron Microscopy of Biological Macromolecules.

Date: March 20, 2015.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Wallace Ip, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, 301–435–1191, *ipws@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Genes, Genomes, and Genetics.

Date: March 20, 2015.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dominique Lorang-Leins, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5108, MSC 7766, Bethesda, MD 20892, 301.326.9721, *Lorangd@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Tools for Characterizing Glycans.

Date: March 23–24, 2015.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Michael L. Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, *bloomm2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Dermatology and Rheumatology Conflict.

Date: March 23–24, 2015.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Maria Nurminskaya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, (301) 435–1222, *nurminskayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Health and Behavior.

Date: March 23, 2015.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Stacey C. FitzSimmons, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 451–9956, *fitzsimmonss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts—Asthma and Host Defense.

Date: March 24–25, 2015.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Antibiotic Resistance.

Date: March 24, 2015.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara J. Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2218, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Immunology.

Date: March 24, 2015.

Time: 11:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Patrick K. Lai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Child Psychopathology and Developmental Disabilities.

Date: March 24, 2015.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, BBBP IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, 301–500–5829, *sechu@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03216 Filed 2–17–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases: Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Development of Novel Therapeutics for Select Pathogens (R21/R3): Influenza.

Date: March 9–10, 2015.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), Ball Room D, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lynn Rust, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5051, *lr228v@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Integrated Preclinical/Clinical Program for HIV Topical Microbicides and Biomedical Prevention (IPCP–MBP) (U19).

Date: March 9–10, 2015.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room LD30, 5601 Fishers Lane, Rockville, MD 20852.

Contact Person: Uday K. Shankar, Ph.D., MSC, Scientific Review Officer, Scientific Review Program, DEAS/NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5051, *uday.shankar@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 10, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03213 Filed 2–17–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research: Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Training and Career Development.

Date: March 18, 2015.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Nursing Research, National Institutes of Health, One Democracy Plaza, Suite 703, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mario Rinaudo, M.D., Scientific Review Officer, Office of Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 703, Bethesda, MD 20892, 301–594–5973, *mrinaudo@mail.nih.gov*.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Loan Repayment.

Date: March 25, 2015.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Nursing Research, National Institutes of Health, One Democracy Plaza, Suite 703, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary A. Kelly, Scientific Review Officer, Office of Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 700, Bethesda, MD 20892, 301–496–0235, *mary.kelly@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: February 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03217 Filed 2–17–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Eye Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL EYE INSTITUTE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Eye Institute.

Date: March 1–3, 2015.

Time: 6 p.m. to 5:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31, Conference Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Sheldon S. Miller, Ph.D., Scientific Director, National Institutes of Health National Eye Institute, Bethesda, MD 20892, (301) 451–6763, *Sheldon.Miller@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.nei.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: February 11, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03215 Filed 2–17–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Agency Information Collection Activities: DHS Individual Complaint of Employment Discrimination, DHS Form 3090–1

AGENCY: Office for Civil Rights and Civil Liberties, DHS.

ACTION: 30-day notice and request for comments; reinstatement with change of a previously approved collection, 1610–0001.

SUMMARY: The Department of Homeland Security, Office for Civil Rights and Civil Liberties, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 35). DHS previously published this information collection request (ICR) in the **Federal Register** on Wednesday, October 22, 2014 at 79 FR 63138 for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow additional 30-days for public comments.

DATES: Comments are encouraged and will be accepted until March 20, 2015. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

SUPPLEMENTARY INFORMATION: It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, protected genetic information, sexual orientation, or status as a parent, and to promote the full realization of equal employment opportunity (EEO) through a continuing affirmative program in each agency.

Persons who claim to have been subjected to these types of

discrimination, or to retaliation for opposing these types of discrimination or for participating in any stage of administrative or judicial proceedings relating to them, can seek a remedy under title VII of the Civil Rights Act (title VII) (42 U.S.C. 2000e *et seq.*) (race, color, religion, sex, national origin), the Age Discrimination in Employment Act (ADEA) (29 U.S.C. 621 *et seq.*) (age), the Equal Pay Act (29 U.S.C. 206(d)) (sex), the Rehabilitation Act (29 U.S.C. 791 *et seq.*) (disability), the Genetic Information Nondiscrimination Act (GINA) (42 U.S.C. 2000ff *et seq.*) (genetic information), and Executive Order 11478 (as amended by Executive Orders 13087 and 13152) (sexual orientation or status as a parent).

The Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) adjudicates discrimination complaints filed by current and former DHS employees, as well as applicants for employment to DHS. The complaint adjudication process for statutory rights is outlined in the Equal Employment Opportunity Commission (EEOC) regulations found at title 29, Code of Federal Regulations part 1614 and EEO Management Directive 110. For complaints regarding sexual orientation or status as a parent, DHS follows the same procedures as for statutory rights, to the extent permitted by law.

The recordkeeping provisions are designed to ensure that a current employee, former employee, or applicant for employment claiming to be aggrieved or that person's attorney provide a signed statement that is sufficiently precise to identify the aggrieved individual and the agency and to describe generally the action(s) or practice(s) that form the basis of the complaint. The complaint must also contain a telephone number and address where the complainant or the representative can be contacted. The complaint form is used for original allegations of discrimination but also for amendments to underlying complaints of discrimination. The form also determines whether the person is willing to participate in mediation or other available types of alternative dispute resolution (ADR) to resolve their complaint; Congress has enacted legislation to encourage the use of ADR in the federal sector and the form ensures that such an option is considered at this preliminary stage of the EEO complaint process.

A complainant may access the complaint form on the agency Web site and may submit a completed complaint form electronically to the relevant Component's EEO Office. The complaint form can then be directly uploaded into the DHS EEO Enterprise Complaints Tracking System, also known as ''iComplaints.''

There is no change or adjustment to the burden associated with the collection of information associated with the DHS complaint form. DHS is proposing to make one change to the DHS complaint form. This change is the addition of a new checkbox that says ''gender identity'' as a sub-category under the existing checkbox that says ''sex'' on the form. Gender identity discrimination is a form of sex discrimination, which is covered under title VII. So this information is already included in data gathered in EEO complaints; adding the separate check box just more clearly identifies a sub-category. This form modification is in accordance with new instructions from EEOC—requiring all government agencies to specifically identify this type of information on our complaint forms.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Office for Civil Rights and Civil Liberties, DHS.

Title: DHS Individual Complaint of Employment Discrimination.

OMB Number: 1610–0001.

Frequency: Annually.

Affected Public: Federal Government.

Number of Respondents: 1,200.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 600 hours.

Carlene C. Ileto,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2015–03219 Filed 2–17–15; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0008; OMB No. 1660–0030]

Agency Information Collection Activities: Proposed Collection; Comment Request; Manufactured Housing Operations Forms

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; correction.

On February 9, 2015, the Federal Emergency Management Agency (FEMA) published an agency information collection notice in the **Federal Register** at 80 FR 7005. In the **FOR FURTHER INFORMATION CONTACT** section, FEMA inadvertently listed the email address for the Records Management Division as *FEMA-Information-Collections-anagement@fema.dhs.gov.* It should be *FEMA-Information-Collections-Management@fema.dhs.gov.*

Dated: February 11, 2015.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–03368 Filed 2–17–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0105]

Agency Information Collection Activities: Application To Use the Automated Commercial Environment (ACE)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; revision of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting

the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Application to Use the Automated Commercial Environment (ACE). CBP is proposing that this information collection be extended with a change to the burden hours resulting from the addition of a new application for exporters to establish an ACE Portal account. There are no proposed changes to the existing ACE Portal application for imported merchandise. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before March 20, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (79 FR 73098) on December 9, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates 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, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Application to Use the Automated Commercial Environment (ACE).

OMB Number: 1651–0105.

Abstract: The Automated Commercial Environment (ACE) is a trade processing system that will eventually replace the Automated Commercial System (ACS), the current import system for U.S. Customs and Border Protection (CBP) operations. ACE is authorized by Executive Order 13659 which mandates implementation of a Single Window for trade. *See* 79 FR 10655 (February 25, 2014). ACE supports government agencies and the trade community with border-related missions with respect to moving goods across the border efficiently and securely. Once ACE is fully implemented, all related CBP trade functions and the trade community will be supported from a single common user interface.

Currently, ACE is used for imported merchandise by brokers, carriers, sureties, service providers, facility operators, foreign trade zone operators, cart men and lighter men. In order to establish an ACE Portal account, participants submit information such as their name, their employer identification number (EIN) or social security number, and if applicable, a statement certifying their capability to connect to the internet. This information is submitted through the ACE Secure Data Portal which is accessible at: *http://www.cbp.gov/trade/automated*.

CBP is proposing to add export functionality to the system which will allow participation from the exporter community. Trade members wishing to establish an exporter account will need to submit the following data elements:

1. Company Information
   a. EIN
   b. DUNS (optional)
   c. Company Name
   d. Company Address
   e. End of Fiscal Year
2. ACE Export Account Owner Information
   a. Name
   b. Date of Birth
   c. Telephone Number
   d. Fax Number (optional)
   e. Email
   f. Account Owner address if different from Company Address
3. Filing Notification Point of Contact
   a. Name
   b. Phone Number
   c. Email

Current Actions: CBP is proposing that this information collection be extended with a change to the burden hours resulting from the addition of a new application for exporters to establish an ACE Portal account. There are no proposed changes to the existing ACE Portal application for imported merchandise.

Type of Review: Extension (with change).

Affected Public: Businesses.

Application to ACE (Import)

Estimated Number of Respondents: 21,000.

Estimated Number of Total Annual Responses: 21,000.

Estimated Time per Response: .33 hours.

Estimated Total Annual Burden Hours: 6,930.

Application to ACE (Export)

Estimated Number of Respondents: 9,000.

Estimated Number of Total Annual Responses: 9,000.

Estimated Time per Response: .066 hours.

Estimated Total Annual Burden Hours: 594.

Dated: February 12, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–03375 Filed 2–17–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of February 19, 2014.

DATES: *Effective Dates:* The accreditation and approval of Intertek

USA, Inc., as commercial gauger and laboratory became effective on February 19, 2014. The next triennial inspection date will be scheduled for February 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 4702 Westway Dr., Corpus Christi, TX 78408, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard test method for API gravity of crude Petroleum & Petroleum products (Hydrometer Method).
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–05	ASTM D–4928	Standard test method for water in crude oils by Coulometric Karl Fischer Titration.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–08	ASTM D–86	Standard Test Method for Distillation of Petroleum Products.
27–10	ASTM D–323	Standard test method for vapor pressure of petroleum products (Reid Method).
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–46	ASTM D–5002	Standard test method for density and relative density.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–50	ASTM D–93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27–53	ASTM D–2709	Standard test method for water and sediment in middle distillate fuels by centrifuge.
27–58	ASTM D–5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf*

Dated: February 9, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–03352 Filed 2–17–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of June 10, 2014.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on June 10, 2014. The next triennial inspection date will be scheduled for June 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 2604 Moss Lane, Harvey, LA 70058, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL)

and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard test method for API gravity of crude Petroleum & Petroleum products (Hydrometer Method).
27–02	ASTM D–1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf*

Dated: February 9, 2015 .

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–03370 Filed 2–17–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of August 26, 2014.

DATES: *Effective Date:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on August 26, 2014. The next triennial inspection date will be scheduled for August 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 12650 McManus Blvd., Newport News, VA 23602, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
9	Density Determination.
12	Calculations.
17	Maritime Measurements.

SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–08	ASTM D–86	Standard Test Method for Distillation of Petroleum Products.
27–11	ASTM D–445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–54	ASTM D–1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–58	ASTM D–5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the

Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/sites/default/files/documents/gaulist_3.pdf.*

Dated: February 9, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–03356 Filed 2–17–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FW–HQ–WSFR–2015–N036; FVWF97820900000–XXX–FF09W13000 and FVWF54200900000–XXX–FFO9W13000]

Proposed Information Collection; National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (FHWAR)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. We may not conduct or sponsor and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by April 20, 2015.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *hope_grey@fws.gov* (email). Please include ''1018–0088'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collected for the National Survey of Fishing, Hunting and Wildlife-Associated Recreation (FHWAR) assists the Fish and Wildlife Service in administering the Wildlife and Sport Fish Restoration grant programs. The 2016 FHWAR will provide up-to-date information on the uses and demands for wildlife-related recreation resources, trends in uses of those resources, and a basis for developing and evaluating programs and projects to meet existing and future needs.

We collect the information in conjunction with carrying out our responsibilities under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777–777m), commonly referred to as the Dingell-Johnson Act, and the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669–669i), commonly referred to as the Pittman-Robertson Act. Under these acts, as amended, we provide approximately $1 billion in grants annually to States for projects that support sport fish and wildlife management and restoration, including:

- Improvement of fish and wildlife habitats,
- Fishing and boating access,
- Fish stocking, and
- Hunting and fishing opportunities.

We also provide grants for aquatic education and hunter education, maintenance of completed projects, and research into problems affecting fish and wildlife resources. These projects help to ensure that the American people have adequate opportunities for fish and wildlife recreation.

We conduct the survey about every 5 years. The 2016 FHWAR will be the 13th conducted since 1955. We sponsor the survey at the States' request, which is made through the Association of Fish and Wildlife Agencies. We contract with the Census Bureau, which collects the information using computer-assisted telephone or in-person interviews. The Census Bureau will select a sample of sportspersons and wildlife watchers from a household screen and conduct three detailed interviews during the survey year. The survey collects information on the number of days of participation, species of animals sought, and expenditures for trips and equipment. Information on the characteristics of participants includes age, income, sex, education, race, and State of residence.

Federal and State agencies use information from the survey to make policy decisions related to fish and wildlife restoration and management. Participation patterns and trend information help identify present and future needs and demands. Land managing agencies use the data on expenditures and participation to assess the value of wildlife-related recreational uses of natural resources. Wildlife-related recreation expenditure information is used to estimate the economic impact on the economy and to support the dedication of tax revenues for fish and wildlife restoration programs.

II. Data

OMB Control Number: 1018–0088.

Title: National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (FHWAR).

Service Form Number: None.

Type of Request: Reinstatement with change of a previously approved collection.

Description of Respondents: Individuals and households.

Respondent's Obligation: Voluntary.

Frequency of Collection: Pre-screener internet/paper questionnaire data collection will be conducted in January 2016. Household screen interviews and the first detailed sportsperson and wildlife-watcher interviews will be conducted April–June 2016. The second detailed interviews will be conducted September–October 2016. The third and last detailed interviews will be conducted January–March 2017.

Activity	Number of household responses	Number of participant respondents	Completion time per response (minutes)	Annual burden hours
Pre-screener	6,970		5	581
Screener	7,040		7	821
Wave 1 Sportsperson interviews		1,505	11	276
Wave 2 Sportsperson interviews		2,580	15	645
Wave 3 Sportsperson interviews		4,444	35	2,592
Wave 1 Wildlife Watching interviews		1,252	11	230
Wave 2 Wildlife Watching interviews		2,146	11	393

Activity	Number of household responses	Number of participant respondents	Completion time per response (minutes)	Annual burden hours
Wave 3 Wildlife Watching interviews		3,697	20	1,232
Totals	14,010	15,624		6,770

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 11, 2015.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2015–03237 Filed 2–17–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2014–N028; 40120–1112–0000–F2]

Receipt of Applications for Endangered Species Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

DATES: We must receive written data or comments on the applications at the address given below by March 20, 2015.

ADDRESSES: Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (Attn: David Dell, Permit Coordinator).

FOR FURTHER INFORMATION CONTACT: Karen Marlowe, 10(a)(1)(A) Permit Coordinator, telephone 205–726–2667; facsimile 205–726–2479.

SUPPLEMENTARY INFORMATION: The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17. This notice is provided under section 10(c) of the Act.

If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES** section) or send them via electronic mail (email) to *permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand-deliver comments to the Fish and Wildlife Service office listed above (see **ADDRESSES**).

Before including your address, telephone number, email address, or other personal identifying information in your comments, 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 comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit Applications

Permit Application Number: TE 237537–1

Applicant: Peter Raven, Missouri Botanical Gardens, St. Louis, Missouri

The applicant requests renewal and amendment of their current permit to add authorization to remove and reduce to possession (through seed and leaf material collection) 17 species of endangered and threatened plant species from lands under Federal jurisdiction in Alabama, Tennessee, Kentucky, West Virginia, Illinois, Missouri, Virginia, and Mississippi for ex situ conservation, research, propagation, and educational display.

Permit Application Number: TE 146761–3

Applicant: Pedro Ramos, Big Cypress National Preserve, National Park Service, Ochopee, Florida

The applicant requests renewal of their current permit to take (capture, harass, chemically immobilize, hold temporarily, transport, radio collar, take tissue and blood samples, provide medical treatment for injury or illness including appropriate vaccinations, subsequently release, and euthanize) the Florida panther (*Felis concolor coryi*) for the purpose of maintaining a healthy panther population, to assess the habitat potential to support panthers, to monitor the effects of the genetic restoration project, and to evaluate the accuracy of the global positioning system radio-collars and aerial telemetry throughout the species' range.

Permit Application Number: TE 092945–3

Applicant: James Lindsay, Florida Power and Light Company, Juno Beach, Florida

The applicant requests renewal and amendment of their permit to authorize the capture of non-breeding American crocodiles (*Crocodylus acutus*) less than

2 meters in total length during the nesting season for assessment of survival and growth rates and to authorize all permitted activities (capture, examine, weigh, sex, collect tissue samples, mark, radio-tag, radio track, relocate, and release) for American crocodiles in the Florida Power and Light Everglades Mitigation Bank, in addition to the previously permitted location of the Florida Power and Light Turkey Point Power Plant Cooling Canals, for purposes of conducting monitoring surveys and documenting nesting activity and utilization of the cooling canal system in Dade County, Florida.

Permit Application Number: TE 54578B–0

Applicant: Mary Frazer, Raleigh, North Carolina

The applicant requests authorization to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair and tissue samples, band, radio-tag, pit-tag, light-tag, wing-punch, and selectively euthanize for white-nose syndrome testing) Virginia big-eared bats (*Corynorhinus* (=*plecotus*) *townsendii virginianus*), Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis septentrionalis*) for the purposes of conducting presence/absence surveys, studies to document habitat use, determining presence of white nose syndrome, and population monitoring in North Carolina, South Carolina, Tennessee, and Georgia.

Permit Application Number: TE 002412–6

Applicant: Cecil Comalander, Milliken Forestry Company Inc., Columbia, South Carolina

The applicant requests renewal of his current permit to take (capture, band, install artificial cavities and restrictors, and translocate) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of monitoring and managing populations in South Carolina.

Permit Application Number: TE 54891B–0

Applicant: Luke Dodd, Eastern Kentucky University, Richmond, Kentucky

The applicant requests authorization to take (capture with mist nets or harp traps, handle, band, radio-tag) Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), and northern long-eared bats (*Myotis septentrionalis)* for the purposes of conducting presence/absence surveys, studies to document habitat use, and population monitoring in Kentucky.

Permit Application Number: TE 834056–5

Applicant: Kellie Keys, North Florida Wildlife LLC, Crawfordville, Florida

The applicant requests renewal of the current permit to take (capture, band, release, construct and monitor nest cavities and restrictors) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of monitoring and managing populations in Arkansas, Florida, Georgia, South Carolina, North Carolina, Alabama, Louisiana, Mississippi, Virginia, Oklahoma, and Texas.

Permit Application Number: TE 079972–3

Applicant: Eric Baka, Louisiana Department of Wildlife and Fisheries, Pineville, Louisiana

The applicant requests renewal of his current permit to take (capture, band, release, install drilled and insert cavities, install cavity restrictors, and translocate) red-cockaded woodpeckers (*Picoides borealis*) for the purposes of banding juveniles and adults, and monitoring populations and nest cavities in Louisiana.

Permit Application Number: TE 096554–3

Applicant: James Robinson, Biological Systems Consultants Inc., Lexington, Kentucky

The applicant requests renewal of his current permit to take (capture, identify, and release) blackside dace (*Phoxinus cumberlandensis*) and take (capture, sex, weigh, measure, band, and radio-tag) Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) for the purpose of conducting presence/absence surveys in Tennessee and Kentucky.

Permit Application Number: TE 55292B–0

Applicant: Robert Fletcher, University of Florida, Gainesville, Florida

The applicant requests authorization to take (capture, band, mark, radio-tag, measure, collect feather samples, release, and monitor) everglade snail kites (*Rostrhamus sociabilis plumbeus*) for demographic and movement studies in the State of Florida to enhance the survival of the species.

Permit Application Number: TE 55286B–0

Applicant: Hayden Mattingly, Tennessee Technical University, Cookeville, Tennessee

The applicant requests authorization to take (capture via seining, kick-seining, electrofishing, trapping, and/or hand-netting, and marking and fin-clipping) pygmy madtoms (*Noturus stanauli*) in the Clinch and Duck River drainages in the state of Tennessee for the purposes of conducting presence/absence surveys and developing DNA detection techniques.

Permit Application Number: TE 48833A–1

Applicant: Brian Carver, Tennessee Technical University, Cookeville, Tennessee

The applicant requests an amendment to the current permit to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair and tissue samples, band, radio-tag, pit-tag, light-tag, and wing-punch) northern long eared bats (*Myotis septentrionalis*) throughout the range of the species.

Permit Application Number: TE 100626–9

Applicant: Jeff Selby, AST Environmental, Decatur, Alabama

The applicant requests an amendment to the current permit to take (capture, identify, release) the following species: Diamond tryonia (*Pseudotryonia adamantina*), Gonzalez springsnail (*Tryonia circumstriata*), Pecos assiminea snail (*Assiminea pecos*), phantom springsnail (*Tryonia cheatumi*), San Bernadino springsnail (*Pyrgulopsis bernardina*), three forks springsnail (*Pyrgulopsis trivialis*), Neosho mucket (*Lampsilis rafinesqueana*), rabbitsfoot (*Quadrula cylindrica cylindrica*), scaleshell mussel (*Leptodea leptodon*), and winged mapleleaf (*Quadrula fragosa*) for the purpose of conducting presence/absence surveys throughout the species' ranges.

Permit Application Number: TE 94704A–1

Applicant: Dorothy C. Brown, Woodstock, Georgia

The applicant requests an amendment to her current permit to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio-tag, light-tag, wing punch, and selectively euthanize for white nose syndrome testing) the Virginia big-eared bat (*Corynorhinus* (=*plecotus*) *townsendii virginianus*) in West Virginia, Virginia, North Carolina, Kentucky, and Tennessee, and to add States throughout the range of the Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), and northern long-eared bat (*Myotis septentrionalis*) for the purposes of

conducting presence/absence surveys and white-nose syndrome surveillance and research-related activities.

Permit Application Number: TE 38906B–0

Applicant: Ian Lundgren, National Park Service, Christiansted, Virgin Islands

The applicant requests authorization to take (relocate nests; excavate hatched nests; collect tissue, blood, and carapace samples; and attach satellite, acoustic, flipper, and PIT tags) hawksbill sea turtles (*Eretmochelys imbricata*), green sea turtles (*Chelonia mydas*), leatherback sea turtles (*Dermochelys coriacea*), and loggerhead sea turtles (*Caretta caretta*) within Buck Island Reef National Monument boundaries, for inventory, monitoring, and research activities.

Permit Application Number: TE 14102A–1

Applicant: Carl Dick, Western Kentucky University, Bowling Green, Kentucky

The applicant requests an amendment to the current permit to take (capture with mist nets or harp traps, handle, identify, and collect ectoparasites) northern long-eared bats (*Myotis septentrionalis*) throughout the range of the species.

Permit Application Number: TE 56028B–0

Applicant: Terry Hopkins, Eagleville, Tennessee

The applicant requests authorization to take (enter hibernacula or maternity roost caves, capture with mist nets or harp traps, handle, and identify) Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), and northern long-eared bat (*Myotis septentrionalis*) for purposes of conducting presence/absence surveys, documenting habitat use, and evaluating potential impacts of industrial, commercial, and military activities throughout the species' respective ranges.

Permit Application Number: TE 56430B–0

Applicant: Jonathan Hootman, Whitesburg, Kentucky

The applicant requests authorization to take (enter hibernacula, salvage dead bats, capture with mist nests or harp traps, handle, take measurements, collect hair samples and fecal material, fungal lift tape, swab, wing-punch, band, light-tag, radio-tag, pit-tag, and release) Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) for purposes of conducting presence/absence surveys, documenting habitat use, white nose detection and surveillance, and evaluating the effectiveness of acoustic identification methods throughout the species' respective ranges.

Dated: February 10, 2015.

Leopoldo Miranda,

Assistant Regional Director—Ecological Services, Southeast Region.

[FR Doc. 2015–03314 Filed 2–17–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2015–N014; FXES11130200000–156–FF02ENEH00]

Receipt of Incidental Take Permit Applications for Participation in the Oil and Gas Industry Conservation Plan for the American Burying Beetle in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on incidental take permit applications for take of the federally listed American burying beetle resulting from activities associated with the geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure within Oklahoma. If approved, the permits would be issued under the approved *Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP).

DATES: To ensure consideration, written comments must be received on or before March 20, 2015.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicant's ITP applications by one of the following methods. Please refer to the specific permit number when requesting documents or submitting comments.

- *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.
- *Electronically: fw2_hcp_permits@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at Environmental Review, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.;* Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on incidental take permit (ITP) applications for take of the federally listed American burying beetle (*Nicrophorus americanus*) resulting from activities associated with geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning of oil and gas well field infrastructure within Oklahoma. If approved, the permits would be issued to the applicants under the *Oil and Gas Industry Conservation Plan Associated with Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the American Burying Beetle in Oklahoma* (ICP). The ICP was made available for comment on April 16, 2014 (79 FR 21480), and approved on May 21, 2014 (publication of the FONSI notice was on July 25, 2014; 79 FR 43504). The ICP and the associated environmental assessment/finding of no significant impact are available on the Web site at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following applications under the ICP, for incidental take of the federally listed ABB. Please refer to the appropriate permit number (TE–123456), listed below, when requesting application documents and when submitting comments. Documents and other information the applicants have submitted with these applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit TE–55184B

Applicant: TOMPC, LLC, Edmond, OK

Applicant requests a new permit for oil and gas midstream production, including construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Permit TE–55794B

Applicant: ONE GAS, Inc., Tulsa, OK

Applicant requests a new permit for oil and gas midstream production, including construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas gathering, transmission, and distribution pipeline infrastructure within Oklahoma.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: February 9, 2015.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region.

[FR Doc. 2015–03292 Filed 2–17–15; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–947]

Certain Light-Emitting Diode Products and Components Thereof Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 12, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Cree, Inc. of Durham, North Carolina. A supplement to the complaint was filed on January 29, 2015. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diode products and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,657,236 (''the '236 patent''); U.S. Patent No. 6,885,036 (''the '036 patent''); U.S. Patent No. 6,614,056 (''the '056 patent''); U.S. Patent No. 7,312,474 (''the '474 patent''); U.S. Patent No. 7,976,187 (''the '187 patent''); U.S. Patent No. 8,766,298 (''the '298 patent''); U.S. Patent No. 8,596,819 (''the '819 patent''); and U.S. Patent No. 8,628,214 (''the '214 patent''), and that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint further alleges violations of section 337 based upon the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation, of certain light-emitting diodes and components thereof by reason of false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 11, 2015, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain light-emitting diode products and components thereof by reason of infringement of one or more of claims 1, 2, 4–6, 8, 11, 12, 14–16, 20, 23–26, 28, and 32 of the '236 patent; claims 1–7, 9–11, and 13 of the '036 patent; claims 1–4, 6, and 10 of the '056 patent; claims 1–3, 6, 7, and 15–21 of the '474 patent; claims 1–6 and 26–30 of the '187 patent; claims 1–5 of the '298 patent; claims 1–4, 6–12, 19, 22–28, and 52–59 of the '819 patent; and claims 7, 8, 14, 15–19, 24, and 25 of the '214 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, or the sale of certain light-emitting diode products and components thereof by reason of false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Cree, Inc., 4600 Silicon Drive, Durham, NC 27703.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Feit Electric Company, Inc., 4901 Gregg Road, Pico Rivera, CA 90660.

Feit Electric Company, Inc., Zone B, 2/F, Xinyu Building, No. 17, Huoju East Road, Huli District, Xiamen, China.

Unity Opto Technology Co., Ltd., 10th Floor, No. 88–8, Sec. 1, Guangfu Road, Sanchong District, New Taipei City 241, Taiwan.

Unity Microelectronics, Inc., 1501 Summit Ave., Suite 10, Plano, Texas 75074.

(c) The Office of Unfair Import Investigations, U.S. International Trade

Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 12, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–03267 Filed 2–17–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 1205–11]

Proposed Recommendations Relating to Recommended Modifications in the Harmonized Tariff Schedule To Conform With Amendments to the Harmonized System Recommended by the World Customs Organization, and To Address Other Matters

AGENCY: United States International Trade Commission.

ACTION: Notice of ''proposed recommendations'' and solicitation of public comments.

SUMMARY: The Commission's ''proposed recommendations'' relating to Investigation No. 1205–11 have been posted on the Commission Web site. Interested Federal agencies and the public are invited to submit written comments on the ''proposed recommendations'' by April 20, 2015.

DATES: April 20, 2015: Deadline for interested Federal agencies and the public to file written views on the Commission's ''proposed recommendations.'' July 31, 2015: Transmittal of the Commission's report to the President.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Daniel P. Shepherdson, Attorney-Advisor, Office of Tariff Affairs and Trade Agreements (202–205–2598, or *Daniel.Shepherdson@usitc.gov*) or John Kitzmiller, Nomenclature Analyst, Office of Tariff Affairs and Trade Agreements (202–205–3387, or *John.Kitzmiller@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819, or *Margaret.OLaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information about the Commission may be obtained by accessing the Commission Web site at *www.usitc.gov.* Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: On August 20, 2014, the Commission instituted Investigation No. 1205–11, *Recommended Modifications in the Harmonized Tariff Schedule to Conform with Amendments to the Harmonized System Recommended by the World Customs Organization, and to Address Other Matters,* pursuant to section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (the Trade Act of 1988) (19 U.S.C. 3005), for purposes of recommending to the President possible modifications in the Harmonized Tariff Schedule of the United States (HTS) (79 FR. 50943, Aug. 26, 2014).

The modifications under consideration concern: (1) The World Customs Organization's (WCO) Recommendation of June 27, 2014 that Contracting Parties to the International Convention on the Harmonized Commodity Description and Coding System (Convention) modify their tariff schedules to conform with amendments to the Harmonized System expected to enter into force on January 1, 2017; and (2) whether one of the two HTS subheadings that apply to taro (also known as dasheen) should be deleted, and whether the HTS nomenclature for corned beef should be provided for under a superior subheading for cured meat of bovine animals.

Section 1205(b) of the Trade Act of 1988 provides that, in formulating recommendations under section 1205(a), the Commission shall solicit, and give consideration to, the views of interested Federal agencies and the public. Section 1205(b) further provides that, for the purposes of obtaining public views, the Commission shall give notice of ''proposed recommendations'' and afford reasonable opportunity for interested parties to present their views in writing, particularly as to whether any of the proposed recommendations would have an economic effect on an industry in the United States.

The Commission has posted its ''proposed recommendations'' relating to the investigation on the Commission Web site at *http://www.usitc.gov/tariff_affairs.htm.* Interested Federal agencies and the public are invited to submit written comments on the ''proposed recommendations'' by April 20, 2015.

After considering written public comments, the Commission will prepare and submit to the President a report in accordance with section 1205(c) of the Trade Act of 1988. The Commission expects to submit its report on July 31, 2015.

Written Submissions: Interested parties are invited to file written submissions concerning the ''proposed recommendations.'' All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., April 20, 2015. All written submissions must conform with the provisions of § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the

eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted. (See the following paragraph for further information regarding confidential business information.) Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of § 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the President and the U.S. Trade Representative. The Commission will not otherwise publish any confidential business information in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: February 11, 2015.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2015–03236 Filed 2–17–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Community Oriented Policing Services Public Meetings With Members of the Research Community, Subject-Matter Experts and the Public To Discuss Topics Relating to Policing; Correction

AGENCY: Community Oriented Policing Services, Justice.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Justice published a document in the **Federal Register** of February 6, 2015, concerning a public teleconference notice to discuss topics relating to policing. This document contains an updated agenda for the day, which includes additional witness testimony on The Future of Community Policing. The notice for this revision is given less than 15 calendar days prior to the additional listening session because the Task Force has deemed it necessary to add this topic to fully inform its deliberations prior to the March 2 deadline for submitting its report.

FOR FURTHER INFORMATION CONTACT: Ronald L. Davis, 202–514–4229 or *PolicingTaskForce@usdoj.gov.*

Correction

In the **Federal Register** of February 6, 2015, in FR Doc. 2015–02463, on page 6767, in the first and second column, correct the **SUMMARY**, **DATES**, **ADDRESSES**, and **SUPPLEMENTARY INFORMATION** captions to read:

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 meeting to address the topic of The Future of Community Policing and a public teleconference to discuss best practices and recommendations.

The agenda is as follows:

8:30 a.m.—Call to order of the public meeting;

8:35 a.m.—Invited witness testimony on The Future of Community Policing;

10:00 a.m.—Conclusion of the public meeting;

1:00 p.m.—Call to order of the public teleconference;

Discussion of best practices and recommendations;

7:00 p.m.—Conclusion of the public teleconference.

DATES: The public meeting will be held Tuesday, February 24, 2015 from 8:30 a.m. to 10:00 a.m. Eastern Standard Time. The public teleconference will be held Tuesday, February 24, 2015 from 1:00 p.m. to 7:00 p.m. Eastern Standard Time.

For disability access please call 1–800–888–8888 (TTY users call via Relay).

ADDRESSES: The public meeting location is the Ronald Reagan Building, 1300 Pennsylvania Avenue NW., Horizon Ballrooms A & B. The public teleconference will only be available via phone. To access the conference line, please call 1–866–906–7447 and, when prompted, enter access code 8072024#.

SUPPLEMENTARY INFORMATION:

The meeting is open to the public with limited seating.

Accommodations requests: To request accommodation of a disability, please contact Jessica Drake at 202–457–7771 prior to the meeting to give the Department of Justice as much time as possible to process your request.

Electronic Access and Filing Addresses

The Task Force is interested in receiving written comments including proposed recommendations from individuals, groups, advocacy organizations, and professional communities. Additional information on how to provide your comments will be posted to *www.cops.usdoj.gov/PolicingTaskForce.* Comments must be received by 10:00 a.m. on February 24, 2015.

Availability of Meeting Materials: The agenda and other materials in support of the meeting and the teleconference will be available on the Task Force Web site at *www.cops.usdoj.gov/PolicingTaskForce* in advance of the meeting and the teleconference.

Dated: February 11, 2015.

Deborah Spence,

Alternate Designated Federal Official.

[FR Doc. 2015–03386 Filed 2–17–15; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Partial Consent Decree Under the Clean Water Act

On February 10, 2015, the Department of Justice lodged a proposed Partial Consent Decree with the United States District Court for the Middle District of Pennsylvania in the lawsuit entitled *United States and Commonwealth of Pennsylvania Department of Environmental Protection* v. *Capital Region Water and the City of Harrisburg, PA,* Civil Action No. 1:15–cv–00291–WWC.

The United States and Commonwealth of Pennsylvania Department of Environmental Protection filed this lawsuit under the Clean Water Act and Pennsylvania Clean Streams Law against Capital Region Water and the City of Harrisburg, PA, alleging violations of Section 301 of the Clean Water Act, 33 U.S.C. 1311, and Sections 3, 201, 202 and 401 of the Pennsylvania Clean Streams Law, 35 Pa. Stat. Ann. sections 691.3, 691.201, 691.202 and 691.401, for unpermitted discharges of sewage from the sewer system in Harrisburg, including dry weather combined sewer overflows, failure to develop a Long Term Control Plan

(''LTCP'') meeting the requirements of EPA's 1994 Combined Sewer Overflow Control Policy, and failure to comply with other requirements of the sewer and storm water National Pollution Discharge Elimination System (''NPDES'') permits.

Under the partial settlement, Capital Region Water will implement various injunctive measures, including: Developing and implementing a Nine Minimum Controls Plan to bring its combined sewer system into good operation and maintenance and control combined sewer overflows; submitting an application for an individual NPDES MS4 permit for its storm water system with a plan for implementing the storm water Minimum Control Measures; conducting capacity assessment in the separate sewer system; completing biological nutrient removal upgrades to the Advanced Wastewater Treatment Facility by February 2016; completing several early action projects in the sewer system; and developing an LTCP by April 2018. The Partial Consent Decree resolves all claims against the City of Harrisburg. The Partial Consent Decree does not resolve the United States' and Commonwealth of Pennsylvania Department of Environmental Protection's claims regarding CRW's failure to implement an LTCP, and claims for civil penalties against CRW, which are reserved for future settlement among the parties.

The publication of this notice opens a period for public comment on the proposed Partial Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and Commonwealth of Pennsylvania Department of Environmental Protection* v. *Capital Region Water and City of Harrisburg, PA,* D.J. Ref. No. 90–5–1–1–10157. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Partial Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed Partial Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $22.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–03298 Filed 2–17–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,085; TA–W–83,085A]

Sgk Ventures, Formerly Known As Keywell Llc, Frewsburg, New York; Keywell Metals Llc, Formerly Known As Keywell Llc, Falconer, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 6, 2013, applicable to workers of Keywell LLC, Frewsburg, New York, and Keywell, Falconer, New York. The Department's notice of determination was published in the **Federal Register** on December 10, 2013 (78 FR 74163).

At the request of the New York State Department of Labor, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of scrap stainless steel, titanium and high temperature alloys.

New information shows that part of Keywell LLC was purchased in bankruptcy and each portion renamed: The Frewsburg facility to SGK Ventures and the Falconer facility to Keywell Metals LLC on January 1, 2014. The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by imports of articles directly competitive to scrap stainless steel, titanium and high temperature alloys.

The amended notice applicable to TA–W–83,085 and TA–W–83,085A is hereby issued as follows:

All workers of SGK Ventures, formerly known as Keywell LLC, Frewsburg, New York (TA–W–83,085) and all workers of Keywell Metals LLC, formerly known as Keywell LLC, Falconer, New York (TA–W–83,085A), who became totally or partially separated on or after September 10, 2012 through November 6, 2015, and all workers in the group threatened with total or partial separation from employment on date of certification through November 6, 2015, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 2nd day of February, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–03277 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–XX–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

175th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 175th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on March 20, 2015.

The meeting will take place in Room S–2508, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. The purpose of the open meeting, which will run from 1:30 p.m. to approximately 4:30 p.m. Eastern Standard Time, is to welcome the new members, introduce the Council Chair and Vice Chair, receive an update from the Assistant Secretary of Labor for the Employee Benefits Security Administration, and determine the topics to be addressed by the Council in 2015.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before March 13, 2015 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in text or pdf format transmitted to *good.larry@dol.gov*. It is requested that statements not be included in the body of the email. Relevant statements received on or before March 13, 2015 will be included in the record of the meeting. No deletions, modifications, or redactions

will be made to the statements received, as they are public records.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations, or others who need special accommodations, should contact the Executive Secretary by March 13.

Signed at Washington, DC, this 6th day of February, 2015.

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2015–03282 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application No. D–11837]

Notice of Extension of Comment Period on Proposed Individual Exemption involving Credit Suisse AG (hereinafter, Credit Suisse AG)

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Notice of extension of comment period.

SUMMARY: Notice is hereby given that the Department of Labor (the Department) is extending the date by which comments may be submitted in connection with a proposed individual exemption published on November 18, 2014, at 79 FR 68712, involving ''qualified professional asset managers'' that are affiliated with, or related to, Credit Suisse AG. Comments on the proposed exemption may now be submitted to the Department on or before March 2, 2015.

ADDRESSES: All written supplemental information should be directed to the Office of Exemption Determinations, Employee Benefits Security Administration, Room N–5700, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Application No. D–11837. Any such submission must be received on or before March 2, 2015. The application regarding the proposed exemption and the comments received (and prior hearing requests) will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW., Washington, DC 20210. Comments (and prior hearing requests) will also be made available online through *http://www.regulations.gov* and *www.dol.gov/ebsa* at no charge.

FOR FURTHER INFORMATION CONTACT: Erin S. Hesse, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693–8546 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On September 3, 2014, the Department published in the **Federal Register**, at 79 FR 52365, a notice of pendency of a proposed individual exemption (the First Proposed Exemption) for certain affiliates of Credit Suisse AG and for certain other entities in which Credit Suisse AG owns a 5% or more interest to continue to rely on the relief provided by Prohibited Transaction Class Exemption (PTE) 84–14,[1] notwithstanding a judgment of conviction against Credit Suisse AG for one count of conspiracy to violate section 7206(2) of the Internal Revenue Code in violation of Title 18, United States Code, Section 371, to be entered in the District Court for the Eastern District of Virginia in Case Number 1:14–cr–188–RBS. In that notice, the Department invited interested persons to submit written comments and requests for a public hearing.

Following publication of the First Proposed Exemption, and in connection therewith, the Department received several requests for a public hearing. To ensure that both: (1) Plans with assets managed by qualified professional asset managers that are affiliated with or related to Credit Suisse did not incur sudden losses to the extent such managers could no longer rely on the relief set forth in PTE 84–14 as of the scheduled date of the conviction (November 21, 2014); and (2) comments on the proposed exemption were properly heard and addressed; the Department issued, on November 18, 2014: (A) A final temporary conditional exemption regarding the First Proposed Exemption at 79 FR 68716; (B) a new proposed conditional exemption (the Second Proposed Exemption) at 79 FR 68712, that, if granted, would allow Credit Suisse AG affiliated and related QPAMs to rely on PTE 84–14 on a permanent basis; and (C) a notice of hearing regarding the Second Proposed Exemption, at 79 FR 68711.

A public hearing regarding the Second Proposed Exemption was subsequently held in Washington, DC, on January 15, 2015. At the hearing, the Department informed commenters that the record for the Second Proposed Exemption would be kept open until January 26, 2015.

The Department now believes that commenters may need additional time to review the hearing transcript prior to supplementing the record for the Second Proposed Exemption. The transcript is now available online through *http://www.regulations.gov* and *www.dol.gov/ebsa.* The transcript is also available through the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW., Washington, DC 20210.

Supplemental information submitted in connection with the Second Proposed Exemption must be received by the Department on or before March 2, 2015.

Warning: All comments received will be included in the public record without change and will be made available online at *http://www.regulations.gov* and *www.dol.gov/ebsa.* The Department will endeavor to redact certain protected personal information, but it is possible that some such information may be disclosed. Therefore, if you submit a comment, the Department recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. Furthermore, if the Department cannot read your comment due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your comment. Additionally, the *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the Department will not know your identity or contact information unless you complete the applicable fields or provide it in the body of your comment. If you send an email directly to the Department 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 record and made available on the Internet.

[1] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

Signed at Washington, DC, this 9th day of February, 2015.

Lyssa Hall,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2015–03014 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Public Listening Session

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of public listening session.

SUMMARY: In preparation for launching the Online Skills Academy described in the Administration's ''Ready to Work: Job-Driving Training and American Opportunity'' report, the Department of Labor (Department), Employment and Training Administration is hosting a virtual listening session to solicit information and public input concerning the development of an Online Skills Academy. This listening session will be hosted in partnership with the Department of Education.

The listening session will provide an opportunity for stakeholders to provide their comments and suggestions and engage in a national dialogue regarding the implementation of this priority funding.

Instructions regarding registering for and attending the listening session are in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES:

Listening Session: The virtual listening session will be on, Friday, February 20, 2015, and will begin at 2:00 p.m. and is scheduled to end by 4:00 p.m.

Registration: You must register to attend this virtual listening session. ETA will post specific information on how to register and participate via the Internet on the Online Skills Academy Web site at *www.doleta.gov/skillsacademy* in advance of the listening session.

Comments: A transcript of all public comments will be available. This transcript and any written comments submitted following the public listening session will be posted on the Online Skills Academy Web site at *www.doleta.gov/skillsacademy* by Friday, February 27, 2015. Written comments must be submitted electronically to *skillsacademy@dol.gov.* Comments must be received by 5:00 p.m. ET on Wednesday, February 25, 2015.

ADDRESSES: The listening session will be conducted virtually via live webcast. ETA will post the agenda and logistical information on how to participate via Internet on the Online Skills Academy Web site at *http://www.doleta.gov/skillsacademy* in advance of the listening session. The session is open to the public and the entire proceedings will be webcast, recorded, and made publicly available. Interested parties may participate via webcast only. Capacity is not limited but registration is required. For information on how to register, go to *http://www.doleta.gov/skillsacademy.* Registration will be open until the listening session begins. In addition to attending joining the virtual session via webinar, ETA would like to solicit comments electronically to *skillsacademy@dol.gov.* Comments must be received by 5:00 p.m. ET on Wednesday, February 25, 2015.

SUPPLEMENTARY INFORMATION:

I. Background

In July 2014, Vice President Joe Biden released a report on federal job-driven training programs, *http://www.whitehouse.gov/sites/default/files/skills_report_072014_2.pdf.* Among other things, programs and initiatives identified in this report highlight the importance of strategies that are responsive to employer needs in order to effectively place ready-to-work Americans in jobs that are available now or train them in the skills needed for better jobs. The report also highlighted future initiatives that expand the tools for job seekers to find pathways to better jobs. One of these initiatives is the Department of Labor's Online Skills Academy, a competition to award up to $25 million for partnerships that will offer open, online courses of study, helping students earn credentials online through participating accredited institutions, and expanding access to curriculum designed to speed the time to credit and completion. Building off the burgeoning marketplace of free and openly-licensed learning resources, including the content developed through the Trade Adjustment Assistance Community College and Career Training (TAACCCT) grant program, this online skills academy will ensure that workers can get the education and training they need to advance their careers by developing skills in-demand by employers through courses that are free to access and provide a low cost means for earning credentials and degrees. This initiative will be administered in partnership with the Department of Education.

To plan this competition, the Departments of Labor and Education will engage stakeholders in a national dialogue to learn and understand concerns and ideas related to the following topics:

- Technology-enabled and online learning, including use of open platforms
- Accelerated career pathways leading to industry-recognized credentials in in-demand fields
- Contextualized learning
- Online and technology enabled assessment tools, including competency-based and open access assessments
- Use of local labor market information and employer engagement in identification of in-demand skills and credentials

II. Instructions for Attending the Listening Session

Space for attendance at this virtual listening session is not limited; however, you must register to attend. Information on how to register and participate will be posted on the Online Skills Academy Web site at *http://www.doleta.gov/skillsacademy* in advance of the listening session.

III. Draft Agenda for the February 20, 2015 Listening Session

Welcome and Introductions—2:00 p.m. ET to 2:20 p.m. ET

Overview of Online Skills Academy Vision and Required Components—2:20 p.m. ET to 2:30 p.m. ET

Open Comment Period—2:30 p.m. ET to 4:00 p.m. ET

- Topic #1—Online Education and Learning
- Topic #2—Open Educational Resources and Open Platforms
- Topic #3—Training Unemployed Workers and Non-traditional Learners
- Topic #4—Developing Career Pathways in High-Demand Sectors
- Topic #5—Developing Assessments

The agenda will be strictly followed; participants may attend all or part of the listening session as relevant. The updated agenda will be posted on the Online Skills Academy Web site at *http://www.doleta.gov/skillsacademy* in advance of the listening session.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–03208 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,497]

Invista S.A.R.L.; Apparel Division; A Wholly-Owned Subsidiary of Koch Industries, Inc.; Waynesboro, Virginia; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated December 14, 2014, United Workers, Inc., International Brotherhood of Dupont Workers, Local 381, requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for worker adjustment assistance applicable to workers and former workers of INVISTA S.a.r.l., a wholly-owned subsidiary of Koch Industries, Inc., Waynesboro, Virginia. The determination was issued on November 14, 2014 and the Notice of Determination was published in the **Federal Register** on December 10, 2014 (79 FR 73339).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted in a negative determination based on the findings that worker separations were unrelated to a shift in production to a foreign country or to imports by the subject firm or its customers.

The request for reconsideration asserts that the workers at the subject firm have been impacted by a continuous transfer of production to foreign countries.

The Department of Labor has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 15th day of January, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–03269 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *January 5, 2015 through January 16, 2015.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. one of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.,* conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,666, Philips Electronics, Fall River, Massachusetts. November 21, 2013.

85,682, Behr process Corporation, Chesterfield, Missouri. December 1, 2013.

85,686, SCHOTT North America, Inc., Duryea, Pennsylvania. December 3, 2013.

85,704, Performance Fibers, Inc., New Hill, North Carolina, December 8, 2013.

85,712, Turbomeca Manufacturing, LLC, Monroe, North Carolina. December 10, 2013.

85,729, General Cable Corporation, Altoona, Pennsylvania. December 16, 2013.

85,730, Johnston Textiles, Inc., Phoenix City, Alabama. December 16, 2013.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

85,706, Quality Auto Electric, Inc., Knoxville, Tennessee.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,615, Trane U.S. Inc., Tyler, Texas.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,661, AMFIRE Mining Company, LLC, Portage, Pennsylvania.

85,661A, Maxxim Shared Services LLC, Latrobe, Pennsylvania.

85,661B, AMFIRE Mining Company, LLC, Clymer, Pennsylvania.

85,661C, AMFIRE Mining Company, LLC, Frenchville, Pennsylvania.

85,661D, AMFIRE Mining Company, LLC, Rockwood, Pennsylvania.

85,661E, AMFIRE Mining Company, LLC, Indiana, Pennsylvania.

85,661F, AMFIRE Mining Company, LLC, Hamilton, Pennsylvania.

85,661G, AMFIRE Mining Company, LLC, Mineral Point, Pennsylvania.

85,661H, AMFIRE Mining Company, LLC, Penn Run, Pennsylvania.

85,661I, AMFIRE Mining Company, LLC, Indiana, Pennsylvania.

85,661J, AMFIRE Mining Company, LLC, Homer City, Pennsylvania.

85,661K, AMFIRE Mining Company, LLC, Mineral Point, Pennsylvania.

85,661L, AMFIRE Mining Company, LLC, Philipsburg, Pennsylvania.

85,661M, AMFIRE Mining Company, LLC, Clearfield, Pennsylvania.

85,693, Green Creek Wood Products LLC, Port Angeles, Washington.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,632, Intuit, Inc., Mountain View, California.

85,674, Levi Strauss & Co. Eugene, Oregon.

85,676, Syncreon US, Trotwood, Ohio.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

85,727, Tokyo Electron America, Inc., Rio Rancho, New Mexico.

85,746, Pilkington North America, Inc., Lathrop, California.

I hereby certify that the aforementioned determinations were issued during the period of *January 5, 2015 through January 16, 2015.* These determinations are available on the Department's Web site *www.tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 23rd day of January 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–03271 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 2, 2015.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 2, 2015.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 5th day of February 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

34 TAA PETITIONS INSTITUTED BETWEEN 1/20/15 AND 1/30/15

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85767	Gerresheimer Glass (Workers)	Millville, NJ	01/20/15	01/18/15
85768	Mallinckrodt Pharmaceuticals (Union)	St. Louis, MO	01/20/15	01/18/15
85769	Rural Metro Ambulance (Union)	Salem, OR	01/20/15	01/16/15
85770	PACAL Industries LLC (Union)	La Crosse, WI	01/20/15	01/16/15
85771	Eastman Kodak Company (Workers)	Rochester, NY	01/20/15	01/19/15
85772	Bank of America (State/One-Stop)	Dallas, TX	01/21/15	01/20/15
85773	Johnson Controls—GWS (Workers)	Holland, MI	01/21/15	01/20/15
85774	Logistics Resources, Inc. (State/One-Stop)	Wichita, KS	01/21/15	01/20/15
85775	Laredo Petroleum, Inc. (State/One-Stop)	Farmers Branch, TX	01/21/15	01/20/15
85776	Raven Industries (State/One-Stop)	Earth City, MS	01/21/15	01/20/15
85777	Scottsdale Lincoln Health Network (Workers)	Scottsdale, AZ	01/21/15	01/19/15
85778	Yokohama Tire Manufacturing Virginia (Company)	Salem, VA	01/22/15	01/21/15
85779	Brayton International (Company)	High Point, NC	01/22/15	01/21/15
85780	LSI (Avago Technologies) (State/One-Stop)	Allentown, PA	01/22/15	01/21/15
85781	Asahi/America Inc. (State/One-Stop)	Lawrence, MA	01/23/15	01/22/15
85782	Flight Line Products LLC (State/One-Stop)	Valencia, CA	01/23/15	01/22/15
85783	Heraeus Electro-Nite (Company)	Ellwood City, PA	01/23/15	01/22/15
85784	Power Products, LLC (Company)	Menomonee Falls, WI	01/23/15	01/22/15
85785	Trim Masters Inc (Company)	Nicholasville, KY	01/23/15	01/22/15
85786	Boomerang Tube LLC (State/One-Stop)	Liberty, TX	01/23/15	01/22/15
85787	Pacer Technology (State/One-Stop)	Rancho Cucamonga, CA	01/23/15	01/22/15
85788	Valspar Engineered Polymer Solutions (incl. 701 Shiloh Rd., Garland, TX) (State/One-Stop).	Garland, TX	01/23/15	01/22/15
85789	Mastercraft Furniture, Inc (State/One-Stop)	Stayton, OR	01/26/15	01/23/15
85790	Corsa Coal (formerly PBS/Rox Coal) (Workers)	Friedens, PA	01/27/15	01/26/15
85791	Ivesco/Division of MWI (Workers)	Warsaw, NC	01/27/15	01/07/15
85792	Southern California Edison (Company)	Rosemead/Irwindale, CA	01/27/15	01/15/15
85793	Dreamworks (State/One-Stop)	Redwood City, CA	01/28/15	01/27/15
85794	L. Weyant Trucking (State/One-Stop)	Central City, PA	01/28/15	01/27/15
85795	Tenaris Hickman (State/One-Stop)	Blytheville, AR	01/28/15	01/27/15
85796	U.S. Steel Tubular Products, Inc. (State/One-Stop)	Lone Star, TX	01/28/15	01/27/15
85797	Revett Mining Co—Troy Mine (Company)	Troy, MT	01/28/15	01/27/15
85798	Windsor Foods (Workers)	Bloomsburg, PA	01/28/15	01/27/15
85799	Comprehensive Logistics (State/One-Stop)	Lansing, MI	01/29/15	01/28/15
85800	COM DEV USA, LLC (Company)	El Segundo, CA	01/29/15	01/28/15

[FR Doc. 2015–03305 Filed 2–17–15; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 2, 2015.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 2, 2015.

The petitions filed in this case are available for inspection at the Office of

the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 21st day of January 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

15 TAA PETITIONS INSTITUTED BETWEEN 1/5/15 AND 1/16/15

TA–W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
85752	Lear Corporation (Workers)	Southfield, MI	01/07/15	01/06/14
85753	U.S. Steel Tubular Products, Inc. (State/One-Stop)	Houston, TX	01/07/15	01/06/15
85754	Hypertronics Corporation (Company)	Hudson, MA	01/07/15	12/16/14
85755	Linatex Corporation of America DBA Weir Minerals Linatex North America (Company).	St. Croix Falls, WI	01/07/15	01/06/15
85756	Crown Casting Industries (State/One-Stop)	Hodges, SC	01/08/15	01/07/15
85757	RHI Monofrax LLC (State/One-Stop)	Falconer, NY	01/09/15	01/08/15
85758	Oxane Materials (Workers)	Van Buren, AR	01/12/15	01/12/15
85759	International Automotive Components Group, North America (Union).	Canton, OH	01/12/15	01/09/15
85760	Medtronic Ablation Frontiers, Inc. (Company)	Carlsbad, CA	01/14/15	01/13/15
85761	TriNet HR Corporation (Workers)	San Leandro, CA	01/14/15	01/13/15
85762	Advanced Ion Beam (State/One-Stop)	Danvers, MA	01/14/15	01/13/15
85763	Ross Mould, Inc. (Union)	Washington, PA	01/15/15	01/13/15
85764	ITW Thielex (Company)	Somerset, NJ	01/15/15	01/15/15
85765	Vencore Services (formally known as Qinetiq North America) (Workers).	Reston, VA	01/16/15	01/15/15
85766	Premier Turbines (Union)	Neosho, MO	01/16/15	01/14/15

[FR Doc. 2015–03270 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,328]

General Electric Company; Transportation Division Including On-Site Leased Workers From Adecco and Yoh Services Llc; Erie, Pennsylvania; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 3, 2014, applicable to workers of General Electric Company, Transportation Division, including on-site leased workers from Adecco, Erie, Pennsylvania.

At the request of worker, the Department reviewed the certification for workers of the subject firm. The workers were engaged in activities related to the production of marine and stationary drills, locomotives and kits and off-highway vehicles (OHV).

The company reports that workers leased from Yoh Services LLC were on-site at the Erie, Pennsylvania location of General Electric Company, Transportation Division. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Yoh Services LLC working on-site at the Erie, Pennsylvania location of General Electric Company, Transportation Division.

The amended notice applicable to TA–W–83,328 is hereby issued as follows:

All workers of Yoh Services LLC, reporting to General Electric Company, Transportation Division, including on-site leased workers from Adecco, Erie, Pennsylvania, who became totally or partially separated from employment on or after December 20, 2012 through June 3, 2016, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 28th day of January, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–03278 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–82,884]

Central Credit Services, LLC, Formerly Known As Integrity Solutions Services, Inc., Decorah, IA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 14, 2013, applicable to workers of Integrity Solutions Services, Inc., Decorah, Iowa. The Department's notice of determination was published in the **Federal Register** on September 3, 2013 (78 FR 54487).

At the request of Iowa Workforce Development, the Department reviewed the certification for workers of the subject firm. The workers were engaged in collections and customer services.

New information shows that as of December 29, 2014, the firm changed names to Central Credit Services, LLC. The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by a shift in services of collections and customer services.

The amended notice applicable to TA–W–82,884 is hereby issued as follows:

All workers of Central Credit Services, LLC, formerly known as Integrity Solutions Services, Inc., Decorah, Iowa, who became totally or partially separated from who became totally or partially separated from employment on or after July 3, 2012, through August 14, 2015, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 2nd day of February, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–03276 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,547]

Foxconn Assembly LLC/Foxconn Hon Hai Logistics LLC; A Subsidiary of Hon Hai Precision Industry Co., LTD Including Workers Whose Unemployment Insurance (UI) Wages Are Reported Under Foxconn Hon Hai Logistics Texas, LLC, EMS Assembly LLC and Q-Hub Corporation and Including On-Site Leased Workers From Spiretek International, Inc., Effex Management Solutions, LLC Houston, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 10, 2014, applicable to workers and former workers of Foxconn Assembly LLC/Foxconn Hon Hai Logistics LLC, a subsidiary of Hon Hai Precision Industry Co., LTD, including workers whose unemployment insurance (UI) wages are reported under Foxconn Hon Hai Logistics Texas, LLC and EMS Assembly LLC, and including on-site leased workers from Spiretek International, Inc. and Effex Management Solutions, LLC, Houston, Texas. The Department's Notice of Determination was published in the **Federal Register** on October 29, 2014 (79 FR 64413). The firm is engaged in production of printed circuit boards.

At the request of the State of Texas, the Department reviewed the certification applicable to the subject firm.

During the review, the Department confirmed that Foxconn Assembly LLC has operated under the name Q-Hub Corporation and paid workers in the group under this name.

The amended notice applicable to TA–W–85,547 is hereby issued as follows:

All workers of Foxconn Assembly LLC/Foxconn Hon Hai Logistics LLC, a subsidiary of Hon Hai Precision Industry Co., LTD, including workers whose unemployment insurance (UI) wages are reported under Foxconn Hon Hai Logistics Texas, LLC, EMS Assembly LLC and Q-Hub Corporation, and including on-site leased workers from Spiretek International, Inc. and Effex Management Solutions, LLC, Houston, Texas, who became totally or partially separated from employment on or after September 22, 2013 through October 10, 2016, and all workers in the group threatened with total or partial separation from employment on the date of certification through October 10, 2016, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC this 2nd day of February, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–03279 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *January 19, 2015 through January 30, 2015.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and

such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.,* conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance And Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,664, Kraft Foods Group Global, Inc., Woburn, Massachusetts. November 20, 2013.

85,691, Covidien LP, North Haven, Connecticut. December 3, 2013.

85,698, General Motors, Lansing, Michigan. December 5, 2013.

85,710, Hugo Boss Cleveland, Inc., Brooklyn, Ohio. December 10, 2013.

85,711, General Electric, Dekalb, Illinois. December 10, 2013.

85,715, Vermont Circuits, Inc., Brattleboro, Vermont. December 11, 2013.

85,728, Advanced Micro Devices, Inc., Austin, Texas. January 11, 2014.

85,736, Kolektor TKI Inc., Fountain Inn., South Carolina. December 7, 2013.

85,738, XRS Corporation, Burnsville, Minnesota. December 18, 2013.

85,740, Amerida Premium Hardwoods, Greenville, Michigan. December 18, 2013.

85,742, General Motors Lake Orion Assembly, Lake Orion, Michigan. December 19, 2013.

85,748, Littelfuse Inc., Lake Mills, Wisconsin. December 29, 2013.

85,750, Maracom Corporation, Willmar, Minnesota. December 30, 2013.

85,754, Hypertronics Corporation, Hudson, Massachusetts. December 16, 2013.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

Negative Determinations For Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,589, Original Chili Bowl, Tulsa, Oklahoma.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,702, JP Morgan Chase and Company, Lowell, Massachusetts.

85,747, JP Morgan Chase and Company, Akron, Ohio.

85,749, St. Thomas Medical Group, Nashville, Tennessee.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

85,755, Linatex Corporation of America, St. Croix Falls.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

85,768, Mallinckrodt Pharmaceuticals, St Louis, Missouri.

I hereby certify that the aforementioned determinations were issued during the period of *January 19, 2015 through January 30, 2015.* These determinations are available on the Department's Web site *www.tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 5th day of February 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–03280 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed collection, comment request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed new collection

of the ''Occupational Requirements Survey.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before April 20, 2015.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Requirements Survey (ORS) is a nationwide survey that the Bureau of Labor Statistics (BLS) will conduct at the request of the Social Security Administration (SSA). The first three years of data collection and capture for the ORS will start in 2015 and end in mid-2018.

Estimates produced from the data collected by the ORS will be used by the SSA to update occupational requirements data in administering the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs.

The new ORS occupational information will allow SSA adjudicators to clearly associate the assessment of a claimant's physical and mental functional capacity and vocational profile with work requirements. BLS will compute percentages of workers with various characteristics, such as skill and strength level. SSA will use this information to provide statistical support for the medical-vocational rules used at step 5 of sequential evaluation regarding the number of unskilled jobs that exist at each level of exertion in the national economy.

The Social Security Administration, Members of Congress, and representatives of the disability community have all identified collection of updated information on the requirements of work in today's economy as crucial to the equitable and efficient operation of the Social Security Disability (SSDI) program. The information currently available is more than 20 years old.

The ORS will collect data from a sample of employers. These requirements of work data will consist of information about the duties, responsibilities, and job tasks for a sample of occupations for each sampled employer.

In October 2014, BLS commenced the collection of a six-month ORS Pre-production test. The goal of the Pre-production test is to test all survey activities by mirroring production procedures, processes and protocols as closely as possible. All ORS data elements planned for Production are being collected during the test.

Production activities mirrored in the Pre-production test include selecting ORS samples, training staff, conducting calibration exercises, collecting the data, conducting all review activities, calculating estimates and standard errors, validating the estimates, and applying publication criteria to the computed estimates. Data from this test that meets BLS publication criteria will be provided to SSA and released in a research report for the public. However, due to the sample size of this test, the BLS only expects to be able to compute and release data for a very limited number of occupations or occupational groups, and these data will not be suitable for SSA disability determinations.

BLS received comments on both the March 24, 2014, 60 day **Federal Register** (79 FR 16058) and July 23, 2014, 30 day **Federal Register** notice (79 FR 42829) for the six-month ORS Pre-production test. To assure that BLS is addressing all of these comments thoroughly, BLS consulted with an outside subject matter expert to gain a better understanding of occupational requirements data. The consultant reviewed and analyzed literature related to the reliability and validity of occupational requirements data and provided the BLS with recommendations for testing reliability and validity. Given the recommendations from the subject matter expert, BLS plans to begin a review initiative in FY 2015 including the development of a methodological guide, evaluation of benchmarks for data collection, and future testing of inter-rater reliability. These recommendations, as well as the previous refinements of the collection procedures, the data review process, and the validation techniques developed to date will ensure ORS produces quality occupational data in the areas of vocational preparation, mental-cognitive and physical requirements, and environmental conditions as the BLS moves into full production.

II. Current Action

Office of Management and Budget clearance is being sought for the Occupational Requirements Survey.

The following data will be collected during the ORS as defined by the SSA's disability program and are data that the NCS does not currently collect:

(1) An indicator of ''time to proficiency,'' defined as the amount of time required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average job performance, comparable to the Specific Vocational Preparation (SVP) used in the Dictionary of Occupational Titles (DOT).

(2) Physical Demand characteristics/factors of occupations, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix C of the Selected Characteristics of Occupations (SCO).

(3) Environmental Conditions, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix D of the SCO.

(4) Data elements that describe the mental and cognitive demands of work.

(5) Occupational Task lists data as identified in the Employment and Training Administration's (ETA's) O*NET Program in order to validate the key tasks common across establishments and identify other tasks commonly performed.

Some data needed for ORS are currently collected by BLS's National Compensation Survey (NCS). The ORS data will be collected with the same methodology as data collected for NCS. The general establishment data collected on establishments in the survey samples will be the same for ORS and NCS. The Probability Selection of Occupations (PSO) methodology—a disaggregating technique for selecting individual items from a large number of items—will also be used by both ORS and NCS. For ORS and NCS, these items are employees, occupations, divisions, or sub-units depending upon the application of the sampling procedure being used. The work level of jobs data (factor evaluation method with four factors to evaluate the work level) methodology will also be used in the ORS survey, as it is currently in NCS.

BLS will disseminate the data from the ORS on the BLS public Web site (*www.bls.gov/ors*).

The ORS will have two collection forms (having unique private industry and government collection forms for each). For those sampled establishments that are in the current National

Compensation Survey (NCS), ORS will use NCS data and forms for those data elements that overlap.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Type of Review: New Collection.

Agency: Bureau of Labor Statistics.

Title: Occupational Requirements Survey.

OMB Number: 1220–NEW.

Affected Public: Businesses or other for-profit; not-for-profit institutions; and State, local, and tribal government.

Total Respondents: 10,402 (three-year average).

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

All figures in the table below are based on a three-year average. The total respondents in the table are greater than the figure shown above because many respondents are asked to provide information relating to more than one form.

Form	Total respondents per form	Frequency	Total annual responses *	Minutes for the predominant form use	Total hours *
Establishment, work level, and schedule collection form (ORS Form 15–1G)	1,366	1	1,366	54	1,229
Establishment, work level, and schedule collection form (ORS Form 15–1P)	8,246	1	8,246	54	7,421
Occupation requirements (ORS Form 4 PPD–4G)	1,507	1	1,507	66	1,658
Occupation requirements (ORS Form 4 PPD–4P)	8,545	1	8,545	66	9,400
Collection not tied to a specific form (Quality Assurance, Testing)	853	1	853	.....	476
TOTALS	20,516	.....	20,516	.....	20,184

* The sum of individual items may not equal totals due to rounding.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 12th day of February 2015.

Eric Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2015–03291 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TÜV SÜD America, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for TÜV SÜD America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Acting Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TÜV SÜD America, Inc. (TUVAM), as an NRTL. TUVAM's expansion covers the addition of one test standard to its scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by an NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page

for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVAM submitted an application, dated June 9, 2014 (OSHA–2007–0043–0009, Exhibit 14–1—TUVAM Request for Expansion), to expand its recognition to include one additional test standard. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing TUVAM's expansion application in the **Federal Register** on October 3, 2014 (79 FR 59863). The Agency requested comments by October 20, 2014, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVAM's scope of recognition.

To obtain or review copies of all public documents pertaining to TUVAM's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2007–0043 contains all materials in the record concerning TUVAM's recognition.

II. Final Decision and Order

OSHA staff examined TUVAM's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant TUVAM's scope of recognition expansion. OSHA limits the expansion of TUVAM's recognition to testing and certification of products for demonstration of conformance to the test standard listed in Table 1 below.

TABLE 1—APPROPRIATE TEST STANDARD FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
ANSI/AAMI ES60601–1:2005/(R)2012.	Medical electrical equipment, Part 1: General requirements for basic safety and essential performance (with amendments).

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standard listed above as an American National Standard. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVAM must abide by the following conditions of the recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM, subject to the limitation and conditions specified above.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 11, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–03234 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Collection; Comment Request: Division of Coal Mine Workers' Compensation

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Notice of Termination, Suspension, Reduction or Increase in Benefit Payments (CM–908). A copy of the information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 20, 2015.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 354–9647, fax (202) 693–1447, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background: The Office of Workers' Compensation Programs (OWCP) administers the Federal Mine Safety and Health Act of 1977 as amended, Section 432 (30 U.S.C. 942) and 20 CFR 725.621 necessitate this information collection. Under this Act, Coal mine operators, their representatives, or their insurers

who have been identified as responsible for paying Black Lung benefits to an eligible miner or an eligible surviving dependent of the miner, are called Responsible Operators (RO's). RO's that pay benefits are required to report any change in the benefit amount to the Department of Labor (DOL). The CM–908, when completed and sent to DOL, notifies DOL of the change in the beneficiary's benefit amount and the reason for the change. The Federal Mine Safety and Health Act of 1977 as amended, Section 432 (30 U.S.C. 942) and 20 CFR 725.621 necessitate this information collection. This information collection is currently approved for use through August 31, 2015.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to carry out its responsibility to evaluate an applicant ability to be a representative payee. If the Program were not able to screen representative payee applicants the beneficiary's best interest would not be served.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Notice of Termination, Suspension, Reduction or Increase in Benefit Payments.

OMB Number: 1240–0030.

Agency Number: CM–908.

Affected Public: Business or other for profit.

Total Respondents: 325.

Total Annual Responses: 5,000.

Average Time per Response: 12 minutes.

Estimated Total Burden Hours: 1,000.

Frequency: On occasion and annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $5,200.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 12, 2015.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2015–03283 Filed 2–17–15; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–029]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA proposes to request extension of a currently approved information collection used to identify potential grant recipients that have limited experience with managing Federal funds. NARA invites the public to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive written comments by April 20, 2015 for consideration.

ADDRESSES: Please send comments by mail to Paperwork Reduction Act Comments (NHP); Room 4400; National Archives and Records Administration; 8601 Adelphi Rd.; College Park, MD 20740–6001, by fax to 301–713–7409, or by email to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Please contact Tamee Fechhelm by telephone at 301–837–1694, or by fax at 301–713–7409 to request additional information or copies of the proposed information collections and supporting statements.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA'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; (d) ways to minimize the burden of the collection of information on all respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. NARA will summarize any comments you submit and include them in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collections:

Title: Accounting System and Financial Capability Questionnaire.

OMB number: 3095–0072.

Agency form numbers: NA Form 17003.

Type of review: Regular.

Affected public: Not-for-profit institutions and State, Local, or Tribal Government.

Estimated number of respondents: 75.

Estimated time per response: 4 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 300.

Abstract: Pursuant to the Title 2, Section 215 of the Code of Federal Regulations, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (formerly Office of Management and Budget (OMB) Circular A–110) and Office of Management and Budget Circular A–133, Audits of States, Local Governments, and Non-Profit Organizations, grant recipients are required to maintain adequate accounting controls and systems in managing and administering Federal funds. Some of the recipients of grants from the National Historical Publications and Records Commission (NHPRC) have proven to have limited experience with managing Federal funds. This questionnaire is designed to identify those potential recipients and provide appropriate training or additional safeguards for Federal funds. Additionally, the questionnaire serves as a pre-audit function in identifying potential deficiencies and minimizing the risk of fraud, waste, abuse, or mismanagement, which we use in lieu of a more costly and time consuming formal pre-award audit.

Dated: February 6, 2015.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2015–03363 Filed 2–17–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–028]

Office of Government Information Services (OGIS); Freedom of Information Act (FOIA) Advisory Committee; Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. App) and the second United States Open Government National Action Plan (NAP) released on December 5, 2013, NARA announces an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting.

DATES: The meeting will be on April 21, 2015, from 10:00 a.m. to 1:00 p.m. EDT. You must register for the meeting by 5:00 p.m. EDT on April 20, 2015.

Location: National Archives and Records Administration (NARA); 700 Pennsylvania Avenue NW.; Archivist's Reception Room (Room 105); Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Christa Lemelin, Designated Federal Officer for this committee, by mail at National Archives and Records Administration; Office of Government Information Services; 8601 Adelphi Road—OGIS; College Park, MD 20740–6001, by telephone at 202–741–5773, or by email at *Christa.Lemelin@nara.gov*.

SUPPLEMENTARY INFORMATION: *Agenda and meeting materials:* You may find all meeting materials at *https://ogis.archives.gov/foia-advisory-committee/meetings.htm*. The purpose of this meeting is to discuss the FOIA issues on which the Committee is focusing its efforts: oversight and accountability, proactive disclosures, and fees.

Procedures: The meeting is open to the public. Due to space limitations and access procedures, you must register in advance if you wish to attend the meeting. You will also go through security screening when you enter the building. Seating in the meeting room is limited and will be available on a first-come, first-served basis. Registration for the meeting will go live via Eventbrite on April 6, 2015, at 10:00 a.m. EDT. To register for the meeting, please do so at this Eventbrite link: *http://www.eventbrite.com/e/freedom-of-information-act-foia-advisory-committee-meeting-registration-15555361505*. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Christa Lemelin at the phone number, mailing address, or email address listed above.

Dated: February 12, 2015.

Donna M. Garland,

Chief Strategy and Communications Officer.

[FR Doc. 2015–03364 Filed 2–17–15; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361, 50–362, and 72–41; NRC–2015–0023]

Southern California Edison Company; San Onofre Nuclear Generating Station, Units 2 and 3, and Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License Nos. NPF–10 and NPF–15 issued to Southern California Edison Company. The NRC proposes to determine that the amendment request involves no significant hazards consideration. In addition, the amendment request contains Sensitive Unclassified Non-Safeguards Information (SUNSI).

DATES: Submit comments by March 20, 2015. A request for a hearing must be filed by April 20, 2015. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by March 2, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0023. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN–12 H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Thomas J. Wengert, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–4037, email: *Thomas.Wengert@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0023 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0023.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0023 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly

disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. NPF–10 and NPF–15, issued to Southern California Edison Company (the licensee) for operation of the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, and Independent Spent Fuel Storage Installation, located in San Diego County, California.

By letter dated August 28, 2013 (ADAMS Accession No. ML13242A277), as supplemented by letters dated December 31, 2013, and May 15, 2014 (ADAMS Accession Nos. ML14007A496 and ML14139A424), the licensee submitted an application for a license amendment request. The licensee is requesting that the Commission grant it preemption authority consistent with the Commission's authority under Section 161A of the Atomic Energy Act of 1954, as amended (the Act), as amended, to authorize the security personnel of designated classes of licensees to possess, use, and access covered weapons for the physical security of SONGS, Units 2 and 3, and the Independent Spent Fuel Storage Installation, notwithstanding Federal, State or local laws prohibiting such possession or use. If the amendment request is granted, the licenses would be modified to reflect the Commission's grant of Section 161A preemption authority.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Act and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in § 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is an application to the Commission for authorization to use preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a), which is solely related to procedural and administrative matters of physical security. The application is required to maintain high assurance for the physical protection program at San Onofre Nuclear Generating Station (SONGS) to prevent significant core damage and spent fuel sabotage.

The proposed change will not affect the probability of any accident initiators because it does not affect any plant systems or the manner in which the plant is operated.

There will be no change to accident mitigation performance since none of the systems that mitigate accidents are changed. Equipment credited for accident mitigation is not affected by the proposed change, and operation will remain within the bounded assumptions of the Updated Final Safety Analysis Report (UFSAR) analysis. The proposed change will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the UFSAR.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed change is solely related to procedural and administrative matters of physical security.

The proposed change does not change any plant systems or the method of operating the plant. Also, the proposed change will not introduce any adverse changes to the plant design basis or postulated accidents. The proposed change does not adversely affect the method of operation of any plant system and does not impact any plant systems or components.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is solely related to procedural and administrative matters of physical security. The proposed change will not reduce any margins of safety.

Therefore, this change has no impact on any parameter that would affect a design basis limit for a fission product barrier, and there would be no impact on any margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by March 20, 2015, will be considered in making any final determination. You may submit comments using any of the methods discussed under the **ADDRESSES** section of this document.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests

for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users

will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(iii).

Attorney for licensee: Walker A. Matthews, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Branch Chief: Douglas A. Broaddus.

Southern California Edison Company, San Onofre Nuclear Generating Station, Units 2 and 3, and Independent Spent Fuel Storage Installation, San Diego County, California, Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation.

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 9th day of February, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in this Proceeding

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2015–03379 Filed 2–17–15; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275, 50–323, and 72–26; NRC–2015–0022]

Pacific Gas and Electric Company, Diablo Canyon Power Plant, Units 1 and 2, and Diablo Canyon Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License Nos. DPR–80 and DPR–82 and Special Nuclear Materials License No. SNM–2511 issued to Pacific Gas and Electric Company. The NRC proposes to determine that the amendment request involves no significant hazards consideration. In addition, the amendment request contains Sensitive Unclassified Non-Safeguards Information (SUNSI).

DATES: Submit comments by March 20, 2015. A request for a hearing must be filed by April 20, 2015. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by March 2, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0022. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12 H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Siva P. Lingam, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1564, email: *Siva.Lingam@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0022 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0022.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each

document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0022 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. DPR–80 and DPR–82 and Special Nuclear Materials License No. SNM–2511 issued to Pacific Gas and Electric Company (the licensee) for operation of the Diablo Canyon Power Plant (DCPP), Units 1 and 2, located in San Luis Obispo County, California, and the Diablo Canyon Independent Spent Fuel Storage Installation.

By letter dated September 24, 2013 (ADAMS Accession No. ML13268A398), as supplemented by letters dated December 18, 2013 (security-related), and May 15, 2014 (ADAMS Accession No. ML14135A379), the licensee submitted an application for a license amendment request. The licensee is requesting that the Commission grant it preemption authority consistent with the Commission's authority under Section 161A of the Atomic Energy Act of 1954, as amended, (the Act), to authorize the security personnel of designated classes of licensees to possess and use certain firearms, ammunition, and other devices such as large-capacity ammunition feeding devices, notwithstanding Federal, State or local laws prohibiting such possession or use. If the amendment request is granted, the licenses would be modified to reflect the Commission's grant of Section 161A preemption authority.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Act, and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in § 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The [proposed license amendment] requests the NRC to exercise its preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a). The proposed amendment does not involve any physical changes to structures, systems or components.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

The proposed amendment associated with preemption authority does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The proposed amendment associated with preemption authority does not impact accident analyses, fission product barriers, or margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by March 20, 2015, will be considered in making any final determination. You may submit comments using any of the methods discussed under the **ADDRESSES** section of this document.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the

petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC's regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance

available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(iii).

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

Acting NRC Branch Chief: Eric R. Oesterle.

Pacific Gas and Electric Company, Docket Nos. 50–275, 50–323, and 72–26, Diablo Canyon Power Plant, Units 1 and 2, San Luis Obispo County, California, and Diablo Canyon Independent Spent Fuel Storage Installation

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 9th day of February, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in this Proceeding

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/Activity
A + 28 ..	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53 ..	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60 ..	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2015–03384 Filed 2–17–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Application for a License To Export High-Enriched Uranium

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 110.70 (b) ''Public Notice of Receipt of an Application,'' please take notice that the U.S. Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through the Agencywide Documents Access and Management System and can be accessed through the Public Electronic Reading Room link *http://www.nrc.gov/reading-rm.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register** (FR). Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139; August 28, 2007. Information about filing electronically is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* To ensure timely electronic filing, at least five days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty days after publication of this notice in the FR to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications.

The information concerning this application for an export license follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant, date of application, date received, application No., docket No.	Description of material			Destination
	Material type	Total quantity	End use	
DOE/NNSA—Y–12 National Security Complex, December 18, 2014, December 23, 2014, XSNM3757, 11006187.	High-Enriched Uranium (93.20%).	121.1 kg uranium-235 contained in 130.0 kg uranium.	To fabricate fuel at AREVA CERCA in France for ultimate use in reactor fuel reload at the High Flux Reactor in France.	France.

Dated this 10th day of February, 2015 at Rockville, Maryland.

For the U.S. Nuclear Regulatory Commission.

Mugeh Afshar-Tous,

Acting Deputy Director, Office of International Programs.

[FR Doc. 2015–03376 Filed 2–17–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Application for a License To Export High-Enriched Uranium

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 110.70(b) ''Public Notice of Receipt of an Application,'' please take notice that the U.S. Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through the Agencywide Documents Access and Management System and can be accessed through the Public Electronic Reading Room link *http://www.nrc.gov/reading-rm.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register** (FR). Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139; August 28, 2007. Information about filing electronically is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* To ensure timely electronic filing, at least five days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty days after publication of this notice in the FR to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications.

The information concerning this application for an export license follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant, date of application, date received, application No., docket No.	Description of material			Destination
	Material type	Total quantity	End use	
DOE/NNSA—Y–12 National Security Complex, December 18, 2014, December 23, 2014, XSNM3758, 11006188.	High-Enriched Uranium (93.20%).	134.2 kg uranium-235 contained in 144.0 kg uranium.	To fabricate fuel at AREVA CERCA in France for ultimate use in Belgian Nuclear Research Center for BR–2 reactor fuel load.	Belgium.

For The U.S. Nuclear Regulatory Commission.

Dated this 10th day of February, 2015 at Rockville, Maryland.

Mugeh Afshar-Tous,

Acting Deputy Director, Office of International Programs.

[FR Doc. 2015–03374 Filed 2–17–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: Week of February 16, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 16, 2015

Wednesday, February 18, 2015

2:30 p.m. Discussion of Internal Personnel Rules and Practices (Closed—Ex. 2 & 9)

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301–415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

* * * * *

Additional Information

By a vote of 4–0 on February 12, 2015, the Commission determined pursuant to U.S.C. 552b(e) and '9.107(a) of the Commission's rules that the above referenced Discussion of Internal Personnel Rules and Practices be held with less than one week notice to the public. The meeting is scheduled on February 18, 2015.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: February 13, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–03429 Filed 2–13–15; 4:15 pm]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Multiemployer Pension Reform Act of 2014; Partitions of Eligible Multiemployer Plans and Facilitated Mergers

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Request for Information.

SUMMARY: This document is a request for information (RFI) to inform future PBGC guidance under sections 4231 and 4233 of ERISA. PBGC is seeking comments from all interested stakeholders, including multiemployer plan participants and beneficiaries, organizations serving or representing such individuals, multiemployer plan sponsors and professional advisors, contributing employers, unions, and other interested parties.

DATES: Comments must be received on or before April 6, 2015.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

All materials submitted will be shared with the Department of the Treasury and the Department of Labor. Comments received, including personal

information provided, will be posted to *www.pbgc.gov.* Copies of comments may also be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026 or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Joseph J. Shelton (*shelton.joseph@pbgc.gov*), Office of the General Counsel, at 202–326–4000, ext. 6559, or Constance Markakis (*markakis.constance@pbgc.gov*), Office of Negotiations and Restructuring, at 202–326–4000, ext. 6779; (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:

Background

The Pension Benefit Guaranty Corporation (PBGC) is a Federal corporation created under the Employee Retirement Income Security Act of 1974 (ERISA) to guarantee the payment of pension benefits earned by more than 41 million American workers and retirees in nearly 24,000 private-sector defined benefit pension plans. PBGC administers two insurance programs—one for single-employer defined benefit pension plans and a second for multiemployer defined benefit pension plans.

The multiemployer program protects benefits of approximately 10 million workers and retirees in approximately 1,400 plans. A multiemployer plan is a collectively bargained pension arrangement involving two or more unrelated employers, usually in a common industry, such as construction or trucking, where workers may move from employer to employer on a regular basis.

Under PBGC's multiemployer program, when a plan becomes insolvent, PBGC provides financial assistance directly to the insolvent plan sufficient to pay guaranteed benefits to participants and beneficiaries, and the reasonable and necessary administrative expenses of the insolvent plan.

The focus of this RFI is on two new statutory provisions regarding multiemployer partitions and mergers that apply *only* to multiemployer pension plans. The provisions were enacted on December 16, 2014, as part of the Multiemployer Pension Reform Act of 2014, Division O of the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235 (MPRA). The first is section 122 of MPRA, which replaced the multiemployer partition rules under section 4233 of ERISA with new rules. The second is section 121 of MPRA, which added a new provision to the multiemployer merger rules under section 4231 of ERISA. Below is a summary of those rules.

Partitions of Eligible Multiemployer Plans Under MPRA

Before MPRA, PBGC could partition a multiemployer plan likely to become insolvent on its own accord or upon application by a plan sponsor. In either case, however, partition was only available in certain limited circumstances involving employer bankruptcies, and the liabilities transferred were those directly attributable to service with bankrupt employers. Under the partition order, those liabilities and an equitable share of assets were transferred to a new plan created by the partition (which was both a terminated plan and a successor plan under Title IV of ERISA), at which point the original plan was no longer responsible for the transferred liabilities.[1] Section 122 of MPRA replaced this framework with new rules under section 4233 of ERISA.

Section 4233(a)(1), as amended by MPRA, provides that upon the application by the plan sponsor of an ''eligible multiemployer plan,'' PBGC may order a partition. The statute requires PBGC to make a determination on an application for partition not later than 270 days after the date the application was filed (or, if later, the date the application was completed) in accordance with regulations to be promulgated by PBGC. Under section 4233(a)(2), the plan sponsor must provide notice of the application for partition to participants and beneficiaries (in the form and manner prescribed by regulation) not later than 30 days after submitting an application. Because regulations are required to implement section 4233 of ERISA, including the procedures for the plan sponsor to submit an application for partition, PBGC has determined that a plan sponsor may submit an application for partition only on or after a date to be specified in regulations.

Section 4233(b) prescribes five requirements that must be satisfied for PBGC to determine that a plan is an ''eligible multiemployer plan'' for purposes of section 4233 of ERISA:

1. Section 4233(b)(1) provides that the plan must be in critical and declining status as defined in section 305 of ERISA (section 432 of the Internal Revenue Code (Code)).

2. Under section 4233(b)(2), PBGC must determine, after consultation with the Participant and Plan Sponsor Advocate selected under section 4004, that the plan sponsor has taken (or is taking concurrently with an application for partition) all reasonable measures to avoid insolvency, including the maximum benefit suspensions under section 305(e)(9) of ERISA (section 432(e)(9) of the Code), if applicable.

3. Under section 4233(b)(3), PBGC must reasonably expect that: (A) Partition will reduce PBGC's expected long-term loss with respect to the plan; and (B) partition is necessary for the plan to remain solvent.

4. Under section 4233(b)(4), PBGC must certify to Congress that its ability to meet existing financial assistance obligations to other plans (including any liabilities associated with multiemployer plans that are insolvent or that are projected to become insolvent within 10 years) will not be impaired by the partition.

5. Section 4233(b)(5) requires that the cost of the partition to the PBGC arising from the partition be paid exclusively from PBGC's multiemployer fund.

Upon approval by PBGC, section 4233(c) requires that the order of partition provide for a transfer of the minimum amount of liabilities necessary for the transferring plan (*i.e.,* the original plan) to remain solvent. Under sections 4233(d)(1) and (2), the benefits in the plan created by the partition (the successor plan) are subject to the multiemployer benefit guarantee limits under section 4022A, and the plan sponsor and administrator of the original plan will also be the plan sponsor and administrator of the successor plan.

Section 4233(d)(3) prescribes special withdrawal liability rules that apply for 10 years following the date of the partition order. In the event an employer withdraws from the plan that was partitioned (the original plan) within 10 years of the partition, withdrawal liability is computed with respect to the original plan and the plan that was created by the partition order (the successor plan). If the withdrawal occurs more than 10 years after the date of the partition order, withdrawal liability is computed only with respect to the original plan (and not with respect to the successor plan).

[1] Upon plan insolvency, PBGC provided the terminated plan with financial assistance to cover the cost of PBGC-guaranteed benefits and reasonable and necessary administrative expenses.

Section 4233(e)(1) prescribes a continuing payment obligation that applies to the plan that was partitioned (the original plan), which requires it to pay a monthly benefit to each participant and beneficiary whose guaranteed benefit was transferred to the successor plan in the amount by which the benefit that would be paid under the original plan's terms (after taking into account any benefit suspensions under section 432(e)(9) of the Code and any plan amendments following the partition effective date) exceeds the PBGC-guaranteed benefit amount for that person.[2]

Section 4233(e)(3) sets forth a special premium rule that applies to the plan that was partitioned (the original plan), which requires it to pay the premiums for the participants whose benefits were transferred to the successor plan for each year during the 10-year period following the partition effective date. Finally, section 4233(f) provides notice requirements that apply to PBGC (not plan sponsors).

Facilitated Mergers and Financial Assistance Under MPRA

Section 121 of MPRA amends, but does not replace, the existing multiemployer merger rules under section 4231. Specifically, it adds section 4231(e), which gives PBGC new statutory authority to facilitate the merger of two or more multiemployer plans if certain requirements are met. In contrast to the partition rule discussed above, a regulation is *not* required to implement section 4231(e). Nevertheless, PBGC is considering issuing guidance under that section so that applicants have advance notice of the expected showing they must make to demonstrate satisfaction of the new statutory criteria.

Section 4231(e)(1) provides that when requested to do so by the plan sponsors, PBGC may take such actions as it deems appropriate to promote and facilitate the merger of two or more multiemployer plans if it determines, after consultation with the Participant and Plan Sponsor Advocate, that the following conditions are met:

- The transaction is in the interests of the participants and beneficiaries of at least one of the plans; and
- The transaction is not reasonably expected to be adverse to the overall interests of the participants and beneficiaries of any of the plans.

For purposes of section 4231(e), ''facilitation'' may include training, technical assistance, mediation, communication with stakeholders, and support with related requests to other government agencies.

Section 4231(e)(2) prescribes four requirements that must be satisfied for PBGC to provide financial assistance. Specifically, the statute provides that to facilitate a merger that PBGC determines is necessary to enable one or more of the plans involved to avoid or postpone insolvency, PBGC may provide financial assistance only if the following conditions are met:

- One or more of the multiemployer plans participating in the merger is in critical and declining status as defined in section 305 of ERISA (section 432 of the Code);
- PBGC reasonably expects that: (i) Such financial assistance will reduce the corporation's expected long-term loss with respect to the plans involved; and (ii) such financial assistance is necessary for the merged plan to become or remain solvent;
- PBGC certifies that its ability to meet existing financial assistance obligations to other plans will not be impaired by such financial assistance; and
- PBGC financial assistance is paid exclusively from its multiemployer fund.

Request for Information

PBGC is requesting information from stakeholders on a range of issues regarding the application process for partitions and facilitated mergers to better inform its future guidance under sections 121 and 122 of MPRA.

PBGC welcomes comments from all interested stakeholders, including participants and beneficiaries, organizations serving or representing such individuals, plan sponsors and professional advisors to multiemployer plans (including those in the actuarial and legal communities), contributing employers, unions, and other interested parties. In responding, please provide as much specificity and detail as possible, as well as any supporting documentation, including research and analyses, to ensure that we have the most helpful information for future guidance. Recognizing the linkage between MPRA's partition rules and the benefit suspension rules under section 432(e)(9) of the Code, and the possibility that a plan sponsor may apply to PBGC for a partition (or facilitated merger) concurrently with an application for benefit suspension to the Department of the Treasury, comments relating to the *interaction* between these provisions are especially welcome. PBGC is *not,* however, seeking comments on section 432(e)(9) of the Code or any other provision of MPRA.

The Department of the Treasury is issuing its own RFI seeking comments on certain matters that may be addressed in future guidance implementing section 432(e)(9) of the Code. PBGC and the Department of the Treasury intend to coordinate on the development of their processes as a result of these RFIs.

Issues Affecting Both Partitions and Facilitated Mergers

1. *Application Process:* With respect to MPRA's changes to the rules governing mergers and partitions under sections 4231 and 4233 of ERISA, respectively, on which aspects of the application process would guidance be needed or helpful?

2. *PBGC Determinations:* With respect to a PBGC determination under section 4233(b)(3) that a partition is necessary for a plan to remain solvent, or in the case of a facilitated merger involving financial assistance under section 4231(e)(2)(B) that financial assistance is necessary for a merged plan to become or remain solvent:

- What types of actuarial and plan administrative information and analysis are available to demonstrate that a partition or facilitated merger of the plan is necessary to remain solvent?
- What issues arise in demonstrating solvency over an extended duration?

3. *Small Plans:* What special concerns do small multiemployer plans and their sponsors have regarding partition and facilitated mergers?

4. *Participants and Beneficiaries:* What special concerns do participants and beneficiaries in multiemployer plans have regarding the process for considering applications for partition and facilitated mergers?

Issues Affecting Partitions Only

5. *Notice:* With respect to the requirement under section 4233(a)(2) to provide notice to participants and beneficiaries not later than 30 days after submitting the application for partition:

- How can PBGC reduce the burden of providing the notice under current law, while still providing important information to participants and beneficiaries? Should PBGC consider issuing a model notice in future guidance?

[2] In addition, under section 4233(e)(2), in the event the original plan provides a benefit improvement after the effective date of the partition, the plan must pay to PBGC for each year during the 10-year period following the partition, an annual amount equal to the value of the increase in benefit payments for such year attributable to the benefit improvement (or, if less, the total benefit payments from the plan created by the partition for such year).

• What type(s) of information would participants and beneficiaries find most helpful?

• Given that the amount of liabilities required to be transferred in a partition may not be known at the time notice is issued, how should the notice reflect the requirements of section 4233(e)(1), which ensure that affected participants and beneficiaries will receive no less than they would have received prior to the partition (taking into account benefit suspensions under section 305(e)(9) and any plan amendments following the partition effective date)?

6. *PBGC Determination:* For purposes of the requirement under section 4233(b) that PBGC determine, in consultation with the Participant and Plan Sponsor Advocate, that the plan sponsor has taken (or is taking concurrently with an application for partition), all reasonable measures to avoid insolvency, including the maximum benefit suspensions under section 432(e)(9) of the Code:

• What actuarial, economic, industry, or other information could a plan sponsor provide to make such a showing? What information or analysis might be difficult to provide?

• With respect to the consultation process under section 4233(b)(2), how can the Participant and Plan Sponsor Advocate best assist PBGC in making its determination under this section?

7. *Concurrent Applications:* What practical issues do plan sponsors and their professional advisors anticipate may arise in connection with a decision to submit combined applications for partition to PBGC under section 4233 of ERISA, and suspension of benefits to the Department of Treasury under section 432 of the Code? In responding to this question, consider the following:

• *Timing:* With respect to an application for partition, PBGC is required to make a determination not later than 270 days after the application date (or, if later, the date such application was completed). With respect to an application for suspension of benefits, the Treasury Secretary (in consultation with PBGC and the Secretary of Labor) is required to approve or deny an application within 225 days after submission.

• *Effective Date:* With respect to a concurrent application for partition and suspensions of benefits, the suspension of benefits may not take effect prior to the effective date of such partition.

• *Solvency:* Under section 4233(c), the amount to be transferred in a partition is the minimum amount of the plan's liabilities necessary for the plan to remain solvent. Section 432(e)(9)(D)(iv) of the Code provides that any suspensions of benefits, in the aggregate (and, if applicable, considered in combination with a partition of the plan under section 4233 of ERISA), shall be reasonably estimated to achieve, but not materially exceed, the level that is necessary to avoid insolvency.

8. *Transferred Liabilities:* Prior to MPRA, PBGC's partition order would provide for a transfer of no more than the non-forfeitable benefits directly attributable to service with the bankrupt employer and an equitable share of assets. In contrast, under section 4233(c), the partition order will provide for a transfer of the minimum amount of the plan's liabilities necessary for the plan to remain solvent. In addition, section 4233(e)(1) prescribes a continuing payment obligation that applies to the plan that was partitioned (the original plan).

• What types of actuarial and administrative information and data do multiemployer plans generally maintain that would allow PBGC to determine the minimum amount of the plan's liabilities necessary for the plan to remain solvent?

• What administrative or operational issues (*e.g.,* recordkeeping, benefit processing, allocation of expenses) arise in connection with this change?

• Are there additional issues that arise with respect to the transfer of the plan's liabilities for particular groups of individuals?

9. *Post-Partition:* With respect to issues that might arise post-partition:

• What kinds of administrative or operational issues (*e.g.,* recordkeeping, benefit processing, allocation of expenses, the original plan's ongoing payment obligations under section 4231(e)(1)) might arise post-partition for plan sponsors?

• What issues or challenges do plan sponsors and their professional advisors anticipate in connection with the special withdrawal liability rule under section 4233(d)(3), which applies for a 10-year period following the partition effective date?

• What issues or challenges do plan sponsors and their professional advisors anticipate in connection with the special benefit improvement and premium rules under sections 4233(e)(2) and (3) of ERISA, which apply for a 10-year period following the partition effective date?

• Is there a need for additional post-partition oversight by PBGC to ensure compliance with MPRA's post-partition requirements, and if so, in what areas?

Issues Affecting Facilitated Mergers Only

10. *Technical Assistance:* MPRA provides a non-exclusive list of the types of non-financial assistance that PBGC may provide in the context of a facilitated merger (*e.g.,* training, technical assistance, mediation, communication with stakeholders, and support with related requests to other government agencies). For purposes of a facilitated merger, which of these types of assistance would plan sponsors and professional advisors find most helpful? Are there other examples of non-financial technical advice that would help facilitate multiemployer mergers?

11. *PBGC Determination:* For purposes of the facilitated merger requirement under section 4231(e)(1) that PBGC determine, in consultation with the Participant and Plan Sponsor Advocate, that the transaction is in the interests of the participants and beneficiaries of at least one of the plans and is not reasonably expected to be adverse to the overall interests of the participants and beneficiaries of the plans:

• What actuarial, economic, industry, or other information could the plan sponsors of the plans involved in the proposed merger provide to make such a showing?

• With respect to the consultation process under section 4231(e)(1), how can the Participant and Plan Sponsor Advocate best assist PBGC in making its determination under this section?

12. *Concurrent Applications:* What procedural issues do plan sponsors and their professional advisors anticipate in connection with a decision to request assistance from PBGC for a facilitated merger under section 4231(e) of ERISA, concurrently with an application for suspension of benefits from the Department of Treasury under section 432(e)(9) of the Code?

Although PBGC is specifically requesting comments on the issues and questions discussed above, PBGC also invites comment on any other issue relating to the application process for partitions and facilitated mergers under sections 121 and 122 of MPRA.

Issued in Washington, DC, this 13th day of February 2015.

Alice C. Maroni,

Acting Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2015–03434 Filed 2–17–15; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, February 19, 2015 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: February 12, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–03405 Filed 2–13–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74255; File No. SR–EDGX–2015–06]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 1.5, 2.3, 2.5, and 2.6 Related to the Registration Requirements for Members of EDGX Exchange, Inc.

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rules 1.5, 2.3, 2.5, and 2.6 related to the registration requirements for Members of the Exchange.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the various Exchange rules related to the registration requirements on the Exchange in order to make the Exchange's registration requirements substantively identical to the corresponding rules on BATS Exchange, Inc. (''BZX'') and BATS Y–Exchange, Inc. (''BYX''), as further described below. Earlier this year, the Exchange and its affiliate, EDGA Exchange, Inc. (''EDGA''), received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BZX and BYX (together with BZX, EDGA, and EDGX, the ''BGM Affiliated Exchanges'').[5] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain system and regulatory functionality, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the proposal set forth below is intended to amend Rules 1.5, 2.3, 2.5, and 2.6 to make such Rules substantively identical to corresponding rules on BZX and BYX[6] related to registration requirements in order to provide a consistent regulatory approach across each of the BGM Affiliated Exchanges.[7]

Currently, Rule 1.5(n) defines the term ''Member'' as meaning any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. The Exchange is proposing, however, to delete ''or any person associated with a registered broker or dealer'' from the rule text, as such phrase is not contained in corresponding BZX and BYX rules (*i.e.,* Rule 1.5(n)) and because the Exchange no longer believes that this language is necessary. The Exchange is also proposing to amend the rule text such that Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange, language which is currently included in Rule 2.3(a), which, as described below, the Exchange is proposing to delete in order to further align Exchange rules with BZX and BYX 1.5(n).

The Exchange is also proposing to delete the definition of ''Principal'' from Rule 1.5(t), which will instead be defined in the proposed changes to paragraph (d) of Interpretation and Policy .01 to Rule 2.5, which are further described below. Currently, the term

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–043; SR–EDGA–2013–034).

[6] *See* BZX and BYX Rules 1.5, 2.3, 2.5, and 2.6.

[7] The Exchange notes that EDGA intends to file a proposal very similar to this proposal that will align the rules related to registration requirements across each of the BGM Affiliated Exchanges.

principal means persons associated with a member who are actively engaged in the management of the member's securities business, including supervision, solicitation, conduct of business or the training of persons associated with a Member for any of these functions. Such persons shall include sole proprietors, officers, partners, managers of business offices engaged in such functions, and directors of corporations. The Exchange is proposing to add the text ''(Reserved)'' to the rule text in order to maintain the current paragraph numbering within Rule 1.5. The proposed new definition for principal will be discussed below.

The Exchange intends to consolidate its registration requirements in Rule 2.5 in order to align the rule with BZX and BYX Rule 2.5. Accordingly, the Exchange is also proposing to make several changes to Rule 2.3, currently titled ''Member Eligibility & Registration'', which will also make the Rule consistent with BZX and BYX Rule 2.3. First, consistent with this consolidation, the Exchange is proposing to delete ''& Registration'' from the title of Rule 2.3, which is also consistent with BZX and BYX Rule 2.3. The Exchange is also proposing to amend Rule 2.3(a), which currently states that ''Except as hereinafter provided, any broker or dealer registered pursuant to Section 15 of the Act, that is and remains a member of another registered national securities exchange or association (other than or in addition to the Exchange's affiliates—BATS Exchange, Inc., BATS Y–Exchange, Inc., or EDGX Exchange, Inc.), or any person associated with such a registered broker or dealer, shall be eligible to be and to remain a Member. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization or individual that has been approved by the Exchange.'' The Exchange is proposing to amend Rule 2.3(a) to read: ''Except as hereinafter provided, any registered broker or dealer that is and remains a member of another registered national securities exchange or association (other than or in addition to the Exchange's affiliates—BATS Exchange, Inc., BATS Y–Exchange, Inc., or EDGX Exchange, Inc.), or any person associated with such a registered broker or dealer, shall be eligible to be and to remain a Member,'' which will make such Rule substantively identical to that of both BZX and BYX Rule 2.3(a). As described above, the Exchange has proposed to add substantially similar language to Exchange Rule 1.5(n) to conform such Rule with BZX and BYX Rule 1.5(n).

The Exchange is also proposing to delete Rules 2.3(b), (c), and (d), entitled ''Registration Requirements,'' ''Registration of Principals,'' and ''Persons Exempt from Registration'' and replace them with proposed new Rule 2.5 Interpretation and Policy .01 (d) through (i) and Rule 2.6(g), effectively moving the requirements from Rule 2.3 to Rules 2.5 and 2.6, making the Exchange Rules consistent with those of BZX and BYX. The Exchange notes that, except as stated below, there are no substantive differences between the language that the Exchange is proposing to delete in Rules 2.3(b), (c), and (d) that is not otherwise being proposed to be added back in the amendments to Rule 2.5 Interpretation and Policy .01 (d) through (i) and Rule 2.6(g). The only material differences between the Exchange's current rules and the proposed rules are as follows: (i) as proposed, the Exchange would accept the New York Stock Exchange Series 14 Compliance Official Examination in lieu of the Series 24 to satisfy the requirement for any person designated as a Chief Compliance Officer, which it currently does not; and (ii) as proposed, the Exchange would permit the Series 56 as a prerequisite to the Series 24 or Series 14 for those Principals whose supervisory responsibilities are limited to overseeing the activities of proprietary traders instead of requiring the Series 7 for all principals. The Exchange also notes that, as proposed, Rule 2.5 Interpretation and Policy .01(e) would allow the Exchange to waive the Financial/Operations Principal requirements where a Member has satisfied the financial and operational requirements of the Member's designated examining authority applicable to registration, a provision which the Exchange has proposed to include because the Exchange is not the designated examining authority for any of its Members and requires all of its Members to be a member of at least one other national securities association or national securities exchange (excluding other BGM Affiliated Exchanges).[8] The Exchange does not believe that not including certain exemptions currently existing within Rules 2.3(b) and (c) are substantive differences because the Exchange believes that, while not necessarily presented as exemptions to Exchange Rules, such language is otherwise covered by proposed Rule 2.5 Interpretation and Policy .01. For instance, the Exchange does not believe it needs to exempt clerical or administrative personnel from Exchange registration requirements because Exchange Rules, either in their current form or as amended, do not state or imply that such personnel are required to register with the Exchange. The Exchange's registration rules instead require registration with the Exchange of Authorized Traders as well as those personnel responsible for supervision of such personnel and the supervision of a Member firm more generally (*i.e.,* a firm's Chief Compliance Officer and Financial/Operations Principal).

The Exchange is also proposing to make certain amendments to Rule 2.5 in order to conform with BZX and BYX Rule 2.5. Specifically, the Exchange is proposing to amend Interpretation and Policy .03 to Rule 2.5, to conform the numbering of such Interpretation and Policy to BZX and BYX Rule 2.5, Interpretation and Policy .01(c). As such, the Exchange is proposing that such paragraph state that the Exchange requires the General Securities Representative Examination or an equivalent foreign examination module approved by the Exchange in qualifying persons seeking registration as general securities representatives, including as Authorized Traders on behalf of Members. For those persons seeking limited registration as Proprietary Traders as described in proposed paragraph (f), the Exchange requires the Proprietary Traders Qualification Examination. The Exchange uses the Uniform Application for Securities Industry Registration or Transfer as part of its procedure for registration and oversight of Member personnel. The changes do not substantively modify the operation of Interpretation and Policy .03, but rather, serve to modify the numbering of the provision (renumbering it as paragraph (c) of Interpretation and Policy .01), update internal cross-references, and modify the language of the provision to align with that contained within BZX and BYX Rule 2.5, Interpretation and Policy .01(c).

Finally, the Exchange is proposing to make certain non-substantive changes including the deletion of paragraphs (1) through (4) of Interpretation and Policy .03 to Rule 2.5, along with the entirety of Interpretation and Policy .04, .05, and .06 to Rule 2.5 and replacing them with the language from the corresponding BZX and BYX rules contained within proposed Interpretation and Policy .02 (''Continuing Education Requirements''), .03 (''Registration Procedures''), and .04 (''Termination of Employment'') to Rule 2.5. Such proposed language is substantively identical to the existing Exchange rules

[8] *See* Exchange Rule 2.3.

and constitutes a reorganization of rule text designed to harmonize the structure of the rules across each of the BGM Affiliated Exchanges rather than to materially amend any Exchange Rules. The Exchange is also proposing to change the numbering and adding [sic] titles in several of the Interpretations and Policies to Rule 2.5 to increase clarity in the proposed rules.

The Exchange notes that there are certain additional differences between the rules proposed herein and those of BZX that relate to registration for options trading because BZX has an options trading platform and thus has certain registration requirements that do not apply to the Exchange. Similar to the proposed rules proposed for the Exchange, BYX has no such registration requirements because it also does not have an options trading platform.

The Exchange is proposing to implement the proposed changes on March 2, 2015.

2. Statutory Basis

The Exchange believes that the rule change proposed in this submission is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[9] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[10] because it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest. As mentioned above, the proposed rule changes, combined with the planned filing for EDGA,[11] would allow the BGM Affiliated Exchanges to provide a consistent set of rules as it relates to the registration requirements across each of the exchanges. Consistent rules, in turn, will simplify the regulatory requirements for Members of the Exchange that are also participants on EDGA, BZX and/or BYX. The proposed rule change would provide greater harmonization between rules of similar purpose on the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Similarly, the Exchange also believes that, by harmonizing the rules and registration requirements across each BGM Affiliated Exchange, the proposal will enhance the Exchange's ability to fairly and efficiently regulate its Members, meaning that the proposed rule change is equitable and will promote fairness in the market place.

Finally, the Exchange believes that the non-substantive changes discussed above will contribute to the protection of investors and the public interest by helping to avoid confusion with respect to Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the act. To the contrary, allowing the Exchange to implement substantively identical registration rules across each of the BGM Affiliated Exchanges does not present any competitive issues, but rather is designed to provide greater harmonization among Exchange [sic], BYX, EDGA, and EDGX rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for common members of the BGM Affiliated Exchanges and an enhanced ability of the BGM Affiliated Exchanges to fairly and efficiently regulate members, which will further enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act[12] and paragraph (f)(6) of Rule 19b–4 thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2015–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2015–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2015–06 and should be submitted on or before March 11, 2015.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See supra* note 7.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03228 Filed 2–17–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74252; File No. SR–C2–2015–002]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 2, 2015, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes making certain amendments to the PULSe Workstation (''PULSe'') fees. By way of background, the Exchange charges a fee of $400 per month per Permit Holder workstation for the first 10 users and $100 per month for all subsequent users. Permit Holders may also make the functionality available to their customers, which may include non-broker dealer public customers and non-Permit Holder broker dealers (referred to herein as ''non-Permit Holders''). For such non-Permit Holder workstations, the Exchange charges a fee of $400 per month per workstation.

The Exchange first proposes to clarify and make explicit that the PULSe fees are assessed on a ''per login ID'' basis. Currently, the Fees Schedule states that the monthly fee for PULSe Permit Holder workstations is ''$400/month (per Permit Holder workstation for the first 10)'' and ''$100/month (per each additional Permit Holder workstation)'' and for PULSe non-Permit Holder workstations ''$400/month (per non-Permit Holder workstation).'' The Exchange believes the current language, and the use of the term ''workstation'', may be confusing to market participants. As such, the Exchange seeks to make clear in the Fees Schedule that the PULSe fees are assessed per login Id [sic]. The Exchange notes that this proposed change is merely a clarification and that no substantive changes are being made to how PULSe fees are assessed.

Next, the Exchange proposes to provide that the $400 per month, per login ID fee will be applicable to the first 15 login IDs (instead of the first 10). The Exchange expended significant resources developing PULSe, and seeks to recoup more of those costs.

Finally, the Exchange seeks to remove outdate [sic] language from the PULSe section of the Fees Schedule. Currently, the Fees Schedule provides that the PULSe Workstation fee is waived for the first month for the first new user of a Permit Holder and non-Permit Holder, respectively. Additionally, the Fees Schedule provides that the fee is waived for the first two months for all new users between August 1, 2014 and December 31, 2014, and that the fee is waived for the month of August 2014 for all users that became new users in July 2014. As the above referenced waiver periods have since passed, the Exchange no longer believes this language is necessary to maintain in the Fees Schedule. The Exchange notes that the fee will continue to be waived for the first month of the first new user of a Permit Holder or non-Permit Holder.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In particular, the Exchange always strives for clarity in its rules and Fees Schedule, so that market participants may best understand how rules and fees apply. The Exchange believes that the proposed clarifications and removal of outdated language in the Fees Schedule will make the Fees Schedule easier to read and alleviate potential confusion. The alleviation of potential confusion will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes assessing the $400 per month, per login ID fee to the first 15 login IDs (instead of the first 10) is reasonable because the Exchange expended significant resources developing PULSe and desires to recoup more of those costs. The Exchange believes this proposed rule change is equitable and not unfairly discriminatory because all Permit Holders who desire to use PULSe will be subject to this change.

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to alleviate confusion are not intended for competitive reasons and only apply to C2. Additionally, the Exchange does not believe the proposed change to assess the PULSe login Id [sic] fee to the first 15 login Ids [sic] of a Permit Holder will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies to all Permit Holders. The Exchange believes this proposal will not cause an unnecessary burden on intermarket competition because the proposed change was not motivated by intermarket competition. To the extent that the proposed changes make C2 a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become C2 market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and paragraph (f) of Rule 19b–4[7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2015–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2015–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2015–002 and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03225 Filed 2–17–15; 8:45 am]

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[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74247; File No. SR–BATS–2014–09]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rules 11.9, 11.12, and 11.13 of BATS Exchange, Inc.

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rules 11.9, 11.12, and 11.13 to clarify and to include additional specificity regarding the current functionality of the Exchange's System,[3] including the operation of its order types and order instructions, as further described below.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Rule 1.5(aa) defines ''System'' as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 5, 2014, Chair Mary Jo White asked all national securities exchanges to conduct a comprehensive review of each order type offered to members and how it operates.[4] The proposals set forth below, therefore, are the product of a comprehensive review of Exchange system functionality conducted by the Exchange and are intended to add additional clarity and specificity regarding the current functionality of the Exchange's System,[5] including the operation of its order types and order instructions. The Exchange is not proposing any substantive modifications to the System.

The changes proposed below are designed to update the rulebook to reflect current System functionality and include: (i) Making clear that orders with a Time-in-Force (''TIF'') of Immediate-or-Cancel (''IOC'') can be routed away from the Exchange; (ii) specifying the methodology used by the Exchange to determine whether BATS Post Only Orders [6] will remove liquidity from the BATS Book; [7] (iii) adding additional detail to and re-structuring the description of Pegged Orders; (iv) adding additional detail to the description of Mid-Point Peg Orders; (v) adding additional detail to the description of Discretionary Orders; (vi) amending Rule 11.12, Priority of Orders, and Rule 11.13, Order Execution, to provide additional specificity and enhance the structure of Exchange rules describing the process for ranking, executing and routing orders; (vii) adding additional detail to the description of orders subject to Re-Route functionality; and (viii) making a series of conforming changes to Rules 11.9, 11.12 and 11.13 to update cross-references.

Routable Orders With Time in Force of Immediate-or-Cancel

The Exchange proposes to modify Rule 11.9(b)(1) to update the description of the TIF of IOC to make clear that orders with a TIF of IOC are routable even though such TIF indicates an instruction to execute an order immediately in whole or in part and/or cancel it back. Under current rules, the TIF of IOC indicates that an order is to be executed in whole or in part as soon as such order is received and the portion not executed is to be cancelled. The Exchange proposes to expand upon the description of IOC to specify that an order with such TIF may be routed away from the Exchange but that in no event will an order with such TIF be posted to the BATS Book. The Exchange notes that IOC orders routed away from the Exchange are in turn routed as IOC orders. The Exchange also notes that current Rule 11.13(a)(2) already includes reference to routable IOCs, and the proposed modifications to the rule text are intended to add further specificity that IOCs are routable.

In addition to the change described above, the Exchange proposes to make clear in Rule 11.9(b)(6) that an order with a TIF of FOK is not eligible for routing. Although orders with a TIF of FOK are generally treated the same as IOCs, the Exchange does not permit routing of orders with a FOK because the Exchange is unable to ensure the instruction of FOK (*i.e.,* execution of an order in its entirety) through the routing process.

Finally, in connection with these changes, the Exchange also proposes to modify current Rule 11.13(a)(2) (to be re-numbered as Rule 11.13(b)(2)) to add the cancellation of an unfilled balance of an order as one possible outcome after an order has been routed away. Rule 11.13(a)(2) currently describes other variations of how the Exchange handles an order after it has been routed away, but does not specifically state that it may be cancelled after the routing process, which would be the case with an order submitted to the Exchange with a TIF of IOC.

Computation of Economic Best Interest for BATS Post Only Orders

The Exchange proposes to modify Rule 11.9(c)(6) to specify the methodology used by the Exchange to determine whether BATS Post Only Orders will remove liquidity from the Exchange's order book. Under the Exchange's current rules, a BATS Post Only Order is an order that an entering User [8] intends to be posted to the BATS Book, and thus will not ordinarily remove liquidity from the Exchange. However, BATS Post Only Orders will remove liquidity from the BATS Book if such execution is in the economic best interests of the User entering the BATS Post Only Order, taking into account applicable fees and rebates.[9] Specifically, as set forth in Rule 11.9(c)(6), BATS Post Only Orders remove liquidity from the BATS Book if the value of ''price improvement'' associated with such execution equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the order posted to the BATS Book and subsequently provided liquidity. The Exchange proposes three changes to the description of BATS Post Only Orders to make clear the methodology used in calculating whether a BATS Post Only Order should remove liquidity on entry. The Exchange notes that each of these changes will conform the Exchange's rule governing BATS Post Only Orders with Rule 11.6(n)(4) of the Exchange's affiliate, EDGX Exchange, Inc. (''EDGX'').

First, the Exchange proposes to clarify that rather than requiring price improvement, which indicates an execution at a better price level than an order's limit price, the Exchange calculates the value of the overall execution taking into account applicable fees and rebates. Accordingly, to the extent the fee and rebate structure on its own (*i.e.,* even at the limit price) makes it economically advantageous to remove liquidity rather than post to the BATS Book and subsequently provide liquidity, the Exchange will allow a BATS Post Only Order to remove liquidity.

Second, the Exchange proposes to make clear that this methodology is applied only to securities priced at $1.00 and above, and thus, that all BATS Post Only Orders in securities priced below $1.00 remove contra-side liquidity. The Exchange believes it is reasonable to allow BATS Post Only Orders to remove liquidity in lower priced securities because the Exchange's fee structure never has provided a significant rebate or charged a significant fee for such orders. Because the execution cost economics are relatively flat, the Exchange believes it is more efficient to simply allow all orders in such securities to remove liquidity.

Third, the Exchange proposes to make clear its methodology for determining the applicable fees and rebates given the fact that the Exchange maintains a tiered

[4] *See* Mary Jo White, Chair, Commission, Speech at the Sandler O'Neill & Partners, L.P. Global Exchange ad Brokerage Conference, (June 5, 2014) (*available at http://www.sec.gov/News/Speech/Detail/Speech/1370542004312#.VD2HW610s6Y*).

[5] Exchange Rule 1.5(aa) defines ''System'' as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

[6] *See* Rule 11.9(c)(6).

[7] As defined in Rule 1.5(e).

[8] As defined in Exchange Rule 1.5(cc), a User as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.''

[9] *See* Securities Exchange Act Release No. 67093 (June 1, 2012), 77 FR 33798 (June 7, 2012) (SR–BATS–2012–018) (notice of filing and immediate effectiveness of rule change to amend the operation of BATS Post Only Orders).

pricing structure. Under the Exchange's current tiered pricing structure, an entering User may receive a variable rebate for adding liquidity depending on the User's volume during the month in question. The Exchange determines whether Users qualify for higher rebates at the end of the month, looking back at the User's activity during the month. To account for this variable rebate structure and to ensure that the Exchange does not determine that an execution is in an entering User's economic best interests when, in fact, it is not due to a different rebate or fee [10] ultimately achieved by the User, the Exchange applies the highest possible rebate provided and highest possible fee charged for such executions on the Exchange. The Exchange proposes to make this rebate and fee assumption clear in the Exchange's rule text.

Pegged Orders

The Exchange proposes to restructure Rule 11.9(c)(8), related to Pegged Orders, and to add additional detail to such Rule regarding the handling of such orders. With respect to restructuring, the Exchange currently offers two types of Pegged Orders pursuant to Rule 11.9(c)(8), Primary Pegged Orders and Market Pegged Orders, and believes that each types of Pegged Order would be easier to understand if described in separate paragraphs. Given the proposal to split the Rule to address Primary Pegged Orders and Market Pegged Orders separately, the Exchange also proposes to add an additional lead-in sentence that summarizes the operation of Pegged Orders generally.

Mid-Point Peg Orders

The Exchange proposes to add additional specificity regarding Mid-Point Peg Orders and the handling of such orders when the market is locked or crossed. Specifically, the Exchange proposes to add language stating that upon instruction from a User Mid-Point Peg Orders will not execute when the market is locked. The Exchange makes this feature optional because while some Users may prefer not to execute in a locked market given that there is no real mid-point in such a situation and it might be evidence of a pricing disparity in a security, other Users may prefer an execution. The Exchange also proposes to state that Mid-Point Peg Orders are not eligible to execute when the NBBO is crossed. The Exchange does not execute Mid-Point Peg Orders in a crossed market because the pricing of the mid-point, and the security generally, is uncertain in such a situation.

Discretionary Orders

The Exchange proposes to amend the description of Discretionary Orders contained in Rule 11.9(c)(10) and to add additional detail regarding the execution of such orders, as set forth below. First, the current description indicates that a Discretionary Order has a displayed price and size and a non-displayed ''discretionary price''. The Exchange proposes to make clear that although a Discretionary Order may have a displayed price and size as well as a discretionary price, a Discretionary Order may also be fully non-displayed, and thus, will have a non-displayed ranked price as well as a discretionary price. In addition to reflecting the ability to have a non-displayed Discretionary Order, the Exchange proposes various minor wording changes to improve the description of Discretionary Orders to make clear that such orders use the minimum amount of discretion when executing against incoming orders.

The Exchange also proposes to make clear how a Discretionary Order interacts with a BATS Post Only Order or Partial Post Only at Limit Order entered at the displayed or non-displayed ranked price of such Discretionary Order that does not remove liquidity on entry pursuant to Rule 11.9(c)(6) or Rule 11.9(c)(7), respectively, by stating that the Discretionary Order is converted to an executable order and will remove liquidity against such incoming order. Similar to the Re-Route functionality described below, due to the fact that Discretionary Orders contain more aggressive prices at which they are willing to execute, the Exchange treats Discretionary Orders as aggressive orders that would prefer to execute at their displayed or non-displayed ranked price than to forgo an execution due to applicable fees or rebates. Accordingly, in order to facilitate transactions consistent with the instructions of its Users, the Exchange executes resting Discretionary Orders (and certain orders with a Re-Route instruction, as described below) against incoming orders, when such incoming orders would otherwise forego an execution. The Exchange notes that the determination of whether an order should execute on entry against resting interest, including against resting Discretionary Orders, is made prior to determining whether the price of such an incoming order should be adjusted pursuant to the Exchange's price sliding functionality pursuant to Rule 11.9(g). In other words, an execution will have already occurred as set forth above before the Exchange would consider whether an order could be displayed and/or posted to the BATS Book, and if so, at what price.

Examples—Discretionary Order Executes Against BATS Post Only Orders

Assume that the NBBO is $10.00 by $10.05, and the Exchange's BBO is $9.99 by $10.06. Assume that the Exchange receives a non-routable order to buy 100 shares of a security at $10.00 per share designated with discretion to pay up to an additional $0.05 per share.

- Assume that the next order received by the Exchange is a BATS Post Only Order to sell 100 shares of the security at priced at $10.03 per share. The BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality, and would post to the BATS Book at $10.03. This would, in turn, trigger the discretion of the resting buy order and an execution would occur at $10.03. The BATS Post Only Order to sell would be treated as the adder of liquidity and the buy order with discretion would be treated as the remover of liquidity.
- Assume the same facts as above, but that the incoming BATS Post Only Order is priced at $10.00 instead of $10.03. As is true in the example above, the BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality. Rather than cancelling the incoming BATS Post Only Order to sell back to the User, particularly when the resting order is willing to buy the security for up to $10.05 per share, the Exchange executes at $10.00 the BATS Post Only Order against the resting buy order with discretion. As is also true in the example above, the BATS Post Only Order to sell would be treated as the liquidity adder and the buy order with discretion would be treated as the liquidity remover. As set forth in more detail below, if the incoming order was not a BATS Post Only Order to sell, the incoming order could be executed at the ranked price of the Discretionary Order without restriction and would therefore be treated as the liquidity remover.

Additionally, the Exchange proposes to codify the process by which it handles all incoming orders that interact with Discretionary Orders. First, the Exchange proposes to codify its

[10] The Exchange notes that its current fee structure does not have a variable fee depending on trading activity during the month. If, in the future, the Exchange implements such a fee structure the Exchange will use the highest possible fee for purposes of Rule 11.9(c)(6).

handling of a contra-side order that executes against a resting Discretionary Order at its displayed or non-displayed ranked price or that contains a time-in-force of IOC or FOK and a price in the discretionary range by expressly stating that such an incoming order will remove liquidity against the Discretionary Order. Second, the Exchange proposes to codify its handling of orders that are intended to post to the BATS Book at a price within a Discretionary Order's discretionary range. This includes, but is not limited to, BATS Post Only Orders and Partial Post Only at Limit Orders. Specifically, the Exchange proposes to codify current System functionality whereby any contra-side order with a time-in-force other than IOC or FOK and a price within the discretionary range but not at the displayed or non-displayed ranked price of a Discretionary Order will be posted to the BATS Book and then the Discretionary Order will remove liquidity against such posted order.

Examples—Discretionary Order Executes Against Non-Post Only Orders

Assume that the NBBO is $10.00 by $10.05, and the Exchange's BBO is $9.99 by $10.06. Assume that the Exchange receives an order to buy 100 shares of a security at $10.00 per share designated with discretion to pay up to an additional $0.05 per share.

- Assume that the next order received by the Exchange is a BATS Only Order to sell 100 shares of the security with a TIF other than IOC or FOK priced at $10.03 per share. The BATS Only Order would not remove any liquidity upon entry and would post to the BATS Book at $10.03. This would, in turn, trigger the discretion of the resting buy order and an execution would occur at $10.03. The BATS Only Order to sell would be treated as the adder of liquidity and the buy order with discretion would be treated as the remover of liquidity.
- Assume the same facts as above, but that the incoming BATS Only Order is priced at $10.00 instead of $10.03. The BATS Only Order would remove liquidity upon entry at $10.00 per share pursuant to the Exchange's order execution rules, as described in detail below. Contrary to the examples set forth above, the BATS Only Order to sell would be treated as the liquidity remover and the resting buy order with discretion would be treated as the liquidity adder. The Exchange notes that this example operates the same whether an order contains a TIF of IOC, FOK or any other TIF.

The Exchange also proposes to modify the current description of the Discretionary Order by eliminating language stating, ''[i]f a Discretionary Order is not executed in full, the unexecuted portion of the order is automatically re-posted and displayed in the BATS Book with a new timestamp, at its original displayed price, and with its non-displayed discretionary price offset.'' The Exchange believes this language is unnecessarily confusing because the unexecuted portion of Discretionary Orders does not actually re-post solely because part of the order was executed. Rather, the remaining portion will remain resting on the BATS Book without being removed from the BATS Book.

Finally, because Discretionary Orders have both a price at which they will be ranked and an additional discretionary price, the Exchange proposes to expressly state how the Exchange handles a routable Discretionary Order by stating that such an order will be routed away from the Exchange at its full discretionary price. As an example, assume the NBBO is $10.00 by $10.05 and the Exchange's BBO is $9.99 by $10.06. If the Exchange receives a routable Discretionary Order to buy at $10.00 with discretion to pay up to an additional $0.05 per share, the Exchange would route the order as a limit order to buy at $10.05. Any unexecuted portion of the order would be posted to the BATS Book with a ranked price of $10.00 and discretion to pay up to $10.05.

Priority and Execution Algorithm

With respect to the Exchange's priority and execution algorithm, the Exchange is proposing various minor and structural changes that are intended to emphasize the processes by which orders are accepted, priced, ranked and executed, as well as a new provision related to the ability of orders to rest at locking prices that is consistent with the changes to provisions related to the operation of Discretionary Orders described above. First, the Exchange proposes to modify Rule 11.12, Priority of Orders, to make clear that the ranking of orders described in such rule is in turn dependent on Exchange Rule 11.13(a) which discusses the pricing and execution of orders. The Exchange believes that this has always been the case under Exchange rules based on the reference to the ''Execution Process'' in Rule 11.12; however, this reference did not include a cross-reference to Rule 11.13. The Exchange also proposes to change the reference within Rule 11.12 to refer to ranking rather than executing equally priced trading interest, as the Rule as a whole is intended to describe the manner in which resting orders are ranked and maintained, specifically in price and time priority, while awaiting execution against incoming orders. The Exchange does not believe that the proposed modifications substantively modify the operation of the rules; however, the Exchange believes that it is important to clarify that the ranking of orders is a separate process from the execution of orders.

The Exchange also proposes to specify in Rule 11.12(a)(2)(C) that the priority afforded to Pegged Orders is applicable to all non-displayed Pegged Orders. The Exchange recently began accepting Primary Pegged Orders that can be displayed, and if so displayed, the Exchange ranks such orders with all other displayed orders. Thus, the Exchange proposes to clarify that reference to Pegged Orders in 11.12(a)(2)(C), which have lower priority than the displayed size of limit orders and non-displayed orders, is a reference specifically to non-displayed Pegged Orders.

Further, the Exchange proposes to adopt new Rule 11.12(a)(3), which recognizes existing match trade prevention rules that optionally prevent the execution of orders from the same User (*i.e.,* based on the User's ''Unique Identifier'', as set forth in Rule 11.9(f)) by stating that in such a case the System will not permit such orders to execute against one another regardless of priority ranking. Proposed Rule 11.12(a)(3) is based on EDGX Rule 11.9(a)(3). The Exchange also proposes changes to current Rule 11.9(a)(3) and (a)(4) to re-number such rules as (a)(4) and (a)(5) as well as to clarify that orders retain and lose ''time'' priority under certain circumstances, as opposed to priority generally, because retaining or losing price priority does not require the same descriptions, as price priority will always be retained unless the price of an order changes.

Next, the Exchange proposes to re-structure Rule 11.13, which currently governs both execution and routing logic on the Exchange, by more clearly delineating between execution (to be contained in new paragraph (a)) and routing (to be contained in new paragraph (b)) and by adding additional sub-headings to the execution section. In this connection, the Exchange proposes to move language contained within Rule 11.13 to the beginning of new paragraph (a) such that the language is more generally applicable to the rules governing execution. Specifically, the Exchange proposes to relocate language stating that any order falling within the parameters of this paragraph shall be referred to as ''executable'' and that an order will be

cancelled back to the User if, based on market conditions, User instructions, applicable Exchange Rules and/or the Act and the rules and regulations thereunder, such order is not executable, cannot be routed to another Trading Center pursuant to Rule 11.13(b) (as proposed to be re-numbered) or cannot be posted to the BATS Book. The proposed sub-headings for paragraph (a) regarding order execution are intended to delineate between the various rules and National Market System (''NMS'') plans that may render an order executable or not, including Regulation NMS and Regulation SHO. The Exchange is proposing to add a cross-reference in Rule 11.13(a)(3) to its rules related to the Limit Up-Limit Down Plan, which is contained in Rule 11.18(e).

The Exchange proposes to adopt paragraph (C) of Rule 11.13(a)(4) to provide further clarity regarding the situations where orders are not executable, which although covered in other existing rules, would focus on the incoming order on the same side of a displayed order rather than the resting order that is rendered not executable because it is opposite such displayed order. The proposed provision would replace existing text set forth in Rule 11.13(a)(1) to acknowledge that, under certain circumstances, there can be locking interest on the Exchange but that such interest will not be displayed by the System as a locked market. Proposed paragraph (C) would further state that if an incoming order is on the same side of the market as an order displayed on the BATS Book and upon entry would execute against contra-side interest at the same price as such displayed order, such incoming order will be cancelled or posted to the BATS Book and ranked in accordance with Rule 11.12. The Exchange does not allow non-displayed interest that locks a contra-side displayed order to execute at such price to avoid an apparent priority issue.

To demonstrate the functionality in place on the Exchange described above, assume the NBBO is $10.10 by $10.11. Assume the Exchange has a posted and displayed bid to buy 100 shares of a security priced at $10.10 per share and a resting non-displayed bid to buy 100 shares of a security priced at $10.11 per share. For purposes of this example, assume the resting non-displayed bid has not selected the Re-Route functionality, which, as described in further detail below, could make a resting order executable against an incoming BATS Post Only Order under certain circumstances.

- Assume that the next order received by the Exchange is a BATS Post Only Order to sell 100 shares of the security priced at $10.11 per share. The BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality, would post to the BATS Book, and would be displayed at $10.11. The display of this order would, in turn, make the resting non-displayed bid not executable at $10.11.

- Assume the next order received by the Exchange is an order to sell 100 shares of the security priced at $10.11 per share. The order would not remove any liquidity upon entry because there is a displayed order to sell at $10.11 posted on the BATS Book and thus, by rule, the Exchange does not maintain any executable buy interest priced at $10.11. If the later arriving order to sell at $10.11 contained a TIF other than IOC or FOK, it would be posted to the BATS Book and displayed at $10.11. If the later arriving order to sell at $10.11 contained a TIF of IOC or FOK, it would be cancelled back to the User.

- To the extent the BATS Book is in the state set forth to conclude the examples above, with a non-executable bid to buy at $10.11 and one or more offers to sell displayed by the Exchange at $10.11; there are several potential outcomes. For instance, any incoming order to buy at $10.11 or higher [11] will execute against the displayed order(s) to sell, as such resting orders are fully executable and displayed as available offers on the BATS Book. Once all displayed liquidity to sell at $10.11 has been executed on the Exchange, the resting non-displayed bid to buy at $10.11 will again be fully executable. Similarly, if the resting displayed orders to sell that are priced at $10.11 are cancelled then the resting non-displayed bid to buy at $10.11 will again be fully executable at that price. As described in the text and examples below, an incoming sell order priced at $10.10 or better will execute against the resting bid at $10.105. Finally, the User representing the non-displayed bid to buy at $10.11 could cancel the order.

The Exchange is also proposing to modify and place in new paragraph (D) rule language contained in current Rule 11.13(a)(1) that governs the price at which non-displayed locking interest is executable in order to further clarify such rule text. Specifically, for bids or offers equal to or greater than $1.00 per share, in the event that an incoming order is a market order or is a limit order priced more aggressively than an order displayed on the Exchange, the Exchange will execute the incoming order at, in the case of an incoming sell order, one-half minimum price variation less than the price of the displayed order, and, in the case of an incoming buy order, at one-half minimum price variation more than the price of the displayed order. As is true under existing functionality, this order handling is inapplicable for bids or offers under $1.00 per share. Proposed paragraph (D) does not substantively modify the existing operation of the System but is intended to better describe in rule text the process for matching an incoming order against an order on the BATS Book when there is a displayed order on the same side of the market as the incoming order.

To demonstrate the operation of this provision, again assume the NBBO is $10.10 by $10.11. Assume the Exchange has a posted and displayed bid to buy 100 shares of a security priced at $10.10 per share and a resting non-displayed bid to buy 100 shares of a security priced at $10.11 per share.

- Assume that the next order received by the Exchange is a BATS Post Only Order to sell 100 shares of the security priced at $10.11 per share. The BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality, would post to the BATS Book and would be displayed at $10.11. The display of this order would, in turn, make the resting non-displayed bid not executable at $10.11.

- If an incoming offer to sell 100 shares at $10.10 is entered into the BATS Book, the resting non-displayed bid originally priced at $10.11 will be executed at $10.105 per share, thus providing a half-penny of price improvement as compared to the order's limit price of $10.11. The execution at $10.105 per share also provides the incoming offer with a half-penny of price improvement as compared to its limit price of $10.10. The result would be the same for an incoming market order to sell or any other incoming limit order offer priced at $10.10 or below, which would execute against the non-

[11] The Exchange notes that an incoming order for purposes of comparison to a resting order can be any incoming order unless the terms of that incoming order itself preclude execution. For instance, in this example, an incoming buy order could be routable or non-routable, the order could be selected for potential display or could include instructions not to display the order, the order could have a discretionary price, or several other characteristics. Upon entry, unless the terms of the order preclude removing liquidity, such as a BATS Post Only order, the characteristics that govern the way that the order may be handled once posted to the Exchange's order book are irrelevant and any incoming buy order priced at $10.11 or higher will execute against the resting offers.

displayed bid at a price of $10.105 per share. As above, an offer at the full price of the resting and displayed $10.11 offer would not execute against the resting non-displayed bid, but would instead either cancel or post to the BATS Book behind the original $10.11 offer in priority.

The Exchange notes that it is proposing to add descriptive titles to paragraphs (A) and (B) of Rule 11.13(a)(4), which describe the process by which executable orders are matched within the System. Specifically, so long as it is otherwise executable, an incoming order to buy will be automatically executed to the extent that it is priced at an amount that equals or exceeds any order to sell in the BATS Book and an incoming order to sell will be automatically executed to the extent that it is priced at an amount that equals or is less than any order to buy in the BATS Book. These rules further state that an order to buy shall be executed at the price(s) of the lowest order(s) to sell having priority in the BATS Book and an order to sell shall be executed at the price(s) of the highest order(s) to buy having priority in the BATS Book. The Exchange emphasizes these current rules only insofar as to highlight the interconnected nature of the priority rule.

The Exchange also proposes to modify existing paragraph (b) of Rule 11.13 to re-number it as paragraph (b)(5) and to clarify the Exchange's rule regarding the priority of routed orders. Paragraph (b) currently sets forth the proposition that a routed order does not retain priority on the Exchange while it is being routed to other markets. The Exchange believes that its proposed clarification to paragraph (b) is appropriate because it more clearly states that a routed order is not ranked and maintained in the BATS Book pursuant to Rule 11.12(a), and therefore is not available to execute against incoming orders pursuant to Rule 11.13.

Re-Route Functionality

The Exchange currently allows Users to submit various types of limit orders to the Exchange that are processed pursuant to current Exchange Rule 11.13, as described elsewhere in this proposal. To the extent an order has not been executed in its entirety against the BATS Book, Rule 11.13 describes the process of routing marketable limit orders [12] to one or more Trading Centers, including a description of how the Exchange treats any unfilled balance that returns to the Exchange following the first attempt to fill the order through the routing process. If not filled through routing, and based on the order instructions, the unfilled balance of the order may be posted to the BATS Book.

Pursuant to Exchange Rule 11.13(a)(4) (to be re-numbered as Rule 11.13(b)(4) pursuant to this proposal), under certain circumstances the Exchange will re-route an order that has been posted to the BATS Book if subsequently locked or crossed by another accessible Trading Center. The Exchange offers two optional Re-Route instructions, the Super Aggressive Re-Route instruction and the Aggressive Re-Route instruction. The Super Aggressive Re-Route instruction reflects the willingness of the sender of the routable order posted to the BATS Book to route to away Trading Centers and to remove liquidity from such Trading Centers any time such order is locked or crossed (*i.e.,* rather than passively waiting for an execution on the BATS Book). The Aggressive Re-Route instruction subjects an order to the routing process after being posted to the BATS Book only if the order is subsequently crossed by an accessible Trading Center (rather than if the order is locked or crossed). The Exchange proposes two changes to its rules to reflect current operation of the System in connection with Re-Route functionality, as described below.

Non-Displayed Routable Orders

First, the Exchange proposes to add language to the Aggressive Re-Route instruction that makes clear that any routable non-displayed limit order posted to the BATS Book that is crossed by another accessible Trading Center will be automatically routed to that Trading Center. As described in Rule 11.9(g)(4), the Exchange re-prices non-displayed orders to the extent they are crossed by another Trading Center to avoid trading-through Protected Quotations displayed by such Trading Center. In the process of such price sliding, to the extent a non-displayed order is routable, the Exchange will attempt to route the order to the Trading Center displaying the crossing quotation that prompted the price sliding process.

As an example of a routable non-displayed order that is handled consistent with the Aggressive Re-Route instruction, assume the Exchange receives a non-displayed order to buy 300 shares of a security at $10.10 per share. Assume further that the NBBO is $10.09 by $10.10 when the order is received, and the Exchange's lowest priced offer is priced at $10.11. The Exchange will route the order away from the Exchange as a bid to buy 300 shares at $10.10. Assume that the order obtains one 100 share execution through the routing process and then returns to the Exchange. The Exchange will post the order as a non-displayed bid to buy 200 shares at $10.10. If displayed liquidity then appears at one or more Trading Centers priced at $10.09 or lower (*i.e.,* crossing the posted bid to buy at $10.10), the Exchange will take the non-displayed bid off of the BATS Book and again route such order to the displayed liquidity at other Trading Centers.

Second, the Exchange proposes to codify existing System functionality by adding rule text to state that, consistent with the Super Aggressive Re-Route instruction described in Rule 11.13(b)(4)(B), when any order with a Super Aggressive Re-Route instruction is locked by an incoming BATS Post Only Order or Partial Post Only at Limit Order that does not remove liquidity pursuant to Rule 11.9(c)(6) or Rule 11.9(c)(7), respectively,[13] the Re-Route order is converted to an executable order and will remove liquidity against such incoming order. The Exchange applies this logic in order to facilitate executions that would otherwise not occur due to the instruction of a BATS Post Only Order or Partial Post Only at Limit Order to not remove liquidity. Because a Super Aggressive Re-Route eligible order is willing to route to an away Trading Center and remove liquidity (*i.e.,* pay a fee at such Trading Center) when locked or crossed, the Exchange believes it is reasonable and consistent with the instruction to force an execution between an incoming BATS Post Only Order and an order that has been posted to the BATS Book with the Super Aggressive Re-Route instruction. The Exchange notes that the determination of whether an order should execute on entry against resting interest, including against resting orders with a Super Aggressive Re-Route instruction, is made prior to determining whether the price of such an incoming order should be adjusted pursuant to the Exchange's price sliding functionality pursuant to Rule 11.9(g). The Exchange has limited the proposed language to BATS Post Only Orders that

[12] Market orders are also routed away pursuant to Rule 11.13, however the Exchange is not proposing any changes to the treatment of routed market orders at this time.

[13] The Exchange notes that pursuant to Rule 11.9(c)(6), BATS Post Only Orders remove liquidity in certain circumstances based on an economic analysis that takes into account applicable fees and rebates. The Exchange has proposed clarifications to this economic analysis as described above. Similarly, Partial Post Only at Limit Orders are permitted to remove price improving liquidity as well as a User-selected percentage of the remaining order at the limit price if, following such removal, the order can post at its limit price. *See* Rule 11.9(c)(7).

lock orders with a Super Aggressive Re-Route instruction because BATS Post Only Orders that cross resting orders will always remove liquidity because it is in their economic best interest to do so.[14] Similarly, Partial Post Only Limit Orders execute against crossing interest as set forth in Rule 11.9(c)(7)(A). The Exchange also proposes to make clear that although it will execute an order with a Super Aggressive Re-Route instruction against a BATS Post Only Order that would lock it, if an order that does not contain a Super Aggressive Re-Route instruction maintains higher priority than one or more Super Aggressive Re-Route eligible orders, the Super Aggressive Re-Route eligible order(s) with lower priority will not be converted, as described above, and the incoming BATS Post Only Order or Partial Post Only at Limit Order will be posted or cancelled in accordance with Rule 11.9(c)(6) or Rule 11.9(c)(7), respectively. The Exchange believes it is necessary to avoid applying the Re-Route functionality to Re-Route eligible orders that are resting behind orders that are not Re-Route eligible orders to avoid violating the Exchange's priority rule, Rule 11.12.

Example—Super Aggressive Re-Route and BATS Post Only Orders

Assume that the Exchange receives an order to buy 300 shares of a security at $10.10 per share designated with a Super Aggressive Re-Route instruction. Assume further that the NBBO is $10.09 by $10.10 when the order is received, and the Exchange's lowest offer is priced at $10.11. The Exchange will route the order away from the Exchange as a bid to buy 300 shares at $10.10. Assume that the order obtains one 100 share execution through the routing process and then returns to the Exchange. The Exchange will post the order as a bid to buy 200 shares at $10.10. If the Exchange subsequently receives a BATS Post Only Order to sell priced at $10.09 per share, such order will execute against the posted order to buy with an execution price of $10.10. The posted buy order will be treated as the liquidity provider and the incoming BATS Post Only Order to sell will be treated as the liquidity remover, based on the Exchange's rules that execute BATS Post Only Orders on entry if such execution is in their economic interest.

However, assuming the same facts as above, if the incoming BATS Post Only Order to sell is priced at $10.10 and thus does not remove liquidity pursuant to the economic best interest functionality, the posted order with a Super Aggressive Re-Route instruction will execute against such order at $10.10. In this scenario, the posted order to buy will be treated as the liquidity remover and the incoming BATS Post Only Order to sell will be treated as the liquidity provider.

Finally, assume that the NBBO is $10.10 by $10.11 and that the Exchange has a displayed bid to buy 100 shares of a security at $10.10 and a displayed offer to sell 100 shares of a security at $10.11. Assume that the displayed bid has not been designated with the Super Aggressive Re-Route instruction. Assume next that the Exchange receives a second displayable bid to buy 100 shares of the same security at $10.10 that has been designated as routable and subject to the Super Aggressive Re-Route instruction. Because there is no liquidity to which the Exchange can route the order, the second order will post to the BATS Book as a bid to buy at $10.10 behind the original displayed bid to buy at $10.10. If the Exchange then received a BATS Post Only Order to sell 100 shares at $10.10 then no execution would occur because the incoming BATS Post Only Order cannot remove liquidity at $10.10 based on the economic best interest analysis, the first order with priority to buy at $10.10 was not designated with the Super Aggressive Re-Route instruction and the second booked order to buy at $10.10 is not permitted to bypass the first order as this would result in a violation of the Exchange's priority rule, Rule 11.12.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'')[15] and further the objectives of Section 6(b)(5) of the Act[16] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule changes are also designed to support the principles of Section 11A(a)(1)[17] of the Act in that they seek to assure fair competition among brokers and dealers and among exchange markets.

The modifications related to routable orders with a TIF of IOC, Pegged Orders, Mid-Point Peg Orders, Discretionary Orders, and the Exchange's priority, execution and routing rules are each designed to add clarity and transparency regarding Exchange System functionality without substantively modifying such functionality. Specifically, the Exchange believes that the proposed rule changes will provide additional clarity and specificity regarding the functionality of the System and thus would promote just and equitable principles of trade and remove impediments to a free and open market. The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand.

With respect to the additional specificity proposed in connection with BATS Post Only Orders, the Exchange believes that the proposed rule change is consistent with the Act in that the change will help to clarify the methodology used by the Exchange to determine whether BATS Post Only Orders will remove liquidity from the BATS Book. The Exchange again notes that any methodology other than using the highest possible rebate and highest possible fee could result in the Exchange determining that an execution was in an entering User's economic best interest when, in fact, it was not. For the reasons articulated above, the Exchange believes that the proposal is consistent with and supports just and equitable principles of trade, removes impediments to, and helps to perfect the mechanism of, a free and open market and a national market system, and, in general, protects investors and the public interest.

The Exchange also believes it is consistent with the Act to execute Discretionary orders and orders with a Super Aggressive Re-Route instruction against marketable liquidity (*i.e.,* BATS Post Only Orders and Partial Post Only Orders) when an execution would not otherwise occur is consistent with both: (i) the Act, by facilitating executions, removing impediments and perfecting the mechanism of a free and open market and national market system; and (ii) a User's instructions, which have evidenced a willingness by the User to pay applicable execution fees and/or execute at more aggressive prices than they are currently ranked in favor of an execution. The Exchange also believes that the proposed rule change provides additional specificity regarding the functionality of the System with regard to routable non-displayed orders that have been crossed by another accessible Trading Center, thereby promoting just and equitable principles of trade and removing impediments to a free and open market.

[14] *See id.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78k–1(a)(1).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are not designed to address any competitive issue but rather to add specificity and clarity to Exchange rules, thus providing greater transparency regarding the operation of the System.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BATS–2015–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2015–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2015–09, and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03222 Filed 2–17–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74259; File No. SR–NASDAQ–2015–010]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify the Application of Fees to Securities Under the Select Symbol Program of Rule 7018(a)(4)

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 2, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to clarify the fees applicable to the list of securities eligible for the Select Symbol program under Rule 7018(a)(4), and to clarify that the fees of the program are on a per share basis.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to clarify that routing fees under Rules 7018(a)(1) through (3) apply to the securities of the Select Symbol program under Rule 7018(a)(4), and to clarify that fees and credits under the program are calculated on a per share executed basis. NASDAQ recently adopted the Select Symbol program,[3] which provides lower fees for executions received on NASDAQ in a select group of securities where access fees may be discouraging the use of public markets. NASDAQ implemented the program on February 2, 2015. Under the new rule, the Exchange states that it

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73967 (December 30, 2014), 80 FR 594 (January 6, 2015) (SR–NASDAQ–2014–128). On January 27, 2015, the Exchange filed an immediately effective filing replacing a security on the list of securities under the rule. *See* SR–NASDAQ–2015–006 available at *http://nasdaq.cchwallstreet.com/NASDAQ/pdf/nasdaq-filings/2015/SR-NASDAQ-2015-006.pdf* (awaiting Commission notice and publication in the **Federal Register**).

applies the fees under the rule in lieu of other similar fees that would normally apply under Rules 7018(a)(1) through (3). The Exchange does not discuss fees for routing program securities for execution on other markets. In adopting the program, the Exchange did not intend to exclude the related routing fees under Rules 7018(a)(1) through (3). Accordingly, the Exchange is adding clarifying text to the rule that makes it clear that the fees assessed under Rules 7018(a)(1) through (3) for routing orders apply to the securities of the Select Symbol program.

NASDAQ is also amending the rule text to make it clear that the fees and credits under the program are calculated on a per share executed basis, like the other access fees that they replace. The Exchange notes that in adopting the rule, it discussed that it was lowering the access fees for the Select Symbol securities from the current per share executed rates to the new per share executed fees under the program.[4] The Exchange is adding clarifying language to the rule that makes it clear that the program's fees are on a per share executed basis.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Specifically, the proposed change furthers these objectives because it clarifies the applicability of routing fees under Rule 7018(a) to the securities of the Select Symbol program and how the program fees are calculated. As noted, the rule currently does not discuss fees assessed for routing orders away from NASDAQ for execution, but rather notes that the fees and credits under the program, which relate to executions on NASDAQ, are in lieu of the fees and credits under Rules 7018(a)(1) through (3). The Exchange believes that adding rule text that makes it clear that the normal routing fees apply will avoid any investor confusion concerning the applicability of the fees under the program. Similarly, although discussed in the filing adopting the program, the rule text does not currently reflect that the fees and credits are based on a per share executed basis. The Exchange believes that adding rule text that clarifies that the fees and credits are based on a per share executed calculation will serve to avoid any investor confusion caused by not including the language.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, the change does not alter the meaning or application of the fees and credits provided under Rule 7018(a)(4), but rather clarifies the applicability of the fees assessed for routing securities away from NASDAQ for execution, and how the fees and credits under the Select Symbol program are calculated. Such clarifying changes impose no burdens on competition whatsoever and, as discussed above, further the purposes of the Act by avoiding potential market participant confusion over the applicability of routing fees under the rule and how the fees and credits of the Select Symbol program are calculated.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) [sic] of the Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6)[9] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[10] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that NASDAQ may add the clarifying language immediately. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow NASDAQ to clarify the intent of this rule immediately. The Commission sees no reason to delay the addition of language designed to remove ambiguity to the rule. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

[4] *See, e.g.,* Securities Exchange Act Release No. 73967 (December 30, 2014), 80 FR 594, 596 (January 6, 2015) (SR–NASDAQ–2014–128).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(a)(ii). [sic]

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has requested a waiver of this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–010 on the subject line.

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–010, and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03232 Filed 2–17–15; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74257; File No. SR–ICC–2014–23]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Granting Approval of Proposed Rule Change To Revise ICC End-of-Day Price Discovery Policies and Procedures

February 11, 2015.

I. Introduction

On December 18, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2014–23 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on January 5, 2015.[3] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description of the Proposed Rule Change

ICC is proposing this change to revise the ICC End-of-Day Price Discovery Policies and Procedures to remove the ability for Clearing Participants to submit end-of-day submissions for Single Name instruments in terms of spread and associated recovery rate. This revision does not require any changes to the ICC Clearing Rules.

ICC requires all Clearing Participants to provide end-of-day submissions for specific instruments related to their cleared open interest. ICC states that it uses these submissions as inputs to its price discovery algorithm, which determines end-of-day levels.

According to ICC, it computes margin and guaranty fund requirements, and all other money movements, in price terms, but currently supports Clearing Participant submissions in terms of price (or the equivalent points upfront), or spread and associated recovery rate. As a result, according to ICC, the first step in the price discovery algorithm for Single Name instruments is to convert any submissions in terms of spread and associated recovery rate to the equivalent submission in price terms using the ISDA standard model.

ICC therefore proposes to revise its End-of-Day Price Discovery Policies and Procedures to remove the ability for Clearing Participants to provide end-of-day submissions for Single Name instruments in terms of spread and associated recovery rate. Rather, ICC will require price (or the equivalent points upfront) submissions for all Single Name instruments. According to ICC, this change will result in the elimination of the use of the ISDA standard model to determine end-of-day prices for Single Name instruments. Furthermore, ICC also proposes to add clarifying language regarding its determination of implied recovery rates.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[4] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[5] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that the proposed rule change is consistent with Section 17A of the Act[6] and the rules thereunder applicable to ICC. The revised ICC End-of-Day Price Discovery Policies and Procedures will ensure ICC uses data that reflect its Clearing Participants' view of the price of a given Single Name instrument, without the use of a model to imply a given price, resulting in an end-of-day price that is not subject to any potential model limitations or assumptions. As such, the Commission believes that the proposed rule change will promote the prompt and accurate settlement of securities and derivatives transactions, and therefore is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC, in particular, Section 17A(b)(3)(F).[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–73951 (Dec. 29, 2014), 80 FR 269 (Jan. 5, 2015) (SR–ICC–2014–23).

[4] 15 U.S.C. 78s(b)(2)(C).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78q–1(b)(3)(F).

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[8] and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–ICC–2014–23) be, and hereby is, approved.[10]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03230 Filed 2–17–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74256; File No. SR–ICC–2014–21]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Provide for the Clearance of Additional Standard Western European Sovereign Single Names

February 11, 2015.

I. Introduction

On December 16, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2014–21 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on January 2, 2015.[3] The Commission received one comment.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(2).

[10] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–73941 (Dec. 24, 2014), 80 FR 75 (Jan. 2, 2015) (File No. SR–ICC–2014–21).

[4] *See* Comment from Anonymous, dated January 23, 2015, *available at http://www.sec.gov/comments/sr-icc-2014-21/icc201421-1.htm* (stating ''Good Idea'').

II. Description of the Proposed Rule Change

ICC proposes to adopt rules that will provide the basis for ICC to clear additional credit default swap (''CDS'') contracts. Specifically, ICC is proposing to amend Section 26I of its Rules to provide for the clearance of additional Standard Western European Sovereign CDS contracts (collectively, ''SWES Contracts''). ICC has been approved to clear four SWES Contracts: the Republic of Ireland, the Italian Republic, the Portuguese Republic, and the Kingdom of Spain.[5] The proposed changes to the ICC Rules would provide for the clearance of additional SWES Contracts, specifically the Kingdom of Belgium and the Republic of Austria (the ''Additional SWES Contracts'').

ICC states that these Additional SWES Contracts will be offered on the 2003 and 2014 ISDA Credit Derivatives Definitions. ICC believes that the addition of these SWES Contracts will benefit the market for credit default swaps on Western European sovereigns by providing market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules. According to ICC, the clearing of the additional SWES Contracts will not require any changes in ICC's risk management framework (including relevant policies) or margin model. ICC represents that the Additional SWES Contracts have terms consistent with the other SWES Contracts which ICC has been approved to clear and which will be governed by Subchapter 26I of the ICC rules, namely the Republic of Ireland, the Italian Republic, the Portuguese Republic, and the Kingdom of Spain.

ICC proposes minor revisions to Subchapter 26I (Standard Western European Sovereign (''SWES'') Single Name) to provide for clearing the additional SWES Contracts. Rule 26I–102 will be modified to include the Kingdom of Belgium and the Republic of Austria in the list of specific Eligible SWES Reference Entities to be cleared by ICC. Additionally, in ICC Rule 26D–102 (Definitions), the definition of ''Eligible SES Reference Entity'' will be modified to correct a typographical error and correctly identify the reference entity for a cleared product as Hungary (as opposed to the Republic of Hungary).

[5] *See* Exchange Act Release No. 34–72941(Nov. 5, 2014), 79 FR 67213 (Nov. 12, 2014) (File No. SR–ICC–2014–14) (order approving rule change to clear other Western European sovereign CDS contracts) (the ''Prior WES Order'').

III. Comments

The Commission received one comment supporting approval of the proposed rule change. In this anonymous comment, the author expressed general support for the proposal but did not opine on any particular aspects of the proposal or offer any specific comment beyond a statement of general support.

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[6] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[7] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that clearing of the Additional SWES Contracts is consistent with the requirements of Section 17A of the Act[8] and regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[9] The proposed change will provide for clearing of Additional SWES Contracts in the same manner as other SWES Contracts. Specifically, the new contracts will be cleared, and the risk associated with clearing the new contracts will be appropriately managed, pursuant to ICC's existing margin and guaranty fund methodology, operational and managerial procedures, settlement procedures and default management policies. The Commission believes that the proposal is therefore designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, to assure the safeguarding of securities and funds in the custody or control of ICC, and to protect investors and the public interest, within the meaning of is designed to promote the prompt and accurate

[6] 15 U.S.C. 78s(b)(2)(C).

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1.

[9] 17 CFR 240.17Ad–22.

clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[10]

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[11] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–ICC–2014–21) be, and hereby is, approved.[13]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03229 Filed 2–17–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74254; File No. SR–EDGA–2015–06]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rules 1.5, 2.3, 2.5, and 2.6 Related to the Registration Requirements for Members of EDGA Exchange, Inc.

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rules 1.5, 2.3, 2.5, and 2.6 related to the registration requirements for Members of the Exchange.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the various Exchange rules related to the registration requirements on the Exchange in order to make the Exchange's registration requirements substantively identical to the corresponding rules on BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX''), as further described below. Earlier this year, the Exchange and its affiliate, EDGX Exchange, Inc. (''EDGX''), received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BZX and BYX (together with BZX, EDGA, and EDGX, the ''BGM Affiliated Exchanges'').[5] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain system and regulatory functionality, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the proposal set forth below is intended to amend Rules 1.5, 2.3, 2.5, and 2.6 to make such Rules substantively identical to corresponding rules on BZX and BYX[6] related to registration requirements in order to provide a consistent regulatory approach across each of the BGM Affiliated Exchanges.[7]

Currently, Rule 1.5(n) defines the term ''Member'' as meaning any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. The Exchange is proposing, however, to delete ''or any person associated with a registered broker or dealer'' from the rule text, as such phrase is not contained in corresponding BZX and BYX rules (*i.e.,* Rule 1.5(n)) and because the Exchange no longer believes that this language is necessary. The Exchange is also proposing to amend the rule text such that Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange, language which is currently included in Rule 2.3(a), which, as described below, the Exchange is proposing to delete in order to further align Exchange rules with BZX and BYX 1.5(n).

The Exchange is also proposing to delete the definition of ''Principal'' from Rule 1.5(t), which will instead be defined in the proposed changes to paragraph (d) of Interpretation and Policy .01 to Rule 2.5, which are further described below. Currently, the term principal means persons associated with a member who are actively engaged in the management of the member's securities business, including supervision, solicitation, conduct of business or the training of persons associated with a Member for any of these functions. Such persons shall include sole proprietors, officers, partners, managers of business offices engaged in such functions, and directors of corporations. The Exchange is proposing to add the text ''(Reserved)'' to the rule text in order to maintain the current paragraph numbering within Rule 1.5. The proposed new definition for principal will be discussed below.

The Exchange intends to consolidate its registration requirements in Rule 2.5

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[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 15 U.S.C. 78q–1.

[12] 15 U.S.C. 78s(b)(2).

[13] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–043; SR–EDGA–2013–034).

[6] *See* BZX and BYX Rules 1.5, 2.3, 2.5, and 2.6.

[7] The Exchange notes that EDGX intends to file a proposal very similar to this proposal that will align the rules related to registration requirements across each of the BGM Affiliated Exchanges.

in order to align the rule with BZX and BYX Rule 2.5. Accordingly, the Exchange is also proposing to make several changes to Rule 2.3, currently titled ''Member Eligibility & Registration'', which will also make the Rule consistent with BZX and BYX Rule 2.3. First, consistent with this consolidation, the Exchange is proposing to delete ''& Registration'' from the title of Rule 2.3, which is also consistent with BZX and BYX Rule 2.3. The Exchange is also proposing to amend Rule 2.3(a), which currently states that ''Except as hereinafter provided, any broker or dealer registered pursuant to Section 15 of the Act, that is and remains a member of another registered national securities exchange or association (other than or in addition to the Exchange's affiliates—BATS Exchange, Inc., BATS Y-Exchange, Inc., or EDGX Exchange, Inc.), or any person associated with such a registered broker or dealer, shall be eligible to be and to remain a Member. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization or individual that has been approved by the Exchange.'' The Exchange is proposing to amend Rule 2.3(a) to read: ''Except as hereinafter provided, any registered broker or dealer that is and remains a member of another registered national securities exchange or association (other than or in addition to the Exchange's affiliates—BATS Exchange, Inc., BATS Y-Exchange, Inc., or EDGX Exchange, Inc.), or any person associated with such a registered broker or dealer, shall be eligible to be and to remain a Member,'' which will make such Rule substantively identical to that of both BZX and BYX Rule 2.3(a). As described above, the Exchange has proposed to add substantially similar language to Exchange Rule 1.5(n) to conform such Rule with BZX and BYX Rule 1.5(n).

The Exchange is also proposing to delete Rules 2.3(b), (c), and (d), entitled ''Registration Requirements,'' ''Registration of Principals,'' and ''Persons Exempt from Registration'' and replace them with proposed new Rule 2.5 Interpretation and Policy .01 (d) through (i) and Rule 2.6(g), effectively moving the requirements from Rule 2.3 to Rules 2.5 and 2.6, making the Exchange Rules consistent with those of BZX and BYX. The Exchange notes that, except as stated below, there are no substantive differences between the language that the Exchange is proposing to delete in Rules 2.3(b), (c), and (d) that is not otherwise being proposed to be added back in the amendments to Rule 2.5 Interpretation and Policy .01 (d) through (i) and Rule 2.6(g). The only material differences between the Exchange's current rules and the proposed rules are as follows: (i) As proposed, the Exchange would accept the New York Stock Exchange Series 14 Compliance Official Examination in lieu of the Series 24 to satisfy the requirement for any person designated as a Chief Compliance Officer, which it currently does not; and (ii) as proposed, the Exchange would permit the Series 56 as a prerequisite to the Series 24 or Series 14 for those Principals whose supervisory responsibilities are limited to overseeing the activities of proprietary traders instead of requiring the Series 7 for all principals. The Exchange also notes that, as proposed, Rule 2.5 Interpretation and Policy .01(e) would allow the Exchange to waive the Financial/Operations Principal requirements where a Member has satisfied the financial and operational requirements of the Member's designated examining authority applicable to registration, a provision which the Exchange has proposed to include because the Exchange is not the designated examining authority for any of its Members and requires all of its Members to be a member of at least one other national securities association or national securities exchange (excluding other BGM Affiliated Exchanges).[8] The Exchange does not believe that not including certain exemptions currently existing within Rules 2.3(b) and (c) are substantive differences because the Exchange believes that, while not necessarily presented as exemptions to Exchange Rules, such language is otherwise covered by proposed Rule 2.5 Interpretation and Policy .01. For instance, the Exchange does not believe it needs to exempt clerical or administrative personnel from Exchange registration requirements because Exchange Rules, either in their current form or as amended, do not state or imply that such personnel are required to register with the Exchange. The Exchange's registration rules instead require registration with the Exchange of Authorized Traders as well as those personnel responsible for supervision of such personnel and the supervision of a Member firm more generally (*i.e.,* a firm's Chief Compliance Officer and Financial/Operations Principal).

The Exchange is also proposing to make certain amendments to Rule 2.5 in order to conform with BZX and BYX Rule 2.5. Specifically, the Exchange is proposing to amend Interpretation and Policy .03 to Rule 2.5, to conform the numbering of such Interpretation and Policy to BZX and BYX Rule 2.5, Interpretation and Policy .01(c). As such, the Exchange is proposing that such paragraph state that the Exchange requires the General Securities Representative Examination or an equivalent foreign examination module approved by the Exchange in qualifying persons seeking registration as general securities representatives, including as Authorized Traders on behalf of Members. For those persons seeking limited registration as Proprietary Traders as described in proposed paragraph (f), the Exchange requires the Proprietary Traders Qualification Examination. The Exchange uses the Uniform Application for Securities Industry Registration or Transfer as part of its procedure for registration and oversight of Member personnel. The changes do not substantively modify the operation of Interpretation and Policy .03, but rather, serve to modify the numbering of the provision (renumbering it as paragraph (c) of Interpretation and Policy .01), update internal cross-references, and modify the language of the provision to align with that contained within BZX and BYX Rule 2.5, Interpretation and Policy .01(c).

Finally, the Exchange is proposing to make certain non-substantive changes including the deletion of paragraphs (1) through (4) of Interpretation and Policy .03 to Rule 2.5, along with the entirety of Interpretation and Policy .04, .05, and .06 to Rule 2.5 and replacing them with the language from the corresponding BZX and BYX rules contained within proposed Interpretation and Policy .02 (''Continuing Education Requirements''), .03 (''Registration Procedures''), and .04 (''Termination of Employment'') to Rule 2.5. Such proposed language is substantively identical to the existing Exchange rules and constitutes a reorganization of rule text designed to harmonize the structure of the rules across each of the BGM Affiliated Exchanges rather than to materially amend any Exchange Rules. The Exchange is also proposing to change the numbering and adding [sic] titles in several of the Interpretations and Policies to Rule 2.5 to increase clarity in the proposed rules.

The Exchange notes that there are certain additional differences between the rules proposed herein and those of BZX that relate to registration for options trading because BZX has an options trading platform and thus has certain registration requirements that do not apply to the Exchange. Similar to the proposed rules proposed for the Exchange, BYX has no such registration

[8] *See* Exchange Rule 2.3.

requirements because it also does not have an options trading platform.

The Exchange is proposing to implement the proposed changes on March 2, 2015.

2. Statutory Basis

The Exchange believes that the rule change proposed in this submission is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[9] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[10] because it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest. As mentioned above, the proposed rule changes, combined with the planned filing for EDGA [sic],[11] would allow the BGM Affiliated Exchanges to provide a consistent set of rules as it relates to the registration requirements across each of the exchanges. Consistent rules, in turn, will simplify the regulatory requirements for Members of the Exchange that are also participants on EDGA [sic], BZX and/or BYX. The proposed rule change would provide greater harmonization between rules of similar purpose on the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

Similarly, the Exchange also believes that, by harmonizing the rules and registration requirements across each BGM Affiliated Exchange, the proposal will enhance the Exchange's ability to fairly and efficiently regulate its Members, meaning that the proposed rule change is equitable and will promote fairness in the market place.

Finally, the Exchange believes that the non-substantive changes discussed above will contribute to the protection of investors and the public interest by helping to avoid confusion with respect to Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the act. To the contrary, allowing the Exchange to implement substantively identical registration rules across each of the BGM Affiliated Exchanges does not present any competitive issues, but rather is designed to provide greater harmonization among Exchange [sic], BYX, EDGA, and EDGX rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for common members of the BGM Affiliated Exchanges and an enhanced ability of the BGM Affiliated Exchanges to fairly and efficiently regulate members, which will further enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act[12] and paragraph (f)(6) of Rule 19b–4 thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–EDGA–2015–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2015–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2015–06 and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03227 Filed 2–17–15; 8:45 am]

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[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See supra* note 7.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74250; File No. SR–BYX–2015–07)

Self-Regulatory Organizations; BATS Y–Exchange, Inc.; Notice of Filing of a Proposed Rule Change to Rules 11.9 of BATS Y–Exchange, Inc.

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 2015, BATS Y–Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rules 11.9, 11.12, and 11.13 to clarify and to include additional specificity regarding the current functionality of the Exchange's System,[3] including the operation of its order types and order instructions, as further described below.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Rule 1.5(aa) defines ''System'' as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 5, 2014, Chair Mary Jo White asked all national securities exchanges to conduct a comprehensive review of each order type offered to members and how it operates.[4] The proposals set forth below, therefore, are the product of a comprehensive review of Exchange system functionality conducted by the Exchange and are intended to add additional clarity and specificity regarding the current functionality of the Exchange's System,[5] including the operation of its order types and order instructions. The Exchange is not proposing any substantive modifications to the System.

The changes proposed below are designed to update the rulebook to reflect current System functionality and include: (i) Making clear that orders with a Time-in-Force (''TIF'') of Immediate-or-Cancel (''IOC'') can be routed away from the Exchange; (ii) specifying the methodology used by the Exchange to determine whether BATS Post Only Orders [6] will remove liquidity from the BATS Book; [7] (iii) adding additional detail to and re-structuring the description of Pegged Orders; (iv) adding additional detail to the description of Mid-Point Peg Orders; (v) adding additional detail to the description of Discretionary Orders; (vi) amending Rule 11.12, Priority of Orders, and Rule 11.13, Order Execution, to provide additional specificity and enhance the structure of Exchange rules describing the process for ranking, executing and routing orders; (vii) adding additional detail to the description of orders subject to Re-Route functionality; and (viii) making a series of conforming changes to Rules 11.9, 11.12 and 11.13 to update cross-references.

Routable Orders With Time in Force of Immediate-or-Cancel

The Exchange proposes to modify Rule 11.9(b)(1) to update the description of the TIF of IOC to make clear that orders with a TIF of IOC are routable even though such TIF indicates an instruction to execute an order immediately in whole or in part and/or cancel it back. Under current rules, the TIF of IOC indicates that an order is to be executed in whole or in part as soon as such order is received and the portion not executed is to be cancelled. The Exchange proposes to expand upon the description of IOC to specify that an order with such TIF may be routed away from the Exchange but that in no event will an order with such TIF be posted to the BATS Book. The Exchange notes that IOC orders routed away from the Exchange are in turn routed as IOC orders. The Exchange also notes that current Rule 11.13(a)(2) already includes reference to routable IOCs, and the proposed modifications to the rule text are intended to add further specificity that IOCs are routable.

In addition to the change described above, the Exchange proposes to make clear in Rule 11.9(b)(6) that an order with a TIF of FOK is not eligible for routing. Although orders with a TIF of FOK are generally treated the same as IOCs, the Exchange does not permit routing of orders with a FOK because the Exchange is unable to ensure the instruction of FOK (*i.e.,* execution of an order in its entirety) through the routing process.

Finally, in connection with these changes, the Exchange also proposes to modify current Rule 11.13(a)(2) (to be re-numbered as Rule 11.13(b)(2)) to add the cancellation of an unfilled balance of an order as one possible outcome after an order has been routed away. Rule 11.13(a)(2) currently describes other variations of how the Exchange handles an order after it has been routed away, but does not specifically state that it may be cancelled after the routing process, which would be the case with an order submitted to the Exchange with a TIF of IOC.

Computation of Economic Best Interest for BATS Post Only Orders

The Exchange proposes to modify Rule 11.9(c)(6) to specify the methodology used by the Exchange to determine whether BATS Post Only Orders will remove liquidity from the Exchange's order book. Under the Exchange's current rules, a BATS Post Only Order is an order that an entering User [8] intends to be posted to the BATS Book, and thus will not ordinarily remove liquidity from the Exchange. However, BATS Post Only Orders will

[4] *See* Mary Jo White, Chair, Commission, Speech at the Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference, (June 5, 2014) (*available at http://www.sec.gov/News/Speech/Detail/Speech/1370542004312#.VD2HW610w6Y*).

[5] Exchange Rule 1.5(aa) defines ''System'' as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

[6] *See* Rule 11.9(c)(6).

[7] As defined in Rule 1.5(e).

[8] As defined in Exchange Rule 1.5(cc), a User is ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.''

remove liquidity from the BATS Book if such execution is in the economic best interests of the User entering the BATS Post Only Order, taking into account applicable fees and rebates.[9] Specifically, as set forth in Rule 11.9(c)(6), BATS Post Only Orders remove liquidity from the BATS Book if the value of ''price improvement'' associated with such execution equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the order posted to the BATS Book and subsequently provided liquidity. The Exchange proposes three changes to the description of BATS Post Only Orders to make clear the methodology used in calculating whether a BATS Post Only Order should remove liquidity on entry. The Exchange notes that each of these changes will conform the Exchange's rule governing BATS Post Only Orders with Rule 11.6(n)(4) of the Exchange's affiliate, EDGX Exchange, Inc. (''EDGX'').

First, the Exchange proposes to clarify that rather than requiring price improvement, which indicates an execution at a better price level than an order's limit price, the Exchange calculates the value of the overall execution taking into account applicable fees and rebates. Accordingly, to the extent the fee and rebate structure on its own (*i.e.,* even at the limit price) makes it economically advantageous to remove liquidity rather than post to the BATS Book and subsequently provide liquidity, the Exchange will allow a BATS Post Only Order to remove liquidity. The Exchange notes that under its current fee structure, which provides a rebate for orders that remove liquidity and a fee for orders that add liquidity, this, in turn, results in an execution of a BATS Post Only Order upon entry any time that there is contra-side liquidity. The Exchange proposes the changes herein and to generally maintain BATS Post Only Orders, however, to reflect the actual functionality of the System, which does perform the specified economic best interest analysis and also in the event the Exchange's fees change.

Second, the Exchange proposes to make clear that this methodology is applied only to securities priced at $1.00 and above, and thus, that all BATS Post Only Orders in securities priced below $1.00 remove contra-side liquidity. The Exchange believes it is reasonable to allow BATS Post Only Orders to remove liquidity in lower priced securities because the Exchange's fee structure never has provided a significant rebate or charged a significant fee for such orders. Because the execution cost economics are relatively flat, the Exchange believes it is more efficient to simply allow all orders in such securities to remove liquidity.

Third, the Exchange proposes to make clear its methodology for determining the applicable fees and rebates given the fact that the Exchange maintains a tiered pricing structure. Under the Exchange's current tiered pricing structure, an entering User may receive a variable rebate for adding liquidity depending on the User's volume during the month in question. The Exchange determines whether Users qualify for higher rebates at the end of the month, looking back at the User's activity during the month. To account for this variable rebate structure and to ensure that the Exchange does not determine that an execution is in an entering User's economic best interests when, in fact, it is not due to a different rebate or fee [10] ultimately achieved by the User, the Exchange applies the highest possible rebate provided and highest possible fee charged for such executions on the Exchange. The Exchange proposes to make this rebate and fee assumption clear in the Exchange's rule text.

Pegged Orders

The Exchange proposes to restructure Rule 11.9(c)(8), related to Pegged Orders, and to add additional detail to such Rule regarding the handling of such orders. With respect to restructuring, the Exchange currently offers two types of Pegged Orders pursuant to Rule 11.9(c)(8), Primary Pegged Orders and Market Pegged Orders, and believes that each types of Pegged Order would be easier to understand if described in separate paragraphs. Given the proposal to split the Rule to address Primary Pegged Orders and Market Pegged Orders separately, the Exchange also proposes to add an additional lead-in sentence that summarizes the operation of Pegged Orders generally.

Mid-Point Peg Orders

The Exchange proposes to add additional specificity regarding Mid-Point Peg Orders and the handling of such orders when the market is locked or crossed. Specifically, the Exchange proposes to add language stating that upon instruction from a User Mid-Point Peg Orders will not execute when the market is locked. The Exchange makes this feature optional because while some Users may prefer not to execute in a locked market given that there is no real mid-point in such a situation and it might be evidence of a pricing disparity in a security, other Users may prefer an execution. The Exchange also proposes to state that Mid-Point Peg Orders are not eligible to execute when the NBBO is crossed. The Exchange does not execute Mid-Point Peg Orders in a crossed market because the pricing of the mid-point, and the security generally, is uncertain in such a situation.

Discretionary Orders

The Exchange proposes to amend the description of Discretionary Orders contained in Rule 11.9(c)(10) and to add additional detail regarding the execution of such orders, as set forth below. First, the current description indicates that a Discretionary Order has a displayed price and size and a non-displayed ''discretionary price.'' The Exchange proposes to make clear that although a Discretionary Order may have a displayed price and size as well as a discretionary price, a Discretionary Order may also be fully non-displayed, and thus, will have a non-displayed ranked price as well as a discretionary price. In addition to reflecting the ability to have a non-displayed Discretionary Order, the Exchange proposes various minor wording changes to improve the description of Discretionary Orders to make clear that such orders use the minimum amount of discretion when executing against incoming orders.

The Exchange also proposes to make clear how a Discretionary Order interacts with a BATS Post Only Order or Partial Post Only at Limit Order entered at the displayed or non-displayed ranked price of such Discretionary Order that does not remove liquidity on entry pursuant to Rule 11.9(c)(6) or Rule 11.9(c)(7), respectively, by stating that the Discretionary Order is converted to an executable order and will remove liquidity against such incoming order. Similar to the Re-Route functionality described below, due to the fact that Discretionary Orders contain more aggressive prices at which they are willing to execute, the Exchange treats Discretionary Orders as aggressive orders that would prefer to execute at their displayed or non-displayed ranked price than to forgo an execution due to

[9] *See* Securities Exchange Act Release No. 67092 (June 1, 2012), 77 FR 33800 (June 7, 2012) (SR–BYX–2012–009) (notice of filing and immediate effectiveness of rule change to amend the operation of BATS Post Only Orders).

[10] The Exchange notes that its current fee structure does not have a variable fee depending on trading activity during the month. If, in the future, the Exchange implements such a fee structure the Exchange will use the highest possible fee for purposes of Rule 11.9(c)(6).

applicable fees or rebates. Accordingly, in order to facilitate transactions consistent with the instructions of its Users, the Exchange executes resting Discretionary Orders (and certain orders with a Re-Route instruction, as described below) against incoming orders, when such incoming orders would otherwise forego an execution. The Exchange notes that the determination of whether an order should execute on entry against resting interest, including against resting Discretionary Orders, is made prior to determining whether the price of such an incoming order should be adjusted pursuant to the Exchange's price sliding functionality pursuant to Rule 11.9(g). In other words, an execution will have already occurred as set forth above before the Exchange would consider whether an order could be displayed and/or posted to the BATS Book, and if so, at what price.

Examples—Discretionary Order Executes Against BATS Post Only Orders

Assume that the NBBO is $10.00 by $10.05, and the Exchange's BBO is $9.99 by $10.06. Assume that the Exchange receives a non-routable order to buy 100 shares of a security at $10.00 per share designated with discretion to pay up to an additional $0.05 per share.

- Assume that the next order received by the Exchange is a BATS Post Only Order to sell 100 shares of the security at priced at $10.03 per share. The BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality, and would post to the BATS Book at $10.03. This would, in turn, trigger the discretion of the resting buy order and an execution would occur at $10.03. The BATS Post Only Order to sell would be treated as the adder of liquidity and the buy order with discretion would be treated as the remover of liquidity.
- Assume the same facts as above, but that the incoming BATS Post Only Order is priced at $10.00 instead of $10.03. As described above, under the Exchange's current fee structure, which provides a rebate for orders that remove liquidity and a fee for orders that add liquidity, the BATS Post Only Order would execute on entry at $10.00 against the buy order with discretion pursuant to the Exchange's best interest functionality. The buy order with discretion would be treated as the adder of liquidity and the BATS Post Only Order to sell would be treated as the remover of liquidity. Assume, however, for purposes of this example that the BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality. Rather than cancelling the incoming BATS Post Only Order to sell back to the User, particularly when the resting order is willing to buy the security for up to $10.05 per share, the Exchange executes at $10.00 the BATS Post Only Order against the resting buy order with discretion. As is true in the example above, the BATS Post Only Order to sell would be treated as the liquidity adder and the buy order with discretion would be treated as the liquidity remover. As set forth in more detail below, if the incoming order was not a BATS Post Only Order to sell, the incoming order could be executed at the ranked price of the Discretionary Order without restriction and would therefore be treated as the liquidity remover.

Additionally, the Exchange proposes to codify the process by which it handles all incoming orders that interact with Discretionary Orders. First, the Exchange proposes to codify its handling of a contra-side order that executes against a resting Discretionary Order at its displayed or non-displayed ranked price or that contains a time-in-force of IOC or FOK and a price in the discretionary range by expressly stating that such an incoming order will remove liquidity against the Discretionary Order. Second, the Exchange proposes to codify its handling of orders that are intended to post to the BATS Book at a price within a Discretionary Order's discretionary range. This includes, but is not limited to, BATS Post Only Orders and Partial Post Only at Limit Orders. Specifically, the Exchange proposes to codify current System functionality whereby any contra-side order with a time-in-force other than IOC or FOK and a price within the discretionary range but not at the displayed or non-displayed ranked price of a Discretionary Order will be posted to the BATS Book and then the Discretionary Order will remove liquidity against such posted order.

Examples—Discretionary Order Executes Against Non-Post Only Orders

Assume that the NBBO is $10.00 by $10.05, and the Exchange's BBO is $9.99 by $10.06. Assume that the Exchange receives an order to buy 100 shares of a security at $10.00 per share designated with discretion to pay up to an additional $0.05 per share.

- Assume that the next order received by the Exchange is a BATS Only Order to sell 100 shares of the security with a TIF other than IOC or FOK priced at $10.03 per share. The BATS Only Order would not remove any liquidity upon entry and would post to the BATS Book at $10.03. This would, in turn, trigger the discretion of the resting buy order and an execution would occur at $10.03. The BATS Only Order to sell would be treated as the adder of liquidity and the buy order with discretion would be treated as the remover of liquidity.
- Assume the same facts as above, but that the incoming BATS Only Order is priced at $10.00 instead of $10.03. The BATS Only Order would remove liquidity upon entry at $10.00 per share pursuant to the Exchange's order execution rules, as described in detail below. Contrary to the examples set forth above, the BATS Only Order to sell would be treated as the liquidity remover and the resting buy order with discretion would be treated as the liquidity adder. The Exchange notes that this example operates the same whether an order contains a TIF of IOC, FOK or any other TIF.

The Exchange also proposes to modify the current description of the Discretionary Order by eliminating language stating, ''[i]f a Discretionary Order is not executed in full, the unexecuted portion of the order is automatically re-posted and displayed in the BATS Book with a new timestamp, at its original displayed price, and with its non-displayed discretionary price offset.'' The Exchange believes this language is unnecessarily confusing because the unexecuted portion of Discretionary Orders does not actually re-post solely because part of the order was executed. Rather, the remaining portion will remain resting on the BATS Book without being removed from the BATS Book.

Finally, because Discretionary Orders have both a price at which they will be ranked and an additional discretionary price, the Exchange proposes to expressly state how the Exchange handles a routable Discretionary Order by stating that such an order will be routed away from the Exchange at its full discretionary price. As an example, assume the NBBO is $10.00 by $10.05 and the Exchange's BBO is $9.99 by $10.06. If the Exchange receives a routable Discretionary Order to buy at $10.00 with discretion to pay up to an additional $0.05 per share, the Exchange would route the order as a limit order to buy at $10.05. Any unexecuted portion of the order would be posted to the BATS Book with a ranked price of $10.00 and discretion to pay up to $10.05.

Priority and Execution Algorithm

With respect to the Exchange's priority and execution algorithm, the

Exchange is proposing various minor and structural changes that are intended to emphasize the processes by which orders are accepted, priced, ranked and executed, as well as a new provision related to the ability of orders to rest at locking prices that is consistent with the changes to provisions related to the operation of Discretionary Orders described above. First, the Exchange proposes to modify Rule 11.12, Priority of Orders, to make clear that the ranking of orders described in such rule is in turn dependent on Exchange Rule 11.13(a) which discusses the pricing and execution of orders. The Exchange believes that this has always been the case under Exchange rules based on the reference to the ''Execution Process'' in Rule 11.12; however, this reference did not include a cross-reference to Rule 11.13. The Exchange also proposes to change the reference within Rule 11.12 to refer to ranking rather than executing equally priced trading interest, as the Rule as a whole is intended to describe the manner in which resting orders are ranked and maintained, specifically in price and time priority, while awaiting execution against incoming orders. The Exchange does not believe that the proposed modifications substantively modify the operation of the rules; however, the Exchange believes that it is important to clarify that the ranking of orders is a separate process from the execution of orders.

The Exchange also proposes to specify in Rule 11.12(a)(2)(C) that the priority afforded to Pegged Orders is applicable to all non-displayed Pegged Orders. The Exchange recently began accepting Primary Pegged Orders that can be displayed, and if so displayed, the Exchange ranks such orders with all other displayed orders. Thus, the Exchange proposes to clarify that reference to Pegged Orders in 11.12(a)(2)(C), which have lower priority than the displayed size of limit orders and non-displayed orders, is a reference specifically to non-displayed Pegged Orders.

Further, the Exchange proposes to adopt new Rule 11.12(a)(3), which recognizes existing match trade prevention rules that optionally prevent the execution of orders from the same User (*i.e.,* based on the User's ''Unique Identifier'', as set forth in Rule 11.9(f)) by stating that in such a case the System will not permit such orders to execute against one another regardless of priority ranking. Proposed Rule 11.12(a)(3) is based on EDGX Rule 11.9(a)(3). The Exchange also proposes changes to current Rule 11.9(a)(3) and (a)(4) to re-number such rules as (a)(4) and (a)(5) as well as to clarify that orders retain and lose ''time'' priority under certain circumstances, as opposed to priority generally, because retaining or losing price priority does not require the same descriptions, as price priority will always be retained unless the price of an order changes.

Next, the Exchange proposes to re-structure Rule 11.13, which currently governs both execution and routing logic on the Exchange, by more clearly delineating between execution (to be contained in new paragraph (a)) and routing (to be contained in new paragraph (b)) and by adding additional sub-headings to the execution section. In this connection, the Exchange proposes to move language contained within Rule 11.13 to the beginning of new paragraph (a) such that the language is more generally applicable to the rules governing execution. Specifically, the Exchange proposes to relocate language stating that any order falling within the parameters of this paragraph shall be referred to as ''executable'' and that an order will be cancelled back to the User if, based on market conditions, User instructions, applicable Exchange Rules and/or the Act and the rules and regulations thereunder, such order is not executable, cannot be routed to another Trading Center pursuant to Rule 11.13(b) (as proposed to be re-numbered) or cannot be posted to the BATS Book. The proposed sub-headings for paragraph (a) regarding order execution are intended to delineate between the various rules and National Market System (''NMS'') plans that may render an order executable or not, including Regulation NMS and Regulation SHO. The Exchange is proposing to add a cross-reference in Rule 11.13(a)(3) to its rules related to the Limit Up-Limit Down Plan, which is contained in Rule 11.18(e).

The Exchange proposes to adopt paragraph (C) of Rule 11.13(a)(4) to provide further clarity regarding the situations where orders are not executable, which although covered in other existing rules, would focus on the incoming order on the same side of a displayed order rather than the resting order that is rendered not executable because it is opposite such displayed order. The proposed provision would replace existing text set forth in Rule 11.13(a)(1) to acknowledge that, under certain circumstances, there can be locking interest on the Exchange but that such interest will not be displayed by the System as a locked market. Proposed paragraph (C) would further state that if an incoming order is on the same side of the market as an order displayed on the BATS Book and upon entry would execute against contra-side interest at the same price as such displayed order, such incoming order will be cancelled or posted to the BATS Book and ranked in accordance with Rule 11.12. The Exchange does not allow non-displayed interest that locks a contra-side displayed order to execute at such price to avoid an apparent priority issue.

To demonstrate the functionality in place on the Exchange described above, assume the NBBO is $10.10 by $10.11. Assume the Exchange has a posted and displayed bid to buy 100 shares of a security priced at $10.10 per share and a resting non-displayed bid to buy 100 shares of a security priced at $10.11 per share. For purposes of this example, assume the resting non-displayed bid has not selected the Re-Route functionality, which, as described in further detail below, could make a resting order executable against an incoming BATS Post Only Order under certain circumstances.

- Assume that the next order received by the Exchange is a BATS Post Only Order to sell 100 shares of the security priced at $10.11 per share. As described above, under the Exchange's current fee structure, which provides a rebate for orders that remove liquidity and a fee for orders that add liquidity, the BATS Post Only Order would execute on entry at $10.11 against the resting non-displayed bid pursuant to the Exchange's best interest functionality. The non-displayed bid would be treated as the adder of liquidity and the BATS Post Only Order to sell would be treated as the remover of liquidity. Assume, however, for purposes of this example that the BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality. With that assumption, the BATS Post Only Order would instead post to the BATS Book, and would be displayed at $10.11. The display of this order would, in turn, make the resting non-displayed bid not executable at $10.11.
- Assume the next order received by the Exchange is an order to sell 100 shares of the security priced at $10.11 per share. The order would not remove any liquidity upon entry because there is a displayed order to sell at $10.11 posted on the BATS Book and thus, by rule, the Exchange does not maintain any executable buy interest priced at $10.11. If the later arriving order to sell at $10.11 contained a TIF other than IOC or FOK, it would be posted to the BATS Book and displayed at $10.11. If the later arriving order to sell at $10.11 contained a TIF of IOC or FOK, it would be cancelled back to the User.

• To the extent the BATS Book is in the state set forth to conclude the examples above, with a non-executable bid to buy at $10.11 and one or more offers to sell displayed by the Exchange at $10.11; there are several potential outcomes. For instance, any incoming order to buy at $10.11 or higher [11] will execute against the displayed order(s) to sell, as such resting orders are fully executable and displayed as available offers on the BATS Book. Once all displayed liquidity to sell at $10.11 has been executed on the Exchange, the resting non-displayed bid to buy at $10.11 will again be fully executable. Similarly, if the resting displayed orders to sell that are priced at $10.11 are cancelled then the resting non-displayed bid to buy at $10.11 will again be fully executable at that price. As described in the text and examples below, an incoming sell order priced at $10.10 or better will execute against the resting bid at $10.105. Finally, the User representing the non-displayed bid to buy at $10.11 could cancel the order.

The Exchange is also proposing to modify and place in new paragraph (D) rule language contained in current Rule 11.13(a)(1) that governs the price at which non-displayed locking interest is executable in order to further clarify such rule text. Specifically, for bids or offers equal to or greater than $1.00 per share, in the event that an incoming order is a market order or is a limit order priced more aggressively than an order displayed on the Exchange, the Exchange will execute the incoming order at, in the case of an incoming sell order, one-half minimum price variation less than the price of the displayed order, and, in the case of an incoming buy order, at one-half minimum price variation more than the price of the displayed order. As is true under existing functionality, this order handling is inapplicable for bids or offers under $1.00 per share. Proposed paragraph (D) does not substantively modify the existing operation of the System but is intended to better describe in rule text the process for matching an incoming order against an order on the BATS Book when there is a displayed order on the same side of the market as the incoming order.

To demonstrate the operation of this provision, again assume the NBBO is $10.10 by $10.11. Assume the Exchange has a posted and displayed bid to buy 100 shares of a security priced at $10.10 per share and a resting non-displayed bid to buy 100 shares of a security priced at $10.11 per share.

• Assume that the next order received by the Exchange is a BATS Post Only Order to sell 100 shares of the security priced at $10.11 per share. As described above, under the Exchange's current fee structure, which provides a rebate for orders that remove liquidity and a fee for orders that add liquidity, the BATS Post Only Order would execute on entry at $10.11 against the resting non-displayed bid pursuant to the Exchange's best interest functionality. The non-displayed bid would be treated as the adder of liquidity and the BATS Post Only Order to sell would be treated as the remover of liquidity. Assume, however, for purposes of this example that the BATS Post Only Order would not remove any liquidity upon entry pursuant to the Exchange's economic best interest functionality. With that assumption, the BATS Post Only Order to sell would post to the BATS Book and would be displayed at $10.11. The display of this order would, in turn, make the resting non-displayed bid not executable at $10.11.

• If an incoming offer to sell 100 shares at $10.10 is entered into the BATS Book, the resting non-displayed bid originally priced at $10.11 will be executed at $10.105 per share, thus providing a half-penny of price improvement as compared to the order's limit price of $10.11. The execution at $10.105 per share also provides the incoming offer with a half-penny of price improvement as compared to its limit price of $10.10. The result would be the same for an incoming market order to sell or any other incoming limit order offer priced at $10.10 or below, which would execute against the non-displayed bid at a price of $10.105 per share. As above, an offer at the full price of the resting and displayed $10.11 offer would not execute against the resting non-displayed bid, but would instead either cancel or post to the BATS Book behind the original $10.11 offer in priority.

The Exchange notes that it is proposing to add descriptive titles to paragraphs (A) and (B) of Rule 11.13(a)(4), which describe the process by which executable orders are matched within the System. Specifically, so long as it is otherwise executable, an incoming order to buy will be automatically executed to the extent that it is priced at an amount that equals or exceeds any order to sell in the BATS Book and an incoming order to sell will be automatically executed to the extent that it is priced at an amount that equals or is less than any order to buy in the BATS Book. These rules further state that an order to buy shall be executed at the price(s) of the lowest order(s) to sell having priority in the BATS Book and an order to sell shall be executed at the price(s) of the highest order(s) to buy having priority in the BATS Book. The Exchange emphasizes these current rules only insofar as to highlight the interconnected nature of the priority rule.

The Exchange also proposes to modify existing paragraph (b) of Rule 11.13 to re-number it as paragraph (b)(5) and to clarify the Exchange's rule regarding the priority of routed orders. Paragraph (b) currently sets forth the proposition that a routed order does not retain priority on the Exchange while it is being routed to other markets. The Exchange believes that its proposed clarification to paragraph (b) is appropriate because it more clearly states that a routed order is not ranked and maintained in the BATS Book pursuant to Rule 11.12(a), and therefore is not available to execute against incoming orders pursuant to Rule 11.13.

Re-Route Functionality

The Exchange currently allows Users to submit various types of limit orders to the Exchange that are processed pursuant to current Exchange Rule 11.13, as described elsewhere in this proposal. To the extent an order has not been executed in its entirety against the BATS Book, Rule 11.13 describes the process of routing marketable limit orders [12] to one or more Trading Centers, including a description of how the Exchange treats any unfilled balance that returns to the Exchange following the first attempt to fill the order through the routing process. If not filled through routing, and based on the order instructions, the unfilled balance of the order may be posted to the BATS Book.

Pursuant to Exchange Rule 11.13(a)(4) (to be re-numbered as Rule 11.13(b)(4) pursuant to this proposal), under certain circumstances the Exchange will re-route an order that has been posted to the BATS Book if subsequently locked or crossed by another accessible Trading Center. The Exchange offers two

[11] The Exchange notes that an incoming order for purposes of comparison to a resting order can be any incoming order unless the terms of that incoming order itself preclude execution. For instance, in this example, an incoming buy order could be routable or non-routable, the order could be selected for potential display or could include instructions not to display the order, the order could have a discretionary price, or several other characteristics. Upon entry, unless the terms of the order preclude removing liquidity, such as a BATS Post Only order, the characteristics that govern the way that the order may be handled once posted to the Exchange's order book are irrelevant and any incoming buy order priced at $10.11 or higher will execute against the resting offers.

[12] Market orders are also routed away pursuant to Rule 11.13, however the Exchange is not proposing any changes to the treatment of routed market orders at this time.

optional Re-Route instructions, the Super Aggressive Re-Route instruction and the Aggressive Re-Route instruction. The Super Aggressive Re-Route instruction reflects the willingness of the sender of the routable order posted to the BATS Book to route to away Trading Centers and to remove liquidity from such Trading Centers any time such order is locked or crossed (*i.e.,* rather than passively waiting for an execution on the BATS Book). The Aggressive Re-Route instruction subjects an order to the routing process after being posted to the BATS Book only if the order is subsequently crossed by an accessible Trading Center (rather than if the order is locked or crossed). The Exchange proposes two changes to its rules to reflect current operation of the System in connection with Re-Route functionality, as described below.

Non-Displayed Routable Orders

First, the Exchange proposes to add language to the Aggressive Re-Route instruction that makes clear that any routable non-displayed limit order posted to the BATS Book that is crossed by another accessible Trading Center will be automatically routed to that Trading Center. As described in Rule 11.9(g)(4), the Exchange re-prices non-displayed orders to the extent they are crossed by another Trading Center to avoid trading-through Protected Quotations displayed by such Trading Center. In the process of such price sliding, to the extent a non-displayed order is routable, the Exchange will attempt to route the order to the Trading Center displaying the crossing quotation that prompted the price sliding process.

As an example of a routable non-displayed order that is handled consistent with the Aggressive Re-Route instruction, assume the Exchange receives a non-displayed order to buy 300 shares of a security at $10.10 per share. Assume further that the NBBO is $10.09 by $10.10 when the order is received, and the Exchange's lowest priced offer is priced at $10.11. The Exchange will route the order away from the Exchange as a bid to buy 300 shares at $10.10. Assume that the order obtains one 100 share execution through the routing process and then returns to the Exchange. The Exchange will post the order as a non-displayed bid to buy 200 shares at $10.10. If displayed liquidity then appears at one or more Trading Centers priced at $10.09 or lower (*i.e.,* crossing the posted bid to buy at $10.10), the Exchange will take the non-displayed bid off of the BATS Book and again route such order to the displayed liquidity at other Trading Centers.

Second, the Exchange proposes to codify existing System functionality by adding rule text to state that, consistent with the Super Aggressive Re-Route instruction described in Rule 11.13(b)(4)(B), when any order with a Super Aggressive Re-Route instruction is locked by an incoming BATS Post Only Order or Partial Post Only at Limit Order that does not remove liquidity pursuant to Rule 11.9(c)(6) or Rule 11.9(c)(7), respectively,[13] the Re-Route order is converted to an executable order and will remove liquidity against such incoming order. The Exchange applies this logic in order to facilitate executions that would otherwise not occur due to the instruction of a BATS Post Only Order or Partial Post Only at Limit Order to not remove liquidity. Because a Super Aggressive Re-Route eligible order is willing to route to an away Trading Center and remove liquidity (*i.e.,* pay a fee at such Trading Center) when locked or crossed, the Exchange believes it is reasonable and consistent with the instruction to force an execution between an incoming BATS Post Only Order and an order that has been posted to the BATS Book with the Super Aggressive Re-Route instruction. The Exchange notes that the determination of whether an order should execute on entry against resting interest, including against resting orders with a Super Aggressive Re-Route instruction, is made prior to determining whether the price of such an incoming order should be adjusted pursuant to the Exchange's price sliding functionality pursuant to Rule 11.9(g). The Exchange has limited the proposed language to BATS Post Only Orders that lock orders with a Super Aggressive Re-Route instruction because BATS Post Only Orders that cross resting orders will always remove liquidity because it is in their economic best interest to do so.[14] Similarly, Partial Post Only Limit Orders execute against crossing interest as set forth in Rule 11.9(c)(7)(A). The Exchange also proposes to make clear that although it will execute an order with a Super Aggressive Re-Route instruction against a BATS Post Only Order that would lock it, if an order that does not contain a Super Aggressive Re-Route instruction maintains higher priority than one or more Super Aggressive Re-Route eligible orders, the Super Aggressive Re-Route eligible order(s) with lower priority will not be converted, as described above, and the incoming BATS Post Only Order or Partial Post Only at Limit Order will be posted or cancelled in accordance with Rule 11.9(c)(6) or Rule 11.9(c)(7), respectively. The Exchange believes it is necessary to avoid applying the Re-Route functionality to Re-Route eligible orders that are resting behind orders that are not Re-Route eligible orders to avoid violating the Exchange's priority rule, Rule 11.12.

Example—Super Aggressive Re-Route and BATS Post Only Orders

Assume that the Exchange receives an order to buy 300 shares of a security at $10.10 per share designated with a Super Aggressive Re-Route instruction. Assume further that the NBBO is $10.09 by $10.10 when the order is received, and the Exchange's lowest offer is priced at $10.11. The Exchange will route the order away from the Exchange as a bid to buy 300 shares at $10.10. Assume that the order obtains one 100 share execution through the routing process and then returns to the Exchange. The Exchange will post the order as a bid to buy 200 shares at $10.10. If the Exchange subsequently receives a BATS Post Only Order to sell priced at $10.09 per share, such order will execute against the posted order to buy with an execution price of $10.10. The posted buy order will be treated as the liquidity provider and the incoming BATS Post Only Order to sell will be treated as the liquidity remover, based on the Exchange's rules that execute BATS Post Only Orders on entry if such execution is in their economic interest.

However, assuming the same facts as above, if the incoming BATS Post Only Order to sell is priced at $10.10 and also assuming that the incoming BATS Post Only Order does not remove liquidity pursuant to the economic best interest functionality,[15] the posted order with a Super Aggressive Re-Route instruction will execute against such order at $10.10. In this scenario, the posted order to buy will be treated as the liquidity remover and the incoming BATS Post Only Order to sell will be treated as the liquidity provider.

Finally, assume that the NBBO is $10.10 by $10.11 and that the Exchange has a displayed bid to buy 100 shares

[13] The Exchange notes that pursuant to Rule 11.9(c)(6), BATS Post Only Orders remove liquidity in certain circumstances based on an economic analysis that takes into account applicable fees and rebates. The Exchange has proposed clarifications to this economic analysis as described above. Similarly, Partial Post Only at Limit Orders are permitted to remove price improving liquidity as well as a User-selected percentage of the remaining order at the limit price if, following such removal, the order can post at its limit price. *See* Rule 11.9(c)(7).

[14] *See id.*

[15] As described above, an incoming BATS Post Only Order to sell would in fact remove on entry at $10.10 based on the Exchange's current fee structure and economic best interest functionality.

of a security at $10.10 and a displayed offer to sell 100 shares of a security at $10.11. Assume that the displayed bid has not been designated with the Super Aggressive Re-Route instruction. Assume next that the Exchange receives a second displayable bid to buy 100 shares of the same security at $10.10 that has been designated as routable and subject to the Super Aggressive Re-Route instruction. Because there is no liquidity to which the Exchange can route the order, the second order will post to the BATS Book as a bid to buy at $10.10 behind the original displayed bid to buy at $10.10. If the Exchange then received a BATS Post Only Order to sell 100 shares at $10.10 then no execution would occur assuming again that the incoming BATS Post Only Order cannot remove liquidity at $10.10 based on the economic best interest analysis,[16] the first order with priority to buy at $10.10 was not designated with the Super Aggressive Re-Route instruction and the second booked order to buy at $10.10 is not permitted to bypass the first order as this would result in a violation of the Exchange's priority rule, Rule 11.12.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'') [17] and further the objectives of Section 6(b)(5) of the Act [18] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule changes are also designed to support the principles of Section 11A(a)(1) [19] of the Act in that they seek to assure fair competition among brokers and dealers and among exchange markets.

The modifications related to routable orders with a TIF of IOC, Pegged Orders, Mid-Point Peg Orders, Discretionary Orders, and the Exchange's priority, execution and routing rules are each designed to add clarity and transparency regarding Exchange System functionality without substantively modifying such functionality. Specifically, the Exchange believes that the proposed rule changes will provide additional clarity and specificity regarding the functionality of the System and thus would promote just and equitable principles of trade and remove impediments to a free and open market. The Exchange also believes that the proposed amendments will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand.

With respect to the additional specificity proposed in connection with BATS Post Only Orders, the Exchange believes that the proposed rule change is consistent with the Act in that the change will help to clarify the methodology used by the Exchange to determine whether BATS Post Only Orders will remove liquidity from the BATS Book. The Exchange again notes that any methodology other than using the highest possible rebate and highest possible fee could result in the Exchange determining that an execution was in an entering User's economic best interest when, in fact, it was not. For the reasons articulated above, the Exchange believes that the proposal is consistent with and supports just and equitable principles of trade, removes impediments to, and helps to perfect the mechanism of, a free and open market and a national market system, and, in general, protects investors and the public interest.

The Exchange also believes it is consistent with the Act to execute Discretionary orders and orders with a Super Aggressive Re-Route instruction against marketable liquidity (*i.e.,* BATS Post Only Orders and Partial Post Only Orders) when an execution would not otherwise occur is consistent with both: (i) The Act, by facilitating executions, removing impediments and perfecting the mechanism of a free and open market and national market system; and (ii) a User's instructions, which have evidenced a willingness by the User to pay applicable execution fees and/or execute at more aggressive prices than they are currently ranked in favor of an execution. The Exchange also believes that the proposed rule change provides additional specificity regarding the functionality of the System with regard to routable non-displayed orders that have been crossed by another accessible Trading Center, thereby promoting just and equitable principles of trade and removing impediments to a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are not designed to address any competitive issue but rather to add specificity and clarity to Exchange rules, thus providing greater transparency regarding the operation of the System.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2015–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BYX–2015–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

[16] *Id.*

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S. C. 78k–1(a)(1).

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BYX–2015–07, and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03223 Filed 2–17–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74251; File No. SR–FINRA–2015–002]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Tier Size Pilot of FINRA Rule 6433 (Minimum Quotation Size Requirements for OTC Equity Securities)

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2015, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 6433 (Minimum Quotation Size Requirements for OTC Equity Securities) to extend the Tier Size Pilot, which currently is scheduled to expire on February 13, 2015, for an additional three months, until May 15, 2015.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FINRA proposes to amend FINRA Rule 6433 (Minimum Quotation Size Requirements for OTC Equity Securities) (the ''Rule'') to extend, until May 15, 2015, the amendments set forth in File No. SR–FINRA–2011–058 (''Tier Size Pilot'' or ''Pilot''), which currently are scheduled to expire on February 13, 2015.[3]

The Tier Size Pilot was filed with the SEC on October 6, 2011,[4] to amend the minimum quotation sizes (or ''tier sizes'') for OTC Equity Securities.[5] The goals of the Pilot were to simplify the tier structure, facilitate the display of customer limit orders, and expand the scope of the Rule to apply to additional quoting participants. During the course of the pilot, FINRA collected and provided to the SEC specified data with which to assess the impact of the Pilot tiers on market quality and limit order display.[6] On September 13, 2013, FINRA provided to the Commission an assessment on the operation of the Tier Size Pilot utilizing data covering the period from November 12, 2012 through June 30, 2013.[7] As noted in the 2013 Assessment, FINRA believed that the analysis of the data generally showed that the Tier Size Pilot had a neutral to positive impact on OTC market quality for the majority of OTC Equity Securities and tiers; and that there was an overall increase of 13% in the number of customer limit orders that met the minimum quotation sizes to be eligible for display under the Pilot tiers. In the 2013 Assessment, FINRA recommended adopting the tiers as permanent, but extended the pilot period to allow more time to gather and analyze data after the November 12, 2012 through June 30, 2013 assessment period.[8] Most recently, on October 9, 2014, FINRA further extended the Pilot period to permit FINRA and the Commission to consider the implications of the data collected since June 30, 2013. FINRA has reviewed this post-June 30, 2013 data, and believes that the impact described in the 2013 Assessment has continued to hold (and has improved in certain areas).

The purpose of this filing is to extend the operation of the Tier Size Pilot for an additional three month period, until May 15, 2015, to provide FINRA with additional time to finalize its recommendation with regard to the Tier Size Pilot.

FINRA has filed the proposed rule change for immediate effectiveness. The effective date of the proposed rule change will be the date of filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that FINRA rules must be designed to

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73299 (October 3, 2014), 79 FR 61120 (October 9, 2014) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2014–041); *see also* Securities Exchange Act Release No. 67208 (June 15, 2012), 77 FR 37458 (June 21, 2012) (Order Approving File No. SR–FINRA–2011–058, as amended).

[4] *See* Securities Exchange Act Release No. 65568 (October 14, 2011), 76 FR 65307 (October 20, 2011) (Notice of Filing of File No. SR–FINRA–2011–058).

[5] ''OTC Equity Security'' means any equity security that is not an ''NMS stock'' as that term is defined in Rule 600(b)(47) of SEC Regulation NMS; provided, however, that the term OTC Equity Security shall not include any Restricted Equity Security. *See* FINRA Rule 6420.

[6] FINRA believes that adequate data with which to assess the impact of the Pilot has been collection and analyzed, and, therefore, will cease the collection of Pilot data for submission to the Commission as of February 13, 2015.

[7] The assessment is part of the SEC's comment file for SR–FINRA–2011–058 and also is available on FINRA's Web site at: *http://www.finra.org/Industry/Regulation/RuleFilings/2011/P124615* (''Pilot Assessment'').

[8] *See* Securities Exchange Act Release No. 70839 (November 8, 2013), 78 FR 68893 (November 15, 2013) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2013–049).

[9] 15 U.S.C. 78*o*–3(b)(6).

prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA also believes that the proposed rule change is consistent with the provisions of Section 15A(b)(11) of the Act.[10] Section 15A(b)(11) requires that FINRA rules include provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be distributed or published by any member or person associated with a member, and the persons to whom such quotations may be supplied.

FINRA believes that the extension of the Tier Size Pilot for an additional three months is consistent with the Act in that it would provide the Commission and FINRA with additional time to determine whether the pilot tiers should be made permanent.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

FINRA has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because such waiver will allow the pilot program to continue without interruption. Therefore, the Commission designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2015–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2015–002. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F St. NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2015–002, and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03224 Filed 2–17–15; 8:45 am]

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[10] 15 U.S.C. 78*o*–3(b)(11).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74253; File No. SR–CBOE–2015–014)

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 2, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a number of changes to its Fees Schedule, effective February 2, 2015.

Removal of Outdated References

First, the Exchange notes that it no longer lists Credit Default Options or Credit Default Basket Options. As such, the Exchange proposes to delete from the Fees Schedule all references to these options, as such references are no longer necessary and are obsolete.

The Exchange also proposes to eliminate outdated references to ''CBSX.'' On April 30, 2014, the CBOE Stock Exchange (''CBSX''), formerly a stock trading facility of CBOE, ceased trading operations. On August 7, 2014, the status of any remaining CBSX Trading Permit Holders was terminated. Accordingly, references to ''CBSX'' are now obsolete and therefore unnecessary to maintain in the Fees Schedule. The Exchange proposes to remove all such references to maintain clarity in the Fees Schedule and avoid potential confusion.

References to ''Underlying Symbol List A''

On December 1, 2014, the Exchange revised its Fees Schedule to define a list of certain proprietary products that is often collectively excluded or included in various fees and fee programs.[3] Specifically, the Exchange adopted the term ''Underlying Symbol List A'' to refer the following products: OEX, XEO, SPX (including SPXw), SPXpm, SRO, VIX, VXST, VOLATILITY INDEXES and binary options. Although a number of references to these options were replaced by the new term when first adopted, the Exchange inadvertently did not replace all references to this list with ''Underlying Symbol List A.'' In order to maintain consistency through the Fees Schedule, the Exchange now seeks to replace all remaining references to the abovementioned list of products with the term ''Underlying Symbol List A.''

PULSe Workstation

The Exchange proposes to make certain amendments to the PULSe Workstation (''PULSe'') fees. By way of background, the Exchange charges a fee of $400 per month per Trading Permit Holder (''TPH'') workstation for the first 10 users and $100 per month for all subsequent users. TPHs may also make the functionality available to their customers, which may include non-broker dealer public customers and non-TPH broker dealers (referred to herein as ''non-TPHs''). For such non-TPH workstations, the Exchange charges a fee of $400 per month per workstation.

The Exchange first proposes to clarify and make explicit that the PULSe fees are assessed on a ''per login ID'' basis. Currently, the Fees Schedule states that the monthly fee for PULSe TPH workstations is ''$400/month (per TPH workstation for the first 10)'' and ''$100/month (per each additional TPH workstation)'' and for PULSe non-TPH workstations ''$400/month (per non-TPH workstation).'' The Exchange believes the current language, and the use of the term ''workstation'', may be confusing to market participants. As such, the Exchange seeks to make clear in the Fees Schedule that the PULSe fees are assessed per login Id [sic]. The Exchange notes that this proposed change is merely a clarification and that no substantive changes are being made to how PULSe fees are assessed.

Next, the Exchange proposes to provide that the $400 per month, per login ID fee will be applicable to the first 15 login IDs (instead of the first 10). The Exchange expended significant resources developing PULSe, and seeks to recoup more of those costs.

Finally, the Exchange seeks to remove outdate [sic] language from the Notes section of the PULSe fees table. Currently, the Notes section for both the TPH and non-TPH workstations fees states that the fee is waived for the first month for the first new user of a TPH and non-TPH, respectively. Additionally, the Notes section provides that the fee is waived for the first two months for all new users between August 1, 2014 and December 31, 2014, and that the fee is waived for the month of August 2014 for all users that became new users in July 2014. As the above referenced waiver periods have since passed, the Exchange no longer believes this language is necessary to maintain in the Fees Schedule. The Exchange notes that the fee will continue to be waived for the first month of the first new user of a TPH or non-TPH.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In particular, the Exchange always strives for clarity in its rules and Fees Schedule, so that market participants may best understand how rules and fees apply. The Exchange believes that the proposed clarifications and removal of

[3] *See* Securities Exchange Act Release No. 73832 (December 12, 2014), 79 FR 243 (December 18, 2014) (SR–CBOE–2014–092).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(4).

outdated language in the Fees Schedule will make the Fees Schedule easier to read and alleviate potential confusion. The alleviation of potential confusion will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

The Exchange believes assessing the $400 per month, per login ID fee to the first 15 login IDs (instead of the first 10) is reasonable because the Exchange expended significant resources developing PULSe and desires to recoup more of those costs. The Exchange believes this proposed rule change is equitable and not unfairly discriminatory because all TPHs who desire to use PULSe will be subject to this change.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to alleviate confusion are not intended for competitive reasons and only apply to CBOE. Additionally, the Exchange does not believe the proposed change to assess the PULSe login Id [sic] fee to the first 15 login Ids [sic] of a TPH will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies to all Trading Permit Holders. The Exchange believes this proposal will not cause an unnecessary burden on intermarket competition because the proposed change was not motivated by intermarket competition. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and paragraph (f) of Rule 19b–4 [8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE-*2015–014.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–014 and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74258; File No. SR–NASDAQ–2015–008]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify NASDAQ Rule 7018 Fees

February 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 2, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ is proposing to modify NASDAQ Rule 7018 fees assessed for execution and routing securities listed on NASDAQ, the New York Stock Exchange (''NYSE'') and on exchanges other than NASDAQ and NYSE.

The text of the proposed rule change is available at *nasdaq.cchwallstreet.com* at NASDAQ's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to amend NASDAQ Rule 7018(a) to modify the fees assessed under the rule for securities it trades priced at $1 or more. Specifically, NASDAQ proposes to change the fee assessed for CART orders in securities listed on NASDAQ (''Tape C''), NYSE (''Tape A'') and on exchanges other than NASDAQ and the NYSE (''Tape B'') (collectively, the ''Tapes''). In addition, NASDAQ is proposing to change the fee assessed for orders in Tape A securities that are routed to NYSE and then routed to another venue for execution. Lastly, NASDAQ is proposing to change the fee assessed for orders in Tape B securities that are routed to NYSEAmex or NYSEArca and then routed to another venue for execution.

CART is a routing option by which orders in securities of all Tapes route to the NASDAQ OMX BX Equities Market (''BX'') then the NASDAQ OMX PHLX PSX System (''PSX''), and then the System.[3] The Exchange currently assesses no charge for CART orders that execute on BX and passes-through all fees assessed and rebates offered by PSX for such orders. CART orders executed on PSX result in a pass through charge of $0.0024 per share executed.[4] The Exchange is proposing to now assess a set charge of $0.0030 per share executed for CART orders in any Tape security that executes on PSX in lieu of passing through credits and rebates.

The Exchange is also proposing to change the fees assessed for Tape A securities routed to NYSE and then routed to another venue for execution. The Exchange passes through any routing fees charged to NASDAQ by NYSE for these orders, which currently is $0.0030 per share executed but may vary based on changes to the NYSE fee schedule. NASDAQ is proposing to eliminate pass through fees and assess a set fee of $0.0030 per share executed. Similarly, NASDAQ is proposing to eliminate pass through fees and assess a fee of $0.0030 per share executed for orders in Tape B securities that are routed to NYSEAmex or NYSEArca and then routed to another venue for execution. The Exchange currently passes through any routing fees charged to NASDAQ by NYSEAmex or NYSEArca for these orders, which currently is $0.0030 per share executed but may vary based on changes to those exchanges' respective fee schedules.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

NASDAQ believes that the proposed changes to the charges assessed for CART orders in securities of any Tape that execute on PSX are reasonable because they eliminate discounted pricing from the fee schedule and more closely aligns [sic] the fee received with the costs associated with providing routing services. The Exchange incurs costs in operating and supporting the routing function, which are in addition to the fees of other exchanges that it incurs when a routed order executes on another venue. To cover such costs, the Exchange assesses the same fee as is being proposed for other routed orders, such as STGY, SCAN, SKNY and SKIP orders, which are assessed a charge of $0.0030 per share executed.[7] Thus, the current pass through fee results in a discount to the fee assessed for use of the routing function for other routed orders. The Exchange notes that CART orders that execute on BX are not assessed a charge, but rather the Exchange receives a rebate from BX for the routed execution.[8] The Exchange also believes that the proposed changes are reasonable because they remove complexity from the fee schedule and assess a fee that is not dependent on knowing what the current liquidity removal rate is on PSX. NASDAQ believes that the proposed changes to CART order fees are equitably allocated because all member firms that receive an execution on PSX will be assessed a fee that is more closely aligned with the costs incurred by NASDAQ, as noted above. NASDAQ believes that the proposed changes to CART order fees do not discriminate unfairly because they eliminate a distinction in the fees whereby discounted fees are charged for use of the Exchange's routing functionality. Moreover, the proposed changes do not discriminate unfairly because they eliminate a distinction in the routing fees whereby some fees are fixed and others are based on fee assessed by other markets. As noted above, most routing fees are based on a set fee, and are not tied to the fees of other markets.

The Exchange believes that the change to eliminate pass through fees for Tape A securities that are routed to NYSE and then routed to another venue for execution, and the change to eliminate pass through fees for Tape B securities that are routed to NYSEAmex and NYSEArca and then routed to another venue for execution are reasonable because they remove complexity from the fee schedule and assess a fee that is not dependent on knowing what the current routing rates are on those markets. Moreover, the proposed new fees are identical to the fees assessed currently. The Exchange believes that the proposed fee changes are equitably allocated because all member firms that receive an execution on another venue in these securities will be assessed the same fee. Lastly, the Exchange believes that the proposed

[3] If shares remain un-executed, they are posted to the book or cancelled. Once on the book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center. *See* Rule 4758(a)(1)(A)(xi).

[4] *See* NASDAQ OMX PHLX LLC Pricing Schedule, Section VIII(a)(1).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] For a description of STGY, SCAN, SKNY and SKIP routing strategies, *see* Rules 4758(a)(1)(A)(i) and (ii) [sic].

[8] BX provides rebates to market participants that remove liquidity ranging from $0.0004 to $0.0015. *See* BX Rule 7018(a).

changes do not discriminate unfairly because they eliminate a distinction in the routing fees whereby some fees are fixed and others are based on fee assessed by other markets. As noted above, most of NASDAQ's routing fees are based on a set fee, and are not tied to the fees of other markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[9] NASDAQ notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, NASDAQ must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, NASDAQ believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the changes to routing fees and credits do not impose a burden on competition because NASDAQ's routing services are optional and are the subject of competition from other exchanges and broker-dealers that offer routing services, as well as the ability of members to use their own routing capabilities. The increased fees for execution of CART orders on PSX are reflective of a need to better align the fees received with the costs incurred in operating and supporting the routing function. The proposed changes to orders in certain Tape securities routed to NYSE, NYSEAmex, and NYSEArca do not represent an increase or decrease in fees, but rather, like the change to CART orders, removes [sic] an unnecessarily complex process to determine the fee assessed with a set fee, which is consistent with other NASDAQ routing fees. Under the current fees, a member firm must know what the respective fee schedules of PSX, NYSE, NYSEAmex and NYSEArca are at any given time. Thus, the changes will simplify the fee schedule by providing certainty to the fee assessed. For these reasons, NASDAQ does not believe that any of the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets. While the Exchange does not believe that the proposed changes will result in any burden on competition, if the changes proposed herein are unattractive to market participants it is likely that NASDAQ will lose market share as a result.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2015–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–008. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–008, and should be submitted on or before March 11, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Brent J. Fields,

Secretary.

[FR Doc. 2015–03231 Filed 2–17–15; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b)(8).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Regulatory Fairness Hearing, Region III—Virginia Beach, Virginia

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Hearing of Region III Small Business Owners in Virginia Beach, VA.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the location, date and time of the Virginia Beach, VA Regulatory Fairness Hearing. This hearing is open to the public.

DATES: The hearing will be held on Tuesday, March 24, 2015, from 10:00 a.m. to 12:00 p.m. (EDT).

ADDRESSES: The hearing will be at the Meyera Oberndorf Library Auditorium, 4100 Virginia Beach Boulevard, Virginia Beach, VA 23452.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the

hearing for Small Business Owners, Business Organizations, Trade Associations, Chambers of Commerce and related organizations serving small business concerns to report experiences regarding unfair or excessive Federal regulatory enforcement issues affecting their members.

FOR FURTHER INFORMATION CONTACT: The hearing is open to the public; however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation at the Virginia Beach, VA hearing must contact José Méndez by March 17, 2015 in writing, or by fax or email in order to be placed on the agenda. For further information, please contact José Méndez, Case Management Specialist, Office of the National Ombudsman, 409 3rd Street SW., Suite 7125, Washington, DC 20416, by phone (202) 205–6178 and fax (202) 481–5719. Additionally, if you need accommodations because of a disability, translation services, or require additional information, please contact José Méndez as well.

For more information on the Office of the National Ombudsman, see our Web site at *www.sba.gov/ombudsman*.

Dated: February 9, 2015.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2015–03220 Filed 2–17–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

National Women's Business Council; Quarterly Public Meeting

AGENCY: National Women's Business Council, Small Business Administration (SBA).

ACTION: Notice of open public meeting.

DATES: The meeting will be held on Wednesday, March 25, 2014 from 1:15 p.m. to 2:15 p.m. EST.

ADDRESSES: The meeting will be held at the Detroit Marriott at the Renaissance Center, located at 400 Renaissance Drive in Detroit, Michigan.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the National Women's Business Council. The National Women's Business Council is tasked with providing policy recommendations on issues of importance to women business owners to the President, Congress, and the SBA Administrator.

This meeting is the 2nd quarterly meeting of the Council for FY2015. The meeting will include remarks from the Council Chair, Carla Harris, and an update from each of the NWBC committees: The Group of Six, Communications and Engagement, and Research and Policy. Updates will be shared on the current research projects, including: Women's participation in accelerators and incubators (qualitative), women's participation in corporate supplier diversity programs (qualitative), undercapitalization as a contributing factor to failure (quantitative), women's use of social networks (quantitative), and an impact study of the Women Business Center program. The Council will also introduce the topics of interest for the FY2015 research portfolio. Time will be reserved at the end for audience participants to address Council Members directly with questions, comments, or feedback.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email *info@nwbc.gov* with subject line—''RSVP for Detroit.'' Anyone wishing to make a presentation to the NWBC at this meeting must either email their interest to *info@nwbc.gov* or call the main office number at 202–205–3850.

For more information, please visit the National Women's Business Council Web site at *www.nwbc.gov*.

Dated: February 11, 2015.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2015–03233 Filed 2–17–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9036]

Advisory Committee on Historical Diplomatic Documentation Notice of Charter Renewal for 2015

SUMMARY: The Advisory Committee on Historical Diplomatic Documentation is renewing its charter for a period of two years. This Advisory Committee will continue to make recommendations to the Historian and the Department of State on all aspects of the Department's program to publish the *Foreign Relations of the United States* series as well as on the Department's responsibility under statute (22 U.S.C. 4351, *et seq.*) to open its 30-year old and older records for public review at the National Archives and Records Administration. The Committee consists of nine members drawn from among historians, political scientists, archivists, international lawyers, and other social scientists who are distinguished in the field of U.S. foreign relations.

Questions concerning the Committee and the renewal of its Charter should be directed to Stephen P. Randolph, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, 2300 E Street NW., Washington, DC, 20372 (Navy Potomac Annex), telephone (202) 955–0215 (email *history@state.gov*).

Dated: January 28, 2015.

Stephen P. Randolph,

Executive Secretary, Department of State.

[FR Doc. 2015–03312 Filed 2–17–15; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 9040]

Meeting of Advisory Committee on International Communications and Information Policy

The Department of State's Advisory Committee on International Communications and Information Policy (ACICIP) will hold a public meeting on March 13, 2015 from 2:00 p.m. to 5:00 p.m. in the Loy Henderson Auditorium of the Harry S Truman (HST) Building of the U.S. Department of State. The Truman Building is located at 2201 C Street NW., Washington, DC 20520.

The committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country issues.

The meeting will be led by Ambassador Daniel A. Sepulveda, U.S. Coordinator for International Communications and Information Policy. The meeting's agenda will include discussions pertaining to various upcoming international telecommunications meetings and conferences as well as efforts focused on technology and international development.

Members of the public may submit suggestions and comments to the ACICIP. Comments concerning topics to be addressed in the agenda should be

received by the ACICIP Executive Secretary (contact information below) at least ten working days prior to the date of the meeting. All comments must be submitted in written form and should not exceed one page. Resource limitations preclude acknowledging or replying to submissions.

While the meeting is open to the public, admittance to the building is only by means of a pre-clearance. For placement on the pre-clearance list, please submit the following information no later than 5:00 p.m. on Tuesday, March 10, 2015. (Please note that this information is required by Diplomatic Security for each entrance into HST and must therefore be re-submitted for each ACICIP meeting):

I. State That You Are Requesting Pre-Clearance to a Meeting

II. Provide the Following Information

1. Name of meeting and its date and time

2. Visitor's full name

3. Visitor's organization/company affiliation

4. Date of Birth

5. Citizenship

6. Acceptable forms of identification for entry into the building include:

- U.S. driver's license with photo
- Passport
- U.S. government agency ID

7. ID number on the form of ID that the visitor will show upon entry

8. Whether the visitor has a need for reasonable accommodation. Such requests received after March 6, 2015, might not be possible to fulfill.

Send the above information to Joseph Burton by fax (202) 647–5957 or email *BurtonKJ@state.gov.*

Please note that registrations will be accepted to the capacity of the meeting room. All visitors for this meeting must use the 23rd Street entrance. The valid ID bearing the number provided with your pre-clearance request will be required for admittance. Non-U.S. government attendees must be escorted by Department of State personnel at all times when in the building.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State–36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

For further information, please contact Joseph Burton, Executive Secretary of the Committee, at (202) 647–5231 or *BurtonKJ@state.gov.*

General information about ACICIP and the mission of International Communications and Information Policy is available at: *http://www.state.gov/e/eb/adcom/acicip/index.htm*

Dated: February 11, 2015.

Joseph Burton,

ACICIP Executive Secretary, Department of State.

[FR Doc. 2015–03308 Filed 2–17–15; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 9037]

Advisory Committee on Historical Diplomatic Documentation—Notice of Closed and Open Meetings for 2015

SUMMARY: The Advisory Committee on Historical Diplomatic Documentation will meet on March 2, June 8, August 31, and December 7, 2015, in open session to discuss unclassified matters concerning declassification and transfer of Department of State records to the National Archives and Records Administration and the status of the *Foreign Relations* series.

The Committee will meet in open session from 11:00 a.m. until noon in SA–4D Conference Room, Department of State, 2300 E Street NW., Washington DC, 20372 (Potomac Navy Hill Annex). RSVP should be sent as directed below:

- March 2, not later than February 23, 2015. Requests for reasonable accommodation should be made by February 16, 2015.
- June 8, not later than June 1, 2015. Requests for reasonable accommodation should be made by May 25, 2015.
- August 31, not later than August 24, 2015. Requests for reasonable accommodation should be made by August 17, 2015.
- December 7, not later than November 30, 2015. Requests for reasonable accommodation should be made by November 23, 2015.

Closed Sessions. The Committee's sessions in the afternoon of Monday, March 2, 2015; in the morning of Tuesday, March 3; in the afternoon of Monday, June 8, 2015; in the morning of Tuesday, June 9, 2015; in the afternoon of Monday, August 31, 2015; in the morning of Tuesday, September 1, 2015; in the afternoon of Monday, December 7, 2015; and in the morning of Tuesday, December 8, 2015, will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions of agency declassification decisions concerning the *Foreign Relations* series and other declassification issues. These are matters properly classified and not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure.

RSVP Instructions. Prior notification and a valid government-issued photo ID (such as driver's license, passport, U.S. Government or military ID) are required for entrance into the Department of State building. Members of the public planning to attend the meetings should RSVP for the open meetings, by the dates indicated above, to Julie Fort or Nick Sheldon, Office of the Historian (202–955–0214/0215). When responding, please provide date of birth, valid government-issued photo identification number and type (such as driver's license number/state, passport number/country, or U.S. Government ID number/agency or military ID number/branch), and relevant telephone numbers. If you cannot provide one of the specified forms of ID, please consult with Julie Fort for acceptable alternative forms of picture identification.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State–36) at *http://www.state.gov/documents/organization/103419.pdf,* for additional information.

Questions concerning the meeting should be directed to Dr. Stephen P. Randolph, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20372, telephone (202) 955–0215, (email *history@state.gov).*

Note that requests for reasonable accommodation received after the dates indicated in this notice will be considered, but might not be possible to fulfill.

Dated: January 30, 2015.

Stephen P. Randolph,

Executive Secretary, Advisory Committee on Historical Diplomatic Documentation.

[FR Doc. 2015–03307 Filed 2–17–15; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 9038; Docket No. DOS–2015–10]

Notice of Meeting of the Cultural Property Advisory Committee

There will be a meeting of the Cultural Property Advisory Committee April 8–10, 2015 at the U.S. Department of State, Annex 5, 2200 C Street NW., Washington, DC. Portions of this meeting will be closed to the public, as discussed below.

During the closed portion of the meeting, the Committee will review the proposal to extend the *Memorandum of Understanding Between the Government of United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical, and Imperial Roman Periods of Italy* (''Italy MOU'') [Docket No. DOS–2015–10]. An open session to receive oral public comment on the proposal to extend the Italy MOU will be held on Wednesday, April 8, 2015, beginning at 9:30 a.m. EDT.

Also, during the closed portion of the meeting, the Committee will conduct an interim review of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Peru Concerning the Imposition of Import Restrictions on Archaeological Material from the Prehispanic Cultures and Certain Ethnological Material from the Colonial Period of Peru* (''Peru MOU''). Public comment, oral and written, will be invited at a time in the future should the Peru MOU be proposed for extension.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*; ''Act''). The text of the Act and MOUs, as well as related information, may be found at *http://culturalheritage.state.gov.* If you wish to attend the open session on April 8, 2015, you should notify the Cultural Heritage Center of the Department of State at (202) 632–6301 no later than 5:00 p.m. (EST) March 20, 2015, to arrange for admission. Seating is limited. When calling, please specify if you need reasonable accommodation. The open session will be held at 2200 C St. NW., Edward R. Murrow Conference Room, Washington, DC 20037. Please plan to arrive 30 minutes before the beginning of the open session.

If you wish to make an oral presentation at the open session, you must request to be scheduled by the above-mentioned date and time, and you must submit written comments, ensuring that they are received no later than March 20 at 11:59 p.m. (EDT), via the eRulemaking Portal (see below), to allow time for distribution to Committee members prior to the meeting. Oral comments will be limited to five (5) minutes to allow time for questions from members of the Committee. All oral and written comments must relate specifically to the determinations under 19 U.S.C. 2602, pursuant to which the Committee must make findings.

If you do not wish to make oral comment but still wish to make your views known, you may send written comments for the Committee to consider. Your comments should relate specifically to the determinations under 19 U.S.C. 2602. Submit all written materials electronically through the eRulemaking Portal (see below), ensuring that they are received no later than March 20, 2015 at 11:59 p.m. (EDT). Our adoption of this procedure facilitates public participation; implements Section 206 of the E-Government Act of 2002, Public Law 107–347, 116 Stat. 2915; and supports the Department of State's ''Greening Diplomacy'' initiative that aims to reduce the State Department's environmental footprint and reduce costs.

Please submit comments only once using one of these methods:

- *Electronic Delivery.* To submit comments electronically, go to the Federal eRulemaking Portal (*http://www.regulations.gov*), enter the Docket No. DOS–2015–10, and follow the prompts to submit a comment. Comments submitted in electronic form are not private. They will be posted on the site *http://www.regulations.gov.* Because the comments cannot be edited to remove any identifying or contact information, the Department of State cautions against including any information in an electronic submission that one does not want publicly disclosed (including trade secrets and commercial or financial information that is privileged or confidential pursuant to 19 U.S.C. 2605(i)(1)).
- *Regular Mail or Delivery.* If you wish to submit information that you believe to be privileged or confidential in confidence pursuant to 19 U.S.C. 2605(i)(1), you may do so via regular mail, commercial delivery, or personal hand delivery to the following address: Cultural Heritage Center (ECA/P/C), SA–5, Floor C2, U.S. Department of State, Washington, DC 20522–05C2.

Only comments that you believe to be privileged or confidential will be accepted via those methods. Comments must be received by March 20, 2015.

Comments submitted by fax or email are not accepted. All comments submitted electronically must be submitted via the eRulemaking Portal only. All comments submitted electronically will be viewable by the public, so do not include any information that you consider privileged or confidential.

The Department of State requests that any party soliciting or aggregating comments received from other persons for submission to the Department of State inform those persons that the Department of State will not edit their comments to remove any identifying or contact information, and that they therefore should not include any information in their comments that they do not want publicly disclosed.

As noted above, portions of the meeting will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), the latter of which stipulates that ''The provisions of the Federal Advisory Committee Act shall apply to the Cultural Property Advisory Committee except that the requirements of subsections (a) and (b) of sections 10 and 11 of such Act (relating to open meetings, public notice, public participation, and public availability of documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the government's negotiating objectives or bargaining positions on the negotiations of any agreement authorized by this chapter.'' Pursuant to law, Executive Order, and Delegation of Authority, I have made such a determination.

Personal information regarding attendees is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State–36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: February 9, 2015.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2015–03309 Filed 2–17–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9039]

Notice of Proposal To Extend the Memorandum of Understanding Between the Government of United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical, and Imperial Roman Periods of Italy

The Government of the Republic of Italy has informed the Government of the United States of America of its interest in an extension of the *Memorandum of Understanding Between the Government of United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical, and Imperial Roman Periods of Italy* (''MOU'').

Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to the requirement under 19 U.S.C. 2602(f)(1), an extension of this MOU is hereby proposed.

Pursuant to 19 U.S.C. 2602(f)(2), the views and recommendations of the Cultural Property Advisory Committee regarding this proposal will be requested.

A copy of the MOU, the Designated List of restricted categories of material, and related information can be found at the following Web site: *http://culturalheritage.state.gov.*

Dated: February 9, 2015.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2015–03311 Filed 2–17–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0024]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Virginia Tech Transportation Institute (VTTI)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from VTTI to allow the placement of camera-based data acquisition systems (DAS) at the bottom of windshields on commercial motor vehicles (CMVs). The Federal Motor Carrier Safety Regulations (FMCSRs) currently require antennas, transponders, and similar devices to be located not more than 6 inches below the upper edge of the windshield, outside the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. VTTI is coordinating device development and installation of the DASs for a National Highway Traffic Safety Administration (NHTSA) research program in up to 150 CMVs. The exemption would enable VTTI and NHTSA to conduct research on the reliability of collision avoidance systems for CMVs. VTTI believes that mounting the DASs at the bottom of the windshield would maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: Comments must be received on or before March 20, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2015–0024 using any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday–Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public participation: The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site as well as the DOT's *http://docketsinfo.dot.gov* Web site. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Huntley, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–4235, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption

request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

VTTI's Application for Exemption

VTTI has applied for an exemption from 49 CFR 393.60(e)(1) to allow the installation of DASs at the bottom of the windshield on CMVs. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.60(e)(1) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted at the top of the windshield. Antennas, transponders and similar devices (devices) must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield. These devices must be located outside the area swept by the windshield wipers and outside the driver's sight lines to the road and highway signs and signals.

VTTI has applied for the exemption because it wants to install DASs in up to 150 CMVs operating throughout the United States in support of research being conducted on behalf of NHTSA. VTTI contends that it must be able to mount the DASs lower than allowed under 49 CFR 393.60(e)(1) ''because the safety equipment must have a clear forward facing view of the road, and low enough to accurately scan facial features for detection of impaired driving.'' VTTI's mounting preference for the DASs and necessary mounting brackets is at the bottom of the windshield, and is best suited for mounting within and/or below 3 inches of the bottom of the windshield wiper sweep, and out of the driver's sightlines to the road and highway signs and signals, to the extent practicable.

FMCSA Grant of Waiver to VTTI

Pursuant to 49 U.S.C. 31315(a) and 49 CFR part 381, subpart B, the FMCSA granted VTTI a 90-day waiver on January 26, 2015 to allow the placement of the DASs at the bottom of windshields on CMVs, outside of the area permitted by section 393.60 of the FMCSRs. This waiver is effective from January 26, 2015, through April 25, 2015. Up to 150 DASs will be installed and the affected motor carriers are listed as below:

1. USDOT # 32052.	Crosby Trucking Service Inc. in Mount Sydney VA.
2. USDOT # 369138.	Rush Trucking Corporation in Wayne Michigan.
3. USDOT # 1977980.	Kuperus Trucking Inc. in Jenison MI.
4. USDOT # 282628.	Stagecoach Cartage and Distribution, LP in El Paso TX.
5. USDOT # 184405.	J & M Tank Lines Inc. in Birmingham AL.
6. USDOT # 1243338.	P&S Transportation LLC in Ensley AL.
7. USDOT # 75827.	Modular Transport Company in Wyoming MI.

During the waiver period, these motor carriers participating in the NHTSA research program must ensure that the DASs are mounted within three inches of the bottom of the driver side windshield wiper sweep, and out of the driver's sightlines to the road and highway signs and signals as much as practicable. Vehicles participating in the study must carry a copy of this waiver in the vehicle.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on VTTI's application for an exemption from 49 CFR 393.60(e)(1). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: February 9, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–03239 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0340; FMCSA–2010–0327; FMCSA–2010–0385; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0339]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 17 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective March 1, 2015. Comments must be received on or before March 20, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0340; FMCSA–2010–0327; FMCSA–2010–0385; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0339], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE.,

Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 17 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 17 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Kreis C. Baldridge (TN)
Steven J. Clark (GA)
Thomas A. Crowell (NC)
Michael A. Fouch (NJ)
Wilfred J. Gagnon (VT)
Ricky G. Jacks (AL)
Scott A. Lambertson (MN)
Carl A. Lohrbach (OH)
Jay C. Naccarato (WA)
Jeffrey L. Olson (MN)
Gary J. Peterson (IL)
Donnie R. Riggs (AL)
James E. Savage (NV)
Randall S. Surber (WV)
Ernest W. Waff (VA)
Curtis E. Way (TX)
John E. Westbrook (LA)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 17 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (71 FR 63379; 71 FR 63380; 72 FR 180; 72 FR 1050; 72 FR 9397; 73 FR 75803; 73 FR 78422; 74 FR 980; 74 FR 6209; 74 FR 6211; 75 FR 65057; 75 FR 77492; 75 FR 79081; 75 FR 79083; 76 FR 4413; 76 FR 4414; 76 FR 5425; 76 FR 8809; 76 FR 9865; 77 FR 64839; 77 FR 70534; 77 FR 75494; 78 FR 800; 78 FR 1919; 78 FR 9772; 78 FR 11731; 78 FR 12813; 78 FR 12817). Each of these 17 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0340; FMCSA–2010–0327; FMCSA–2010–0385; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0339), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, got to *http://www.regulations.gov* and put the docket number, ''FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0340; FMCSA–2010–0327; FMCSA–2010–0385; FMCSA–2012–

0280; FMCSA–2012–0337; FMCSA–2012–0339'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0340; FMCSA–2010–0327; FMCSA–2010–0385; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0339'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued On: February 6, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–03241 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2014–0025]

Notice of Buy America Waiver for Track Turnout Components

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Buy America Waiver.

SUMMARY: In response to a request from the Long Island Rail Road Company (LIRR), a subsidiary of the New York Metropolitan Transportation Authority (MTA), for a Buy America waiver for track turnout components, the Federal Transit Administration (FTA) hereby waives its Buy America requirements for LIRR's procurement of the following track turnout components: Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and movable point frogs. This waiver is limited to LIRR's procurement of these track turnout components for the nine (9) turnouts that LIRR needs for VHL03 LIRR Stage 3 of the East Side Access Project and the one (1) turnout that LIRR needs for VHL04 LIRR Stage 4 of the East Side Access Project. The turnouts themselves, however, are subject to FTA's Buy America requirements and, accordingly, the turnouts must be manufactured in the United States.

This Buy America waiver does not apply to the track turnout components for Phase I of LIRR's Jamaica Capacity Improvements Project, and FTA will address that waiver request separately. Moreover, this Buy America waiver does not apply to the track turnout components for the Northeast Corridor Congestion Relief Project at Harold Interlocking, which is being addressed in a separate waiver decision published by the Federal Railroad Administration (FRA), as FRA funds are being used for that project.

DATES: This waiver is effective immediately.

FOR FURTHER INFORMATION CONTACT: Richard L. Wong, FTA Attorney-Advisor, at (202) 366–4011 or *Richard.Wong@dot.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce that FTA is granting a non-availability waiver for LIRR's procurement of track turnout components—*i.e.,* Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and movable point frogs (MPFs)—that are needed for VHL03 LIRR Stage 3 and VHL04 LIRR Stage 4 of the East Side Access (ESA) Project.

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless ''the steel, iron, and manufactured goods used in the project are produced in the United States.'' 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) All of the manufacturing processes for the product must take place in the United States; and (2) All of the components of the product must be of U.S. origin. 49 CFR 661.5(d). A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d)(2). If, however, FTA determines that ''the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality,'' then FTA may issue a waiver (non-availability waiver). 49 U.S.C. 5323(j)(2)(B); 49 CFR 661.7(c).

On July 31, 2014, LIRR requested a non-availability Buy America waiver for the procurement of four specific track turnout components—*i.e.,* Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and MPFs—that are needed for the ESA Project. MTA entered into an FTA Full Funding Grant Agreement in 2006 to build the ESA Project. As described by LIRR, the ESA Project will extend LIRR commuter rail service from Queens to the east side of Midtown Manhattan and will construct a new LIRR Terminal at Grand Central Terminal.

On February 4, 2015, LIRR submitted a letter to FTA indicating that it has become aware of alternate turnout designs that may be compatible with LIRR's infrastructure, with some modifications, for the ESA Project and that may be available from a domestic source in the future. Accordingly, in its February 4, 2015 letter, LIRR narrowed its waiver request to apply only to VHL03 LIRR Stage 3 and VHL04 LIRR Stage 4 of the ESA Project. Specifically, LIRR explained that it critically needs the Buy America waiver for nine (9) turnouts that are necessary for VHL03 LIRR Stage 3 of the ESA Project in order for LIRR to meet its 2016 installation schedule and to thereby avoid delays to the overall ESA project schedule. Additionally, LIRR specified that it needs the track turnout components waiver so that it may procure one (1) unique turnout—No. 32.75—for VHL04 LIRR Stage 4 of the ESA Project.

LIRR has stated that the foreign-sourced MPFs are essential components of track turnouts for the following operational reasons: (1) turnouts with MPFs are necessary to withstand the frequent and heavy use by passenger and freight trains traveling along LIRR's right of way; (2) turnouts with MPFs allow trains to travel through the turnouts at higher speeds, ultimately providing more throughput during rush hour; (3) turnouts with MPFs reduce impact loading to the turnouts; and (4) turnouts with MPFs provide for less wear and tear, thereby requiring less overall maintenance, extending the useful lives of the turnouts, and resulting in fewer outages and negative impacts on LIRR's operations.

Based on previous solicitations, market research, and manufacturer outreach, as set forth below, LIRR

concluded that it was unable to identify a domestic source for track turnout components—*i.e.,* Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and MPFs—that LIRR needs for VHL03 LIRR Stage 3 and VHL04 LIRR Stage 4 of the ESA Project.

In February 2014, LIRR issued a competitive solicitation seeking vendors to provide five (5) turnouts for VHL03 LIRR Stage 3 of the ESA Project. LIRR received only one response, and it was from VAE Nortrak North America Inc. (Nortrak), which certified that it was not compliant with the Buy America requirements. Based on LIRR's prior experience in procuring the same or similar turnouts, LIRR has found that Nortrak and Progress Rail Services Corporation (Progress) are the only two vendors that are technically capable of manufacturing turnouts with the roller assemblies, plates, ZU1–60 steel switch point rail sections, and MPFs that LIRR requires for the ESA Project. According to LIRR, Nortrak and Progress manufacture the turnouts domestically, but the turnout components that are the subject of this waiver are presently manufactured only non-domestically.[1] Progress did not submit a bid in response to the February 2014 solicitation related to VHL03 LIRR Stage 3 of the ESA Project.

Furthermore, in support of its requests, LIRR also conducted market research and manufacturer outreach. In conducting this research, LIRR utilized the National Railroad Passenger Corporation's (Amtrak) previous market research regarding potential domestic manufacturers of the four component types that are the subject of this notice. Amtrak conducted its market research at the request of FRA, and the research included outreach to manufacturers that were previously identified by the U.S. Department of Commerce's National Institute of Standards and Technology (NIST) in a December 2012 Supplier Scouting Report.

Additionally, LIRR conducted its own independent outreach and contacted seven potential manufacturers: Unitrac Railroad Materials, Inc., Arcelor Mittal, J. Manufacturing Inc., Steel Dynamics, Inc., Metal Tech, Compucision, LLC, and IAT International Inc.[2] Three of the seven potential manufacturers failed to respond to repeated requests for information. Four manufacturers responded, but LIRR concluded that the four manufacturers were not potential domestic sources for the components because the manufacturers each stated that either it did not currently manufacture the components or it did not appear economically feasible for the manufacturer to manufacture the components in the quantities needed by LIRR. One of the four responsive manufacturers, Compucision, LLC, expressed interested, but it had never manufactured the components previously and had little knowledge of the technical requirements. Based on these efforts, LIRR determined that there are no U.S. manufacturers that are willing and capable of producing the turnout components that are presently required for VHL03 LIRR Stage 3 and VHL04 LIRR Stage 4 the ESA Project.

On December 19, 2014, FTA published a **Federal Register** notice requesting comment on LIRR's waiver request, pursuant to 49 CFR 661.7. 79 FR 75857 (Dec. 19, 2014). No comments were received to the docket.

Based upon LIRR's good faith efforts to identify potential domestic manufacturers for these track turnout components, LIRR's informed conclusion that there are presently no U.S. manufacturers that are willing and capable of producing the turnout components needed for VHL03 LIRR Stage 3 and VHL04 LIRR Stage 4 of the ESA Project, and the lack of responses to FTA's **Federal Register** Notice, FTA is issuing a non-availability waiver, pursuant to 49 CFR 661.7(c), for LIRR's procurement of the track turnout components—*i.e.,* Schwihag roller assemblies, Schwihag plates, ZU1–60 steel switch point rail sections, and MPFs—but in connection with only the nine (9) turnouts needed for VHL03 LIRR Stage 3 and the one (1) turnout needed for VHL04 LIRR Stage 4 of the East Side Access Project, as set forth above. Subsequent waiver requests for track turnout components will be subject to notice-and-comment publication requirements. This waiver does not apply to the turnouts themselves, and, accordingly, the turnouts must be manufactured in the United States pursuant to FTA's Buy America requirements. *See* 49 CFR part 661.

Furthermore, this Buy America waiver does not apply to the track turnout components for Phase I of LIRR's Jamaica Capacity Improvements Project, which will be addressed in a separate waiver decision by FTA. With respect to LIRR's Buy America waiver request from March 26, 2013 (and supplemented on September 19, 2014) for track turnout components of one (1) #20 tangential geometry turnout for LIRR's State of Good Repair (SGR) Program, LIRR withdrew that waiver request on February 9, 2015 due to a potential domestically produced alternative turnout for its SGR program.

Furthermore, this Buy America waiver does not apply to the track turnout components for the Northeast Corridor Congestion Relief Project at Harold Interlocking, which is being addressed in a separate waiver decision published by FRA, as FRA funds are being used for that project.

Dana Nifosi,

Acting Chief Counsel.

[FR Doc. 2015–03242 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–57–P

[1] The roller assemblies and plates are manufactured in Switzerland; the ZU1–60 steel switch point rail sections are manufactured in Austria; and the MPFs are manufactured in Germany.

[2] FTA defers to LIRR's spelling and punctuation of the manufacturers' names as presented in LIRR's July 31, 2014, letter.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2015 0020]

Request for Comments of a Previously Approved Information Collection

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on November 26, 2014 (**Federal Register** 70610, Vol. 79, No. 228).

DATES: Comments must be submitted on or before March 20, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gearhart, 202–366–1867, Office of Shipyards and Marine Engineering, Maritime Administration 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Shipbuilding Orderbook and Shipyard Employment.

OMB Control Number: 2133–0029.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: MARAD collects this information from the shipbuilding and ship repair industry primarily to determine if an adequate mobilization base exists for national defense and for use in a national emergency.

Affected Public: Owners of U.S. shipyards who agree to complete the requested information.

Estimated Number of Respondents: 200.

Estimated Number of Responses: 800.

Annual Estimated Total Annual Burden Hours: 400.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503. Comments are invited on: 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; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03372 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD—2015–0012]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by April 20, 2015.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2015–0012] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael C. Pucci, (202) 366–5167, Division of Maritime Programs, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0530

Title: Form Numbers: Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement.

Type of Review: Renewal of an information collection.

Background: In accordance with the American Fisheries Act of 1998, owners of vessels of 100 feet or greater who wish to obtain a fishery endorsement to the vessels' documentation are required to file with the Maritime Administration (MARAD) an Affidavit of United States Citizenship. The information collection is necessary for MARAD to determine that a particular vessel is owned and controlled by United Sates citizens and is eligible to receive a fishery endorsement to its documentation.

Respondents: Vessel owners, charterers, mortgagees, mortgage trustees and managers of vessels of 100 feet or greater who seek a fishery endorsement for the vessel.

Number of Respondents: 500.

Frequency: Annually.

Number of Responses: 500.

Total Annual Burden: 2950.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: February 3, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03380 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2015–0011]

Agency Requests for Renewal of a Previously Approved Information Collection(s): U.S. Merchant Marine Academy Candidate Application for Admission.

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by April 20, 2015.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2015–0011] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Office of Admission, 516–726–5646, Maritime Administration, U.S. Merchant Marine Academy, Office of Admissions, 300 Steamboat Road, New York, NY 11024. Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0010.

Title: U.S. Merchant Marine Academy Candidate Application for Admission.

Form Numbers: KP 2–65.

Type of Review: Renewal of an information collection.

Background: The collection consists of Parts I, II, and III of Form KP 2–65

(U.S. Merchant Marine Academy Application for Admission). Part I of the form is completed by individuals wishing to be admitted as students to the U.S. Merchant Marine Academy. The information on the Candidate Application Parts II and III is used by the USMMA admissions staff and its Candidate Evaluation Board to select the best qualified candidates for the Academy. Part II is completed by the applicant and Part III by an official at the secondary school where the applicant attends or has attended.

Respondents: Individuals desiring to become students at the U.S. Merchant Marine Academy.

Number of Respondents: 2500.

Frequency: Once.

Number of Responses: 2500.

Total Annual Burden: 25,000 Hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Dated: February 3, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03377 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0014]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ALCYONE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0014. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ALCYONE is:

Intended Commercial Use of Vessel: ''Private Vessel Charters, Passengers Only.''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington and Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound]).''

The complete application is given in DOT docket MARAD–2015–0014 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03353 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0018]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TORTOLA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0018. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this

docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel *TORTOLA* is:

Intended Commercial Use of Vessel: ''Day cruise charters with private parties.''

Geographic Region: ''Florida.''

The complete application is given in DOT docket MARAD–2015–0018 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03358 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0013]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ESPIRITU SANTI; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0013. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ESPIRITU SANTI is:

Intended Commercial Use of Vessel: ''Private Vessel Charters, Passengers Only.''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington and Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound]).''

The complete application is given in DOT docket MARAD–2015–0013 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03355 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0016]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SOUTHERN PASSAGE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized

to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0016. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SOUTHERN PASSAGE is:

Intended Commercial Use Of Vessel: ''Day Trips and Overnight Trips''

Geographic Region: ''Florida''

The complete application is given in DOT docket MARAD–2015–0016 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03359 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0019]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel DOUBLE TROUBLE II; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0019. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel DOUBLE TROUBLE II is:

Intended Commercial Use Of Vessel: ''Charter fishing lake Michigan.''

Geographic Region: ''Wisconsin, Illinois.''

The complete application is given in DOT docket MARAD–2015–0019 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03362 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0017]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLACKJACK; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0017. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BLACKJACK is:

Intended Commercial Use Of Vessel: ''Intend to use vessel as a six-pack charter boat''

Geographic Region: ''California''.

The complete application is given in DOT docket MARAD–2015–0017 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03351 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0015]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PACIFIC THUNDER; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 20, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0015. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PACIFIC THUNDER is:

Intended Commercial Use of Vessel: ''Sportfishing charters, harbor cruises, weddings and funerals at sea, floating hotel room. Primary use would be ''six-pack'' fishing charters.''

Geographic Region: ''California.''

The complete application is given in DOT docket MARAD–2015–0015 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act

Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: February 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–03361 Filed 2–17–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. EP 670 (Sub-No. 1)]

Notice of Rail Energy Transportation Advisory Committee Meeting

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of Rail Energy Transportation Advisory Committee meeting.

SUMMARY: Notice is hereby given of a meeting of the Rail Energy Transportation Advisory Committee (RETAC), pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2 section 10(a)(2).

DATES: The meeting will be held on Thursday, March 5, 2015, at 9:00 a.m., E.S.T.

ADDRESSES: The meeting will be held in the Hearing Room on the first floor of the Board's headquarters at 395 E Street SW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Michael Higgins (202) 245–0284; *Michael.Higgins@stb.dot.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

SUPPLEMENTARY INFORMATION: RETAC was formed in 2007 to provide advice and guidance to the Board, and to serve as a forum for discussion of emerging issues related to the transportation of energy resources by rail, including coal, ethanol, and other biofuels. The purpose of this meeting is to continue discussions regarding issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, carriers, and users of energy resources. Potential agenda items for this meeting include introduction of new members, a performance measures review, industry segment updates by RETAC members, a presentation on the outlook for U.S. petroleum production, and a roundtable discussion.

The meeting, which is open to the public, will be conducted in accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management regulations, 41 CFR 102–3; RETAC's charter; and Board procedures. Further communications about this meeting may be announced through the Board's Web site at *WWW.STB.DOT.GOV.*

Written Comments: Members of the public may submit written comments to RETAC at any time. Comments should be addressed to RETAC, c/o Michael Higgins, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001 or *Michael.Higgins@stb.dot.gov.*

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 721, 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: February 12, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–03310 Filed 2–17–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Joint Comment Request

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 information collections to be submitted to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. On September 2, 2014, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on the implementation of the proposed Market Risk Regulatory Report for Institutions Subject to the Market Risk Capital Rule (FFIEC 102). The proposed reporting requirements reflect the revised regulatory capital rules adopted by the agencies in July 2013 (revised regulatory capital rules) and would collect key information from respondents on how they measure and calculate market risk under the agencies' revised regulatory capital rules. The FFIEC and the agencies will proceed with the implementation of the FFIEC 102 reporting requirements substantially as proposed, with certain clarifications pertaining to the comprehensive risk capital requirement to address a comment received on the proposed new regulatory report. The proposed FFIEC 102 reporting requirements would take effect as of March 31, 2015, for institutions subject to the market risk capital rule as incorporated into Subpart F of the revised regulatory capital rules (market risk capital rule).

DATES: Comments must be submitted on or before March 20, 2015.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments will be shared among the agencies.

OCC: Commenters are encouraged to submit comments by email. Please use the title ''FFIEC 102'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- Email: *regs.comments@occ.treas.gov.*
- Mail: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- Hand Delivery/Courier: 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- Fax: (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''FFIEC 102'' in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

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

Board: You may submit comments, which should refer to ''FFIEC 102'' by any of the following methods:

- Agency Web site: *http://www.federalreserve.gov.* Follow the instructions for submitting comments at: *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *regs.comments@federalreserve.gov.* Include reporting form number in the subject line of the message.
- Fax: (202) 452–3819 or (202) 452–3102.
- Mail: Robert DeV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''FFIEC 102,'' by any of the following methods:

- Agency Web site: *http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC Web site.
- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *comments@FDIC.gov.* Include ''FFIEC 102'' in the subject line of the message.
- Mail: Gary A. Kuiper, Counsel, Attn: Comments, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- Hand Delivery: Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the proposed market risk regulatory reporting requirements discussed in this notice, please contact any of the agency clearance officers whose names appear below. In addition, copies of the proposed FFIEC 102 reporting forms and instructions are available on the FFIEC's Web site (*http://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Mary H. Gottlieb, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: John Schmidt, Federal Reserve Board Clearance Officer, (202) 728–5859, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Gary A. Kuiper, Counsel, (202) 898–3877, and John Popeo, Counsel, (202) 898–6923, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies are proposing to implement the following new information collection:

Report Title: Market Risk Regulatory Report for Institutions Subject to the Market Risk Capital Rule.

Form Number: FFIEC 102.

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Number: 1557–NEW.

Estimated Number of Respondents: 13 national banks and federal savings associations.

Estimated Time per Response: 12 burden hours per quarter to file.

Estimated Total Annual Burden: 624 burden hours to file.

Board

OMB Number: 7100–NEW.

Estimated Number of Respondents: 27 state member banks, bank holding companies, and savings and loan holding companies.

Estimated Time per Response: 12 burden hours per quarter to file.

Estimated Total Annual Burden: 1,296 burden hours to file.

FDIC

OMB Number: 3064–NEW.

Estimated Number of Respondents: 1 insured state nonmember bank and state savings association.

Estimated Time per Response: 12 burden hours per quarter to file.

Estimated Total Annual Burden: 48 burden hours to file.

General Description of Reports

The information collections would be mandatory for market risk institutions, defined for this purpose as those institutions that are subject to the market risk capital rule as incorporated into Subpart F of the revised regulatory capital rules (market risk institutions).[1] All data reported in the FFIEC 102 would be available to the public.

Abstract

Each market risk institution would be required to file the FFIEC 102 for the agencies' use in assessing the reasonableness and accuracy of the institution's calculation of its minimum capital requirements under the market risk capital rule and in evaluating the institution's capital in relation to its risks. Additionally, the market risk information collected in the FFIEC 102 would: (a) Permit the agencies to monitor the market risk profile of and evaluate the impact and competitive implications of the market risk capital rule on individual market risk institutions and the industry as a whole; (b) provide the most current statistical data available to identify areas of market risk on which to focus for onsite and

[1] *See* 12 CFR 3.201 (OCC); 12 CFR 217.201 (Board); and 12 CFR 324.201 (FDIC). The market risk capital rule generally applies to any banking institution with aggregate trading assets and trading liabilities equal to (a) 10 percent or more of quarter-end total assets or (b) $1 billion or more. The statutory provisions that grant the agencies the authority to impose capital requirements are 12 U.S.C. 161 (national banks), 12 U.S.C. 324 (state member banks), 12 U.S.C. 1844(c) (bank holding companies (BHCs)), 12 U.S.C. 1467a(b) (savings and loan holding companies (SLHCs)), 12 U.S.C. 1817 (insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (savings associations).

offsite examinations; (c) allow the agencies to assess and monitor the levels and components of each reporting institution's risk-based capital requirements for market risk and the adequacy of the institution's capital under the market risk capital rule; and (d) assist market risk institutions to implement and validate the market risk framework.

Current Actions

I. Summary

The agencies previously requested public comment on the proposed new Market Risk Regulatory Report for Institutions Subject to the Market Risk Capital Rule.[2] The agencies received one comment on these proposed collections. The agencies are submitting the collections for OMB approval with clarifying treatment made in response to the comment received.

II. Risk-Based Capital Standards—The Market Risk Framework and Regulatory Reporting Requirements

In July 2013, the agencies adopted amendments to their capital rules, including the market risk capital rule.[3] The revised market risk capital rule took effect on January 1, 2015, and contains requirements for the public disclosure of certain information at the consolidated banking organization level as well as certain additional regulatory reporting by insured depository institutions (IDIs), BHCs, and SLHCs (BHCs and SLHCs are collectively referred to as ''holding companies'' (HCs)).

Those IDIs and HCs that were subject to the agencies' prior market risk capital rule[4] have provided the amount of their market risk equivalent assets in reports, such as the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031 or FFIEC 041)[5] or the Consolidated Financial Statements for Holding Companies (FR Y–9C),[6] as applicable. These regulatory reporting requirements reveal the end result of the market risk calculations but do not include the key components of the measurement of market risk. The agencies are proposing the expanded uniform regulatory reporting requirements described in this notice in order to assess the reasonableness and accuracy of a market risk institution's calculation of its minimum capital requirements under the market risk capital rule and to evaluate a market risk institution's capital in relation to its risks. Importantly, the FFIEC 102 would allow the agencies to better track growth in more credit-risk related, less liquid, and less actively traded products subject to the market risk capital rule. Historically, the risks of these products have been difficult to capture and measure. These reports are designed to help the agencies in ensuring that these risks are adequately identified and their impact appropriately reflected in assessments of the safety and soundness of market risk institutions.

In this regard, the reported data would improve the agencies' ability to monitor the levels of, and trends in, the components that comprise the market risk measure under the market risk capital rule within and across market risk institutions. Such component reporting would allow supervisors to better understand on an ongoing basis model-implied diversification benefits for individual market risk institutions. The data would also enhance the agencies' ability to perform institution-to-institution comparisons of the drivers underlying market risk institutions' measures for market risk, identify potential outliers through market risk institution-to-peer comparisons, track these drivers over time relative to trends in other risk indicators at market risk institutions, and focus onsite examination efforts.

III. Scope and Frequency of Regulatory Reporting

The proposed FFIEC 102 regulatory reporting requirements would apply on a consolidated basis to each HC and each IDI that is required to calculate its risk-based capital using the market risk capital rule. Reporting HCs and IDIs would submit reports quarterly in line with efforts to monitor market risk institutions' progress toward, and actions under, the market risk capital rule, which requires regular and consistent reports from all market risk institutions.

The data would be collected on a quarterly basis as of the last calendar day of March, June, September, and December. The report due dates would coincide with the report due dates currently required of IDIs and HCs when filing their respective Call Reports or FR Y–9C reports, as applicable. Market risk institutions would begin reporting effective with the March 31, 2015, report date.

IV. Overview of the Proposed Information Collections

The proposed FFIEC 102 shows the data elements within the market risk exposure class that would be reported under the market risk capital rule. The data submitted in the FFIEC 102 would be shared among the three agencies and made available to the public.

The proposed FFIEC 102 is subdivided into several sections and memoranda. The sum of the data reported in each of the sections would be used to calculate a market risk institution's risk-weighted assets (RWAs) for market risk. The first section contains data elements relating to a market risk institution's approved regulatory market risk models, including details of value-at-risk (VaR)-based measures (for the previous day's VaR measure and the average over the preceding 60 business days). The second section is similar in structure to the first section except that it includes information on a market risk institution's stressed VaR-based measures. The third section contains data elements relating to specific risk add-ons based on a market risk institution's debt, equity and non-modeled securitization positions. Securitization positions would be broken out for all market risk institutions and for advanced approaches institutions[7] that are also market risk institutions, resulting in the separate reporting of a standardized measure and an advanced measure for specific risk. The fourth section sets forth the data for the incremental risk capital requirement. The fifth section contains data on the comprehensive risk capital measurement including the specific risk add-ons for net long and net short correlation trading positions used in determining a market risk institution's standardized comprehensive risk measure, and as applicable, its advanced comprehensive risk measure. The remaining section contains data elements for *de minimis* positions. Data elements from these sections combine to produce standardized market RWAs, and as applicable, advanced approaches market RWAs.

The agencies received one comment requesting clarification of the

[2] 79 FR 52108 (September 2, 2014).

[3] The agencies approved and issued the revised regulatory capital rules in July 2013. The Board and the OCC published the revised regulatory capital rules in the **Federal Register** on October 11, 2013. *See* 78 FR 62018. The FDIC published a revised regulatory capital interim final rule and a final rule with no substantive changes in the **Federal Register** on September 10, 2013, and April 14, 2014, respectively. *See* 78 FR 55340 and 79 FR 20754.

[4] *See* the agencies' prior market risk capital rule at 12 CFR part 3, appendix B (OCC); 12 CFR parts 208 and 225, appendix E (Board); and 12 CFR part 325, appendix C (FDIC).

[5] OMB Numbers: OCC, 1557–0081; Board, 7100–0036; and FDIC, 3064–0052.

[6] OMB Number: Board, 7100–0128.

[7] Advanced approaches institutions are institutions subject to the advanced measurement approaches as incorporated into Subpart E of the revised regulatory capital rules.

calculation of items pertaining to the comprehensive risk capital requirement. The agencies have updated the relevant items on the reporting form and instructions to align with the calculation methodology for the comprehensive risk capital requirement in the market risk capital rule.[8]

The proposed reporting form also has a Memoranda section that is comprised of 22 line items. Because these line items do not directly contribute to the determination of market RWAs, they would be reported in the separate Memoranda section. The agencies believe that these items will provide additional insight into the risk profile of a market risk institution's trading activity. For example, the first twelve lines of the Memoranda section will contribute to the agencies' understanding of the degree to which diversification effects across the principal market risk drivers are material.

In developing this proposal, the agencies considered several tradeoffs between the reporting burden on market risk institutions and the information needs of bank supervisors. One issue that the agencies identified was that market risk institutions have exposures in certain products that might fit into more than one of the specified risk categories (*e.g.,* interest rate, equity, foreign exchange, commodities, and credit). For example, convertible securities will mostly be subject to interest rate risk unless their value converges with that of the underlying equity. Similarly, foreign exchange swaps are primarily interest rate positions, but it is possible that a market risk institution might classify some as subject to foreign exchange risk. Accordingly, for purposes of reporting the VaR- or stressed VaR-based measures on the FFIEC 102, market risk institutions may classify their exposures in the same risk categories in which they are reported internally. Similarly, for purposes of reporting on the proposed FFIEC 102, the agencies have proposed to define diversification benefit as any adjustment to VaR- or stressed VaR-based measures that a market risk institution makes to reflect the absence of a perfect statistical correlation between the values of the underlying positions. The agencies also recognize that some market risk institutions may not adjust for diversification benefits in their VaR- or stressed VaR-based estimates, and in that case a market risk institution would not be required to estimate such benefits for purposes of reporting on the FFIEC 102.

V. Electronic Submission of Reports

Consistent with the requirements for the agencies' reports that collect data under the current regulatory capital reporting requirements,[9] market risk institutions subject to the proposed reporting requirements would be required to submit the FFIEC 102 in an electronic format using file specifications and formats to be determined by the agencies.

VI. Request for Comment

Public comment is requested on all aspects of this joint notice. In particular, do market risk institutions expect that making any specific line items on the proposed FFIEC 102 public would cause them competitive or other harm? If so, please identify the specific line items and describe in detail the nature of the harm.

Additionally, comments are invited on:

(a) Whether the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the information.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

[8] *See* 12 CFR part 3, subpart F (OCC); 12 CFR part 217 subpart F (Board); and 12 CFR part 324, subpart F (FDIC).

[9] Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFIEC 041), Consolidated Financial Statements for Holding Companies (FR Y–9C), and Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101) (OMB Numbers: OCC, 1557–0239; Board, 7100–0319; and FDIC, 3064–0159).

Dated: February 6, 2015.

Stuart Feldstein,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, February 10, 2015.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 6th day of February, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–03265 Filed 2–17–15; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

TIME AND DATE: 10:00 a.m. February 23, 2015 (Telephonic).

PLACE: 10th Floor Board Meeting Room, 77 K Street, NE., Washington, DC 20002.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Approval of the Minutes of the January 26, 2015 Board Member Meeting
2. Monthly Reports
   a. Monthly Participant Activity Report
   b. Monthly Investment Policy Report
   c. Legislative Report
3. Internal Audit Plan

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: February 13, 2015.

Megan Grumbine,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2015–03424 Filed 2–13–15; 11:15 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0321]

Proposed Information Collection (Appointment of Veterans Service Organization/or Individuals as Claimant's Representative) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of

Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine whether claimant appointed a veterans service organization or an individual to prosecute their VA claims.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 20, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0321'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Appointment of Veterans Service Organization as Claimant's Representative, VA Form 21–22.

b. Appointment of Individual as Claimant's Representative, VA Form 21–22a.

OMB Control Number: 2900–0321.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants complete VA Forms 21–22 and 21–22a to appoint a veterans service organization or an individual to assist in the preparation, representation, and prosecution of claims for VA benefits and to authorize VA to disclose any or all records to the appointed representative.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. VA Form 21–22—27,083 hours.

b. VA Form 21–22a—533 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents:

a. VA Form 21–22—325,000.

b. VA Form 251–22a—6,400.

Dated: February 12, 2015.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–03248 Filed 2–17–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0674]

Proposed Information Collection (Clarification of a Notice of Disagreement) Activity Comment Request

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans' Appeals (BVA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to clarify actions taken by the agency of original jurisdiction regarding a claimant's disagreement with his or her rating decision.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 20, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Sue Hamlin, Board of Veterans' Appeals (01C2), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *sue.hamlin@va.gov.* Please refer to ''OMB Control No. 2900–0674'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632–5100 or fax (202) 632–5841.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, BVA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of BVA's functions, including whether the information will have practical utility; (2) the accuracy of BVA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Clarification of Notice of Disagreement.

OMB Control Number: 2900–0674.

Type of Review: Revision of a currently approved collection.

Abstract: A Notice of Disagreement (NOD) is a written communication from a claimant or his or her representative to express disagreement or dissatisfaction with the result of an adjudicative determination by the agency of original jurisdiction (AOJ). The data collected will be used by the AOJ to reexamine the issues in dispute and to determine if additional review or development is warranted.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 122,487.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 122,487.

Dated: February 12, 2015.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–03249 Filed 2–17–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Intent To Grant an Exclusive License

AGENCY: Office of Research and Development, Department of Veterans Affairs.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs, Office of Research and Development, intends to grant to L.A.D. Global Enterprises, Inc., 1309 S. Fountain Drive, Olathe, KS 66061, USA, an exclusive license to practice the following: U.S. Patent Application Serial No. 13/593,456 (''UNIVERSAL STERILE DRAPE AND SUPPORT SYSTEM FOR INOPERATING–ROOM SAFE PATIENT HANDLING EQUIPMENT''), filed 23 August 2012, which claimed the priority of U.S. Provisional Patent Application Serial No. 61/526,993, filed 24 August 2011. Copies of the published patent applications may be obtained from the U.S. Patent and Trademark Office at *www.uspto.gov.*

DATES: Comments must be received by VA on or before March 5, 2015.

ADDRESSES: Written comments may be submitted through *www.regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 10638, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Call (202) 461–4902 for an appointment (this is not a toll-free number). In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Lee A. Sylvers, Technology Transfer Specialist, Office of Research and Development (1 OP9TT), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 443–5646 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: It is in the public interest to so license these inventions, as LAD. Global Enterprises, Inc. submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on February 6, 2015, for publication.

Dated: February 12, 2015.

William F. Russo,

Acting Director, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2015–03274 Filed 2–17–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Education

Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Veterans' Advisory Committee on Education will meet on March 18–19, 2015, at the JW Marriot Washington, DC, located at 1331 Pennsylvania Avenue NW., Washington, DC 20004, from 8:00 a.m. to 5:00 p.m. on both days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of education and training programs for Veterans, Servicepersons, Reservists, and Dependents of Veterans under Chapters 30, 32, 33, 35, and 36 of title 38, and Chapter 1606 of title 10, United States Code.

The purpose of the meeting is to assist in the evaluation of existing GI Bill programs and services; review recent legislative and administrative changes to GI Bill benefits; and submit their recommendations to the Secretary.

On March 18th, the Committee will receive presentations about the administration of VA's education and training programs. Oral statements will be heard from 3:45 p.m. to 4:30 p.m.

On March 19th, the Committee will review and summarize issues raised throughout the meeting and discuss committee work groups and next steps.

The public may submit written statements for the Committee's review to Mr. Barrett Y. Bogue, Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration (223D), 810 Vermont Avenue NW., Washington, DC 20420, via or email at *Barrett.Bogue@va.gov.* Any member of the public wishing to attend the meeting or seeking additional information should contact Mr. Bogue at (202) 461–9800.

Dated: February 12, 2015.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015–03243 Filed 2–17–15; 8:45 am]

BILLING CODE 8320–01–P

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